

**UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC**

In the Matter of: STEBBINS AVIATION, INC.

FAA Order No. 2005-9

Docket No. CP00SW0014
DMS No. FAA-2000-7576¹

Served: April 21, 2005

ORDER DENYING LEAVE TO FILE AN ADDITIONAL BRIEF²

Respondent Stebbins Aviation, Inc. (Stebbins) “seeks leave to file a short Additional Brief regarding what documents can and may be considered in connection with a decision rendered on a Motion for Decision.” (Petition at 2.) The FAA opposes Stebbins’ request.

The Rules of Practice provide that “[t]he FAA decisionmaker may grant leave to file an additional brief *if the party demonstrates good cause for allowing additional argument*” 14 C.F.R. § 13.233(f) (emphasis added). Thus, the issue here is whether Stebbins has demonstrated good cause for allowing additional argument.

Stebbins has already briefed the issue of what documents an ALJ may consider in ruling on a motion for decision. For example, Stebbins argues in its appeal brief that “in ruling on a motion for decision, the ALJ must consider the pleadings, depositions,

¹ Materials filed in the FAA Hearing Docket (except for materials filed in security cases) are also available for viewing through the Department of Transportation’s Docket Management System (DMS) at the following Internet address: <http://dms.dot.gov>.

² The Administrator’s civil penalty decisions, along with indexes of the decisions, the rules of practice, and other information, are on the Internet at the following address: <http://www.faa.gov/agc/cpwebsite>. In addition, there are two reporters of the decisions: Hawkins’ Civil Penalty Cases Digest Service and Clark Boardman Callaghan’s Federal Aviation Decisions. Finally, the decisions are available through LEXIS and WestLaw. For additional information, see the website.

answers to interrogatories, admissions, matters that the ALJ has officially noticed, or evidence introduced during the hearing.” (Appeal Brief at 6.) Stebbins further argues in its appeal brief that in granting the FAA’s motion for decision, “[t]he ALJ erred in failing to consider Stebbins’ pleadings and filings” – specifically, its position paper and pre-hearing brief, which it argues “are a part of the record herein, and therefore were to be considered by the Court in ruling on the FAA’s Motion.” (*Id.* at 6-7.)

Because Stebbins has already briefed the issue on which it seeks to file a supplemental brief, it has failed to demonstrate good cause for additional argument. Consequently, Stebbins’ request to file an additional brief is denied.

MARION C. BLAKEY, ADMINISTRATOR
Federal Aviation Administration

VICKI S. LEEMON³
Mgr., Adjudication Branch, AGC-430

Issued this 21st day of April, 2005.

³ Issued under authority delegated to the Chief Counsel and the Assistant Chief Counsel for Litigation by Memorandum dated October 27, 1992, under 49 U.S.C. § 322(b) and 14 C.F.R. § 13.202 (*see* 57 Fed. Reg. 58,280 (1992)), and re-delegated by the Assistant Chief Counsel for Litigation to the Manager, Adjudication Branch, by Memorandum dated August 6, 1993.