

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. **CV 13-8046-JFW (VBKx)**

Date: February 1, 2017

Title: City of Santa Monica -v- United States of America, et al.

PRESENT:

HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE

Shannon Reilly
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

None

ATTORNEYS PRESENT FOR DEFENDANTS:

None

PROCEEDINGS (IN CHAMBERS):

**ORDER RE: STIPULATION AND ORDER/CONSENT
DECREE [filed 1/30/2017; Docket No. 52]**

On January 30, 2017, the parties filed a Stipulation and Order/Consent Decree, notifying the Court that they had settled this action and seeking the Court's approval of the Settlement and Consent Decree. On January 31, 2017, resident groups Sunset Park Anti-Airport, Inc. and SMO Future ("Resident Groups") filed a Notice of Emergency Ex Parte Motion for: (1) Permission to Intervene; and (2) Objection to Settlement and Consent Decree ("Notice"). The Resident Groups' Notice is not itself an ex parte application seeking relief; rather, it states that the Resident Groups *will* make an emergency ex parte application seeking to intervene and object to the Settlement and Consent Decree.

On February 1, 2017, Plaintiff City of Santa Monica filed a Response to the Resident Groups' Notice, arguing that the Notice is not properly before the Court, and that the attempt to intervene should be denied. On February 1, 2017, Defendants United States of America, the Federal Aviation Administration, and Michael P. Huerta (collectively, "Defendants") filed a Statement Regarding Notice of Motion to Intervene, concurring with Plaintiff City of Santa Monica's Response.

The Court agrees with Plaintiff City of Santa Monica and Defendants, and concludes that intervention is not merited at this late stage. The Court has reviewed the Settlement Agreement/Consent Decree Between the Federal Aviation Administration and the City of Santa Monica [Docket No. 52] and concludes that the Settlement Agreement/Consent Decree "is not the product of fraud or overreaching by, or collusion between, the negotiating parties, and that the settlement, taken as a whole, is fair, reasonable and adequate to all concerned." *Coalition for a Sustainable Delta v. McCamman*, 2011 WL 1332196, at *4 (E.D. Cal. Apr. 6, 2011) (citing *Officers for Justice v. Civil Serv. Comm'n*, 688 F.2d 615, 625 (9th Cir.1982)).

Accordingly, the Court signs and approves the Order/Consent Decree.

IT IS SO ORDERED.