

## Airport Litigation

Anderson & Kreiger advocates for airports in their most challenging and high-stakes disputes.

We litigate for airports in federal and state courts coast-to-coast, where our trial teams have obtained numerous precedent-setting rulings on the scope of airports' federal obligations, as well as critical protections for the collection of airport revenues, airport security, and pre-emption of local laws, just to name a few.

### Deeper Insights in Litigation

The outcomes in airport litigation have long-lasting consequences. Successful dispute resolution requires specialized experience, diverse perspectives, and politically sensitive counsel. Our experience leading airports in major lawsuits has made us their counsel of choice, especially when clients find themselves in uncharted legal territory and the stakes are high.

Our litigation experience spans more than 30 years of bench and jury trials, from California to Massachusetts, as well as advocacy in the U.S. Supreme Court. We have won dispositive motions and briefed and argued appeals for airport clients in the U.S. Courts of Appeals for the First, Third, Fifth, Sixth, Ninth, Eleventh, and D.C. Circuits, and in both the Massachusetts Appeals Court and Supreme Judicial Court. We have also argued for airport clients in the United States District Courts in Massachusetts, the Central and Northern Districts of California, the Northern District of Ohio, and the Eastern District of Pennsylvania.

As new technologies and services emerge, so do new areas of disputes. We help airports tackle those challenges, shifting to litigation where necessary. Most recently, we have acted as lead counsel for the City of Los Angeles and the Massachusetts Port Authority in precedent-setting litigation with Turo Inc., a "peer to peer" rental car company. In early 2021, we secured a favorable result from the Supreme Judicial Court confirming Massport's ability to regulate companies doing business at the airport, even if the company claims to operate online.

Examples of past litigation achievements include the following matters:

## Market Participant Doctrine

*Airline Service Providers Association v. Los Angeles World Airports*. Ninth Circuit Court of Appeals affirmed the decision rejecting claims against LAX related to its "labor peace" rule, under the market participant doctrine. We later persuaded the U.S. Supreme Court to deny certiorari in this case.

## TSA Exit Lane Rule

*AAAE, et al. v. TSA*. We represented the American Association of Airport Executives ("AAAE") and ACI as well as 19 individual airport sponsors in a petition for review of a TSA rule that would have placed the burden of staffing exit lanes on airports, obtaining a favorable result for airports.

## Grant Assurance Enforcement

*Interface Group, Inc. v. Massachusetts Port Authority*. First Circuit Court of Appeals held there is no private right of action to enforce federal airport grant assurances.

*Rectrix Aerodrome Centers, Inc. v. Barnstable Mun. Airport Comm'n*. First Circuit Court of Appeals affirmed the dismissal of claims against a municipal airport sponsor by an FBO that sought to enforce the grant assurances through RICO claims against the local airport commission and individual airport commissioners.

*U.S. ex rel. Nguyen v. City of Cleveland, Ohio*. Successful defense of over 75 airport owners in a qui tam action brought in the federal district court in Cleveland that sought to enforce the grant assurances through the federal False Claims Act.

## Protection of Capital Programs

*Township of Tinicum v. City of Philadelphia*. Representing the City of Philadelphia, we won the first case establishing the preemptive effect of the "Vision 100 Act" on local laws that might interfere with capacity enhancement projects at congested airports.

### Attorneys

- Melissa C. Allison
- David S. Mackey
- Christina S. Marshall
- Scott P. Lewis
- Austin P. Anderson
- Dana E. Wooten

- Dana E. Wooten
- Sean M. Grammel
- Paul Kominers
- Dana E. Wooten

## Related Services

- Airline Agreements, Ordinances, Rates and Charges
- Airport Commission & Board Governance
- Airport Concessions and Airport Disadvantaged Business Entity (AC/DBE) Programs
- Airport Planning, Development & Environmental
- Airports
- Construction
- FAA Grant Assurances & Regulatory Compliance
- Fuel Agreements, Cargo Leases, and Other Tenant Leases
- Internal Investigations