

Served: February 5, 2021

**U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, DC**

In the Matter of:)	
)	Docket No. FAA-2020-0070
Leading Edge Aviation, Inc.)	
)	Case No. 2020WP910010
Respondent)	

NOTICE OF ASSIGNMENT AND ORDER

Pursuant to 5 U.S.C. § 554 et. seq., this case has been referred to the Office of Hearings for formal adjudication of the parties' dispute. The Office of Hearings is an independent adjudication office within the U.S. DOT's Office of the Secretary, located in Washington, DC. Pursuant to 5 U.S.C. § 3105, the undersigned U.S. Administrative Law Judge ("Judge") is assigned to, and will preside over, all proceedings in this case.

IT IS HEREBY ORDERED:

1. Jurisdictional Caption on Filed Documents

In all future filings in this case, the parties shall use the jurisdictional caption utilized on page 1 of this Order (see above), which states: "U.S. Department of Transportation, Office of Hearings, Washington, DC".

2. Contemporaneous Filing and Service

All future pleadings and other required litigation materials regarding this case shall be contemporaneously filed with the assigned Judge and the FAA Hearing Docket Clerk, as well as served on the opposing party(s), as identified on the attached Service List. During the current Covid-19 public health emergency, both the assigned Judge and the FAA Hearing Docket Clerk will accept documents filed by email. Additional filing and service directions are provided in paragraph 5, *infra*.

3. Motions Filed in this Case

On November 20, 2020, the Respondent, Leading Edge Aviation, Inc. (“Leading Edge”) filed Respondent’s Motion for Decision (Summary Judgment) (“Motion for Decision”). On December 3, 2020, the FAA e-filed Complainant’s Motion to Compel Discovery (“Motion to Compel”) with exhibits. The Court will address these Motions (along with Responses and Replies) in a separate Order.

4. Filing and Serving Documents, and Using a Certificate of Service

Pursuant to 49 U.S.C. § 46103 and 14 C.F.R. §§ 13.202 and 13.211(b), the method of filing and service may include personal service, mail service (i.e., first-class, priority, certified, or registered), or the use of an express courier service. Pursuant to 14 C.F.R. § 13.211(c), the parties are strongly encouraged to attach a Certificate of Service to each filing, stating the date and method of service.

- a) Temporary Modification of Filing and Service Rules. Due to the current Covid-19 public health emergency, all filing and service requirements required by 14 C.F.R. Part 13, Subpart G are temporarily modified, to allow the use of email on a voluntary basis. Both the assigned Judge and the FAA Hearing Docket Clerk will accept documents filed by email, in lieu of the other filing and service methods found in 14 C.F.R. part 13, subpart G. Their email addresses are identified on the attached Service List.
- b) Voluntary Use of Email. The use of email for filing and service is voluntary. A party who does not wish to voluntarily consent to, and use, email for filing and service must continue to file and serve documents by mail or personal delivery as described in 14 C.F.R. Part 13, Subpart G.
- c) PDF Format and Certificate of Service. Any document(s) filed with the Judge and the FAA Hearing Docket Clerk by voluntary email must be attached to an email message as a Portable Document Format (“PDF”) file. A Certificate of Service should be included as part of the PDF attachment.
- d) Email Service Presumption by the Court. Parties who voluntarily file documents with the Judge via email will be presumed to have consented to the Judge’s use of their email address to serve Court orders and decisions, unless a party specifically notifies the Judge that the party declines such email service.

5. Court-Ordered Deadlines and Faxing Materials to the Court

Whenever the Judge orders the parties to meet certain motion deadlines, or to file documents by a specific deadline date (see, e.g., paragraph 2 above) such deadline date is the date by which the documents must be date-stamped received at the Office of Hearings. Failure of a party to timely file documents by the court-ordered deadline could lead to the party's position not being considered.

Documents filed by first-class mail to the Judge are subject to government security measures before delivery, which delays delivery. To ensure compliance with this and any future Orders setting deadlines, a party who files documents by first class mail is strongly encouraged to also provide a courtesy copy of their documents to the Office of Hearings by facsimile (Fax: 202-366-7536), on or before the deadline date. Note: documents faxed after the close of business (i.e., 5:00 p.m. Eastern time) will be date-stamped the next day, when the Office of Hearings reopens.

6. Questions about Procedures

For any procedural questions about this Notice and Order, please contact Mr. Charles Boebinger, Judicial Assistant, at the Office of Hearings (202-366-2132).



Judge J.E. Sullivan
U.S. Administrative Law Judge

Attachment: Service List

SERVICE LIST

FILED BY EMAIL

Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, DC 20591
Attention: Hearing Docket Clerk, AGC-430
Wilbur Wright Building—Suite 2W1000¹
9-AGC-FAA-HearingDocket@faa.gov

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¹ This address is for service by U.S. Mail. For service in person or by expedited courier, use the following address:
Federal Aviation Administration, 600 Independence Avenue, S.W., Wilbur Wright Building—Suite 2W1000,
Washington, DC 20591; Attention: Hearing Docket Clerk, AGC-430.