

BEFORE THE
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C.

JEFF BODIN and
GARLIC CITY SKYDIVING,

Complainant,

v.

THE COUNTY OF SANTA CLARA,
CALIFORNIA,

Respondent.

FAA Docket No. 16-11-06

RESPONDENT'S MOTION TO DISMISS

Please serve:

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Counsel for Respondent

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The Respondent, the County of Santa Clara, California (the "County"), moves under 14 CFR § 16.23(j) to dismiss the Complaint by Jeff Bodin and Garlic City Skydiving (the "Complainant") on the following grounds:

1. Complainant's evidence is insufficient to warrant an investigation by the Federal Aviation Administration (the "FAA").
2. Complainant has not shown that the County is in violation of any applicable grant assurance or federal statute.
3. There is no reasonable basis for further investigation or enforcement action by the FAA on Complainant's claim that the County has violated Grant Assurance 22 because:
 - a. Complainant has not shown that he is similarly situated to any of the other Airport users;

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b. The County has legitimate, reasonable, and non-discriminatory reasons for the options to operate offered to Complainant.

4. There is no reasonable basis for further investigation or enforcement action by the FAA on Complainant's claim that the County has unjustly discriminated against Complainant by not permitting an on-Airport landing zone based on the safety concerns identified by the County and the FAA's recommendation that the skydiving operation could be operated in the safest manner if the landing zone was moved to a location several miles away from the Airport.

5. There is no reasonable basis for further investigation or enforcement by the FAA on Complainant's claim that the County has violated 49 U.S.C. § 40103(e) or, alternatively, Grant Assurance 23 because Complainant has not offered evidence that the County has granted any unlawful exclusive right.

Dated: July 20, 2011

Respectfully submitted,



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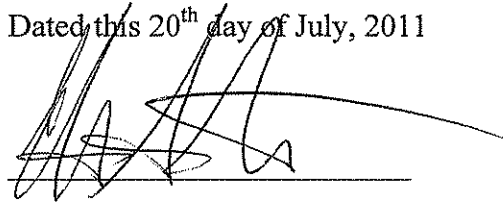
CERTIFICATE OF SERVICE

I hereby certify in accordance with 14 CFR § 16.15(a) that today I served the foregoing Respondent's Motion to Dismiss on the following persons at the following address by Federal Express:

Richard J. Durden
Attorney at Law
27987 Richmond Hill Road
Conifer, CO 80433

Office of the Chief Counsel, Attention:
FAA Part 16 Airport Proceedings Docket
AGC-610
FEDERAL AVIATION ADMINISTRATION
800 Independence Avenue, SW
Washington, DC 20591

Dated this 20th day of July, 2011

A handwritten signature in black ink, appearing to read 'Elizabeth G. Pianca', is written over a horizontal line. The signature is stylized and somewhat cursive.

Elizabeth G. Pianca
for the Respondent