



Roy Goldberg

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PRACTICE AREAS

- International Practice
- Litigation

INDUSTRIES

- Aviation
- Financial Services

OVERVIEW

Roy Goldberg is a partner in the Washington, D.C. office of Sheppard Mullin Richter & Hampton, LLP, and the head of the firm's aviation practice group. He represents airlines on a wide range of issues with particular emphasis on administrative and judicial challenges to fees imposed on airlines by airports and governments.

In 2007, Mr. Goldberg served as lead trial counsel for seven U.S. airlines challenging millions of dollars in new airport terminal charges at Los Angeles International Airport. Following a month long trial the U.S. Department of Transportation, on June 15, 2007, ruled that the new charges unjustly discriminated against the air carriers and ordered the airport to refund all of the unlawful fees. *Alaska Airlines, Inc. et al. v. Los Angeles World Airports, et al.*, Docket No. OST-2007-27331 ("LAX III"), Final Decision, Order 2007-6-8 (available at www.dms.dot.gov). The ruling sets important legal precedent, provides critical protections to air carriers against unjust discrimination by airports, and should result in more than 100 million dollars in refunds and cost savings to the affected airlines at LAX.

In 2003, Mr. Goldberg successfully argued a case on behalf of a coalition of international airlines that challenged air traffic control user fees imposed on "overflights" by the U.S. Federal Aviation Administration. *Air Transport Association of Canada v. FAA*, 323 F.3d 1093 (D.C. Cir. April 8, 2003). The outcome of that case and related litigation resulted in refunds of several millions of dollars plus cost savings in the hundreds of millions of dollars for the international aviation community. Mr. Goldberg played an important role in successfully challenging the same type of user fees in 1998. *Asiana Airlines v. FAA*, 134 F.3d 393 (D.C. Cir. 1998). He currently participates in the FAA's Aviation Rulemaking Committee which grew out of the overflight fee litigation.

Mr. Goldberg currently represents airlines challenging hundreds of millions of dollars in increased security screening fees imposed by the U.S. Transportation Security Administration. He also represents the Air Transport Association of America and several airlines in a petition for declaratory order filed with the DOT and related litigation in federal court in Philadelphia challenging imposition of a "landing fee" by Tinicum Township on passenger and cargo airlines that use the runways at Philadelphia International Airport.

Mr. Goldberg also helped represent an airline challenging passenger facility charges imposed by the airports in Minneapolis-St. Paul and Memphis. *Northwest Airlines, Inc. v. FAA*, 14 F.3d 64 (D.C. Cir. 1994.) In addition, Mr. Goldberg counsels airlines on a wide variety of matters impacting carriers, including trademark and patent issues, and various FAA and DOT regulations and programs.

Mr. Goldberg writes frequently on issues relating to imposition of airport and government fees and charges on airlines. He is the author of "Will it Happen Again? -- FAA's Disastrous Prior Experience with User Fees," 71 *Journal of Air Law and Commerce* 37 (Spring 2006), and the upcoming "Airline Challenges to Airport Abuses of Economic Power," 72 *Journal of Air Law and Commerce* 101 (Fall 2007).

EVENTS

- Annual D.C. Update Meeting of the American Bar Association Air and Space Law Forum
- 2008 American Bar Association's Forum on Air and Space Law
- Aeropolitical Conference for Legal Issues Facing the Aviation Industry
- IATA Legal Symposium 2008
- American Bar Association Forum on Air & Space Law's 2008 Washington Update Conference
- ABA Forum on Air & Space Law