



Flight Path Lawsuit Timeline 12/9/15

After countless requests to the FAA by the City of Phoenix to reevaluate its flight paths and provide adequate public process, environmental review and fair consideration of alternatives that would reduce noise, the City filed suit. On June 1, 2015, the City of Phoenix filed a petition for review against the FAA for implementation of new flight paths without any process for public input. A petition for review is a formal request to a U.S. Court of Appeals to review the legality of an agency's administrative decision. It's a special form of litigation that Congress requires for challenges to the legality of most FAA decisions. It seeks a declaration from the Court that FAA's decision is invalid.

On July 17, the Federal Aviation Administration filed a motion with the Court of Appeals for the District of Columbia Circuit requesting that the Court dismiss the City's case. FAA argued that the City should have challenged the September 18, 2014, implementation of RNAV routes and procedures within sixty days. FAA also argued that the City's lawsuit is too early to challenge its failure to modify the RNAV routes.

On July 30, 2015, the City of Phoenix filed a response that requested that the Court deny the Motion to Dismiss and deny the FAA's motion to delay preparing the administrative record until the motion to dismiss is resolved. The new flight paths have been affecting tens of thousands of Phoenix area residents who have previously not experienced regular aircraft noise.

On July 31, 2015, several historic Phoenix neighborhoods announced the filing of a Petition for Review against the Federal Aviation Administration (FAA). The legal action was filed on behalf of residents adversely affected by the new flight paths. Petitioners include the Story Preservation Association, Willo Neighborhood Association, Encanto-Palmcroft Historic Preservation Association, and Roosevelt Action Association, together with residents of Woodland Historic District.

On August 10, 2015, the FAA filed two legal documents, one, the reply brief, contained additional arguments in support of the FAA's motion to dismiss the City's lawsuit and another included arguments supporting the FAA's motion to delay compiling all of the required records until the motion to dismiss is resolved. The City of Phoenix previously filed two documents 1 and 2 in response to the FAA's two original motions. The FAA's reply filings are the last filings on this issue permitted under the Court rules; the Court will now rule on the FAA's motion to dismiss or request additional information.

On September 2, 2015, the FAA filed a motion to consolidate the two cases filed by the City of Phoenix and by the Phoenix neighborhoods into one case. Neither the neighborhoods nor the City of Phoenix objected to the FAA's motion.

On October 2, 2015, the Court of Appeals granted the FAA's motion to stay deadline for filing the certified index to the record, and suspended the deadline for filing the certified index pending further order of the court. The FAA has already delayed preparing the record in this case, pending the Court's decision regarding the FAA's motions to dismiss both the City of

Phoenix and Neighborhoods' petitions for review. The Court's decision on that motion is expected in the upcoming months.

On October 19, 2015, the FAA filed a reply brief in support of its motion to dismiss the petition for review brought by the Neighborhoods. The FAA has argued that the Neighborhoods' petition was filed too late and, therefore, cannot be considered by the Court. FAA's filing of its reply brief completes the briefing on the motion to dismiss. Now, the Court will consider all of the briefs and make a decision on the motions to dismiss both the City and Neighborhood petitions. The City expects the court to make such a ruling in the upcoming months.

On November 9, the D.C. Court of Appeals granted a motion by the Federal Aviation Administration to consolidate the challenge to the Phoenix-area flight tracks brought by a group of Phoenix neighborhoods and individuals with the earlier lawsuit filed by the City of Phoenix. This consolidation order was expected, because neither the City nor the neighborhood petitioners opposed FAA's motion to consolidate. FAA's motions to dismiss the City's and neighborhood groups' are still pending, with a decision by the Court expected in the next couple of months. Assuming the Court denies the FAA's motions to dismiss, the consolidation order means that the parties will brief the merits of the case and argue it to the Court at the same time.

On December 4, 2015, the United States Court of Appeals for the District of Columbia Circuit decided to defer a decision regarding the FAA's motions to dismiss the petitions for review filed by the City of Phoenix and the coalition of neighborhoods in Phoenix. Instead, the Court directed that the City, neighborhoods and FAA brief all of the issues in the case, so that the Court can make a decision regarding the entirety of the case. As a result, the case will proceed with FAA's filing of the administrative record and briefing by the parties in the upcoming months.

On December 9, 2015, the US Court of Appeals, DC Circuit issued an order laying out a briefing schedule for the court case against the FAA. Here are the main milestones for the order:

- **Certified Index to the Record December 23, 2015**
This is FAA's index of all of the materials that were before FAA before it made its flight track decisions that were appealed by the City of Phoenix on June 1, 2015.
- **Petitioners' Brief January 19, 2016**
This is the main brief that will be filed by the City of Phoenix identifying the FAA's violations of law in its implementation of the flight tracks.
- **Respondents' Brief February 18, 2016**
This is FAA's response to the City's brief.
- **Petitioners' Reply Brief March 3, 2016**
The City has a chance to file a short reply to the FAA's brief.
- **Deferred Appendix March 10, 2016**
After all of the parties' briefs are in, a deferred appendix collects all of the materials from the administrative record that are cited in the brief, for the use of the Court.

- **Final Briefs March 24, 2016**

After the deferred appendix is filed, the parties file final versions of the briefs above that contains page citations to the deferred appendix, for the use of the Court.

There is no current deadline for response by the Court. **Underlined information is available in detail on skyharbor.com*