



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.  
Washington, D.C. 20591

November 3, 2022

### **NOTICE OF DOCKETING**

Please be advised that the complaint filed by Aircraft Owners and Pilots Association, et. al ("Complainants") against the County of Santa Clara, California ("Respondent"), sponsor of Reid-Hillview Airport (RHV) and San Martin Airport (E16), filed under the Rules of Practice for Federally Assisted Airport Enforcement Proceedings, Title 14 of the Code of Federal Regulations part 16 (14 C.F.R. part 16), has been docketed by the Federal Aviation Administration's (FAA) Office of the Chief Counsel, as Docket No. 16-22-08, on November 3, 2022.

The Respondent is required to file an answer to the complaint within 20 days of the date of service of this notice. *See* 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 Respondent may file a motion to dismiss the complaint or a motion for summary judgment on the complaint. *See* 14 CFR § 16.26. The Respondent may move for dismissal of the entire complaint or move for dismissal of specific issues from adjudication. The motion must be filed within 20 days after the date of service of this notice of docketing. *See* 14 CFR § 16.26. If such a motion is filed under § 16.26, an answer must be filed within 20 days of the date of service of an FAA order denying all or part of that motion. *See* 14 CFR § 16.23(d).

The Complainant may file a reply within 10 days of the date of service of the answer. The Respondent may file a rebuttal within 10 days of the date of service of the Complainant's reply. *See* 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. *See* 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. *See* 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. *See* 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. *See* 14 CFR § 16.13(c).

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

- 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 10MB.
- E-mail filings shall be sent to the FAA Docket Clerk at **9-AWA-AGC-Part-16@faa.gov** 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. *See* 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.



---

Jeremy R. Robins, Esq.  
Attorney-Advisor, Airports & Environmental Law Division  
Office of Chief Counsel

<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. See 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON November 3, 2022, I caused to be placed in the United States Mail (first class, postage paid) or personally delivered a true copy of the forgoing NOTICE OF DOCKETING addressed to:

Counsel for Complainant:

Justine Harrison General  
Counsel  
Aircraft Owners and Pilots Association 421  
Aviation Way  
Frederick, MD 21701  
(301) 695-2000  
[Justine.Harrison@aopa.org](mailto:Justine.Harrison@aopa.org)

Respondent:

Eric Peterson  
County Airports Administration  
Santa Clara County  
2500 Cunningham Ave.  
San Jose, CA 95148  
[Eric.Peterson@rda.sccgov.org](mailto:Eric.Peterson@rda.sccgov.org)

James R. Williams  
County Counsel Santa  
Clara County  
70 West Hedding St.  
East Wing, 9<sup>th</sup> Floor  
San Jose, CA 95110  
[James.Williams@cco.sccgov.org](mailto:James.Williams@cco.sccgov.org)

Electronically Delivered to:

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

  
Patricia D. Walenga

Airports and Environmental Law Division  
FAA Office of the Chief Counsel