

Santa Monica Airport Appellate Court Decisions (1969-2011)

Stagg v. City, 2 Cal.App.3d 318 (1969)[Pilot who took off in a jet in violation of curfew seeks to prohibit misdemeanor prosecution; Court of Appeal holds, among other things, that the jet curfew ordinance was not invalid as preempted by state law and was a valid exercise of the City's police power].

Nestle v. City, 6 Cal.3d 920 (1972) [Homeowners residing adjacent to Airport sue for money damages claiming that Airport operations damaged their property through inverse condemnation. Court holds that evidence on noise supports judgment for City and that plaintiffs' nuisance claim is not precluded by statutory immunities.]

Santa Monica Airport Assoc. v. City, 659 F.2d 100 (1981)[Coalition of Airport users challenges City ordinances imposing: night curfew; ban on touch-and-go, stop-and-go and low approach operations; helicopter training; noise limit; and jet ban. In the trial court, jet ban is invalidated based on the equal protection and commerce clauses, and the other ordinances are upheld. On appeal, the Ninth Circuit affirms, discussing the airport proprietor's exception to federal preemption.]

California Aviation v. City, 806 F.2d 905 (1986)[Airport lessee initially claims that City ordinances and lease terms unlawfully damaged his business; federal appellate court eventually concludes (on sole remaining federal claim) that City is exempt from antitrust liability with respect to lease.]

Santa Monica Airport Association v. City, Not Officially Published, 2005 WL 2031181 (Cal.App.2 Dist.)[Airport Association seeks, among other things, to enforce 1984 Agreement, City claims Association lacks standing to enforce agreement and ultimately prevails on all but 11th Cause of Action; both parties appeal. Appellate court discusses the history and context of the 1984 Agreement and concludes that the Association lacks standing to enforce it.]

United States v. City, Not Officially Published, 2009 WL 1295333(9th Cir.) [Upholding District Court's preliminary injunction halting implementation of C & D aircraft ban pending outcome of FAA's administrative proceedings.]

City v. FAA, 631 F.3d 550 (D.C. Cir. 2011)[Upholding FAA's administrative decision that C & D aircraft ban violated federal government conditions prohibiting unjust discrimination.]