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2013 OCT 31 AM 11:45

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 CITY OF SANTA MONICA

15 UNITED STATES DISTRICT COURT
 16 CENTRAL DISTRICT OF CALIFORNIA

18 CITY OF SANTA MONICA,
 19 Plaintiff,

20 v.

21 UNITED STATES OF AMERICA,
 FEDERAL AVIATION
 22 ADMINISTRATION and MICHAEL
 P. HUERTA, in his Official Capacity as
 23 Administrator of the Federal Aviation
 Administration,

24 Defendants.

Case No. **CV 13-08046** - JFW
 (KBR)
**NOTICE PURSUANT TO LOCAL
 RULE 83-1.3.1**

1 Plaintiff City of Santa Monica (“the City” or “Santa Monica”), through its
2 undersigned counsel, hereby provides notice pursuant to Local Rule 83-1.3.1:

3 This case involves a dispute with the Federal Aviation Administration
4 (“FAA”) and the United States of America (“United States”) regarding title to
5 property situated in the City of Santa Monica known as Santa Monica Airport (the
6 “Airport Property”). The City’s Complaint seeks relief pursuant to the Quiet Title
7 Act and redress for violations of the Fifth and Tenth Amendments to the United
8 States Constitution. Specifically, the City seeks: (1) to quiet title to its fee interest
9 in the Airport Property against the FAA’s claimed right of reverter should Santa
10 Monica cease to operate the Airport Property as an airport; and (2) a declaration
11 that the FAA’s actions in taking the Airport Property from the City and
12 commandeering the City to run an airport in perpetuity are unconstitutional under
13 the Fifth and Tenth Amendments. This case turns on facts and circumstances
14 surrounding the lease of the Airport Property to the United States during World
15 War II. The ultimate issue to be decided is whether Santa Monica must operate
16 Airport Property as an airport forever. The FAA’s assertion that Santa Monica is
17 required to operate an airport in perpetuity has not been litigated in any prior
18 dispute in the Central District.

19 There have been prior Central District cases involving the same parties and
20 the Santa Monica Airport in which the FAA on three occasions challenged the
21 City’s efforts, as airport proprietor, to enact various ordinances regulating airport
22 operations designed to protect its citizens and enhance the safety of the airport.
23 Two cases were presided over extensively by Judge Irving Hill in the late 1970s
24 and early 1980s, until a settlement agreement was reached with the FAA in 1984.¹

25
26 ¹See *Santa Monica Airport Association v. City of Santa Monica*, Docket No.
27 CV 77-2852-IH, and *National Business Aircraft Association v. City of Santa*
28 *Monica*, Docket No. cv-79-4135-IH.

1 In 2008, Judge George H. Wu presided over the FAA's request for
2 provisional remedies pending the outcome of an administrative proceeding
3 regarding the validity of an ordinance curbing access of large jets to the Santa
4 Monica Airport.²

5 The prior Central District cases did not involve the same underlying real
6 property and constitutional rights asserted by the City in this case. Accordingly,
7 related case transfer may not be warranted because it does not appear that
8 substantial duplication of labor will occur and this case involves different legal
9 issues and unrelated transactions and events.

10
11 Dated: October 31, 2013

OFFICE OF THE CITY ATTORNEY
SANTA MONICA, CALIFORNIA

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13
14 By: 

MARSHA JONES MOUTRIE
City Attorney

15
16 Dated: October 31, 2013

MORRISON & FOERSTER LLP

17
18 By: 

DON G. RUSHING

Attorneys for Plaintiff
CITY OF SANTA MONICA

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27 ² See *United States v. City of Santa Monica*, Docket No. 2:08-cv-08-02695-
28 GW-E.