



U.S. Department  
of Transportation  
Federal Aviation  
Administration

Office of the Chief Counsel

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2016 FEB 29 PM 4:00

800 Independence Ave., S.W.  
Washington, D.C. 20591  
SANTA MONICA, CA 90401

### NOTICE OF DOCKETING

The complaint filed by Mark Smith et al. ("complainants") against the City of Santa Monica, California ("respondent") under the *Rules of Practice for Federally-Assisted Airport Enforcement Proceedings*, 14 CFR part 16, has been docketed as number 16-16-02 on February 25, 2016.

The respondent is required to file an answer to the complaint within 20 days of the date of service of this notice. 14 CFR § 16.23(d). The answer shall deny or admit the allegations made in the complaint and shall assert any affirmative defenses.

In lieu of an answer, the respondents may file a motion to dismiss or a motion for summary judgment. 14 CFR § 16.26. The respondents may move for dismissal of the entire complaint or specific issues from adjudication. The motion must be filed within 20 days after the date of service of this notice. If such a motion is filed, an answer must be filed within 20 days of the date of service of an FAA order denying all or part of that motion. 14 CFR § 16.23(d). If the Director does not act on the motion within 30 days of the date an answer to such a motion is due, then the respondent shall file an answer to the complaint within the next 20 days. 14 CFR § 16.26(b)(5) & (c)(5).

The complainant may file a reply within 10 days of the date of service of the answer. The respondents may file a rebuttal within 10 days of the date of service of the reply. 14 CFR § 16.23(e)-(f). The answer, reply, and rebuttal shall, like the complaint, be accompanied by supporting documentation upon which the parties rely. The answer, reply, and rebuttal shall each contain a concise but complete statement of the facts relied upon to substantiate the answers, admissions, denials, or averments made. 14 CFR § 16.23(g), (i). Amendments or supplements to the pleadings will not be allowed without showing good cause through a motion and supporting documents. 14 CFR § 16.23(j).

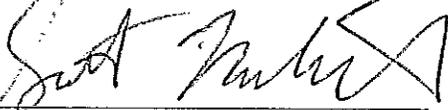
All documents filed with the FAA in this proceeding shall be served (and include a certificate of service) by the persons filing them on all parties to the proceeding, and with the Office of the Chief Counsel as follows: FAA Part 16 Docket Clerk, AGC-600, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591. 14 CFR §§ 16.13, 16.15. With the exception of electronic filing or unless otherwise specified, **an executed original and three copies** of each document shall be filed with the Part 16 Docket Clerk. One of the three copies shall not be stapled, bound or hole-punched. 14 CFR § 16.13(c).

Electronic filing of part 16 documents is permitted under the following guidelines, 14 CFR § 16.13(h):

- Parties may send e-mails containing their pleadings as an attachment. The attachment(s) shall be Adobe PDF file(s). The subject line of the e-mail must contain the names of the complainant and respondent, as well as the FAA docket number, if assigned. The size of the email may not exceed 10 MB.

- E-mail filings shall be sent to the FAA Docket Clerk at 9-AWA-AGC-Part-16@faa.gov and the opposing party (only if the opposing party has agreed with the complainant in writing to participate in electronic filing; otherwise service must be made pursuant to 14 CFR § 16.15). The FAA will not provide any acknowledgement or receipt to parties filing electronically.
- A party filing electronically must provide the FAA Docket Clerk and the opposing party an e-mail address designating its representative to receive electronic pleadings and documents by e-mail.
- A party availing itself of electronic filing as described in this document and 14 CFR § 16.13(h) waives its rights under part 16 to service by any other means from the opposing party or FAA.
- A party filing electronically will include with its pleadings a certificate of service stating the method as electronic by or via e-mail. In regard to computation of time, the date of the e-mail is not included in the computation of time under this part. 14 CFR § 16.17(a). Parties will start the count as of the day following the date the e-mail was sent.<sup>1</sup>

The Department of Transportation (DOT) uses the government-wide Federal Docket Management System (FDMS) at <http://www.regulations.gov>. Accordingly, if filing paper documents with the FAA, **please ensure that at least one of the required copies is unbound and without tabs. Exhibit numbers in unbound copies should be noted on the first page of each exhibit or in divider pages.** The FAA will forward all electronic submissions (like the paper submissions) to FDMS for public viewing.



Scott E. Mitchell  
Senior Attorney, Airport Law Branch  
Office of the Chief Counsel

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 25, 2016, I caused to be placed in the United States Mail (first class mail, postage paid) or personally delivered a true copy of the foregoing NOTICE OF DOCKETING addressed to:

<sup>1</sup> Please note: This paragraph exempts only the parties from the filing requirements under 14 CFR § 16.13(a)-(c). If a party subsequently decides to “opt-out” of electronic filing, it must notify the FAA Docket Clerk and opposing party in writing. 14 CFR § 16.13(h)(4). The electronic filing method may be used in lieu of or in addition to the existing requirements set forth in part 16.

Counsel for Complainants

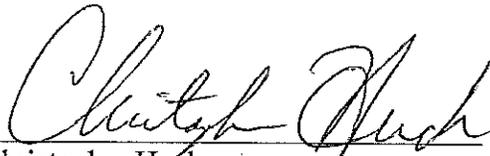
Richard K. Simon, Esq.  
1700 Decker School Lane  
Malibu, CA 90265

Counsel for Respondent

Marsha Moutrie, Esq.  
City Attorney  
City of Santa Monica  
1685 Main Street, Room 310  
Santa Monica, CA 90401

Hand-Delivered to:

FAA Part 16 Airport Proceedings Docket (AGC-600)  
FAA Office of Airport Compliance and Management Analysis (ACO-100)

A handwritten signature in cursive script, reading "Christopher Huch". The signature is written in black ink and is positioned above a horizontal line.

Christopher Huch  
Airports & Environmental Law Division  
FAA Office of the Chief Counsel