

1 HOGAN LOVELLS US LLP
Trenton H. Norris (CA Bar No. 164781)
2 David M. Barnes (CA Bar No. 318547)
Four Embarcadero Center, 35th Floor
3 San Francisco, CA 94111-4024
Telephone: 415.374.2300
4 Facsimile: 415.374.2499
5 trent.norris@hoganlovells.com
david.barnes@hoganlovells.com
6

7 Attorneys for Settling Defendants
8

ELECTRONICALLY FILED
Superior Court of California,
County of Alameda
02/18/2025 at 06:33:15 PM
By: Milagros Cortez,
Deputy Clerk

9 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF ALAMEDA**
11

12 CENTER FOR ENVIRONMENTAL
13 HEALTH,

14 Plaintiff,

15 v.

16 AERODYNAMIC AVIATION, *et al.*,

17 Defendants.
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Case No. RG-11-600721

Hon. Somnath Raj Chatterjee

**DECLARATION OF PATRICK DAVIS
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO MOTION TO
ENFORCE AND MODIFY CONSENT
JUDGMENT**

Date: February 25, 2025

Time: 2:30 p.m.

Reservation Number: 690015831804

Complaint Filed: October 20, 2011
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1 **DECLARATION OF PATRICK DAVIS**

2 I, Patrick Davis, declare:

3 1. I am a general aviation (“GA”) pilot and airplane owner. I submit this declaration
4 in support of Settling Defendant’s Opposition to Plaintiff Center for Environmental Health’s
5 (“CEH”) Motion to Enforce and Modify Consent Judgment in the above-captioned matter. I have
6 personal knowledge of the matters set forth herein. If called and sworn as a witness, I could and
7 would testify competently thereto.

8 2. I have been a GA pilot since 2014 and hold a U.S. Federal Aviation
9 Administration (FAA)-issued Private Pilot license, number 3769470. I am also a part owner of
10 the Silver Wings Flying Club (“SWFC”), which owns and operates our 1969 Cessna 182N, serial
11 number 18260168, registration number N92353 (“N92353”). Attached hereto as **Exhibit A** is a
12 true and correct copy of the registration details for N92353, which is publicly available at:
13 <https://registry.faa.gov/aircraftinquiry/Search/>.

14 3. N92353 has a Continental Motors O-520 T/S series piston engine, which requires a
15 high-Octane fuel, such as 100 Low Lead (“100LL”), etc. N92353 is hangered and flown at Reid-
16 Hillview Airport of Santa Clara County, CA (“Reid-Hillview”). Reid-Hillview does not currently
17 sell 100LL, and N92353 cannot use the lower Swift Octane 94 Unleaded (“94UL”) that is offered
18 at the airport because of its lower octane level.

19 4. In November 2024, SWFC had the General Aviation Modifications, Inc.
20 (“GAMI”) Supplemental Type Certificate SA01967WI installed on N92353 to use GAMI’s
21 G100UL unleaded aviation gasoline (“avgas”) because this was the only high-Octane fuel
22 available to Reid-Hillview. On November 16, 2024, I purchased and filled 41.3 gallons of
23 G100UL in N92353’s tanks when it already had approximately 40 gallons of 100LL avgas. On
24 January 2, 2025, I purchased and put another 26.5 gallons of G100UL in N92353. On January 18,
25 2025, I purchased and added another 17 gallons of G100UL to N92353’s fuel tanks.

26 5. When I placed the G100UL in my airplane’s fuel tanks (i.e., November 16, 2024),
27 my airplane’s tachometer read 635.4 hours. The tachometer records the exact hours that the
28

1 airplane has been flown. As of February 11, 2025, my tachometer read 645.4, which means my
2 airplane has flown 10.0 hours since November 16, 2024, when I first used the GAMI fuel.

3 6. On or about January 30, 2025, I noticed an amber-colored viscous substance
4 seeping out of my airplane's wing fuel drains. I have never seen anything like this before on an
5 airplane. I asked my airplane mechanic, Nik Nickravesh, owner of Flying S, Reid-Hillview, to
6 inspect and/or repair my aircraft. I took two photographs of the seeping goop, which are attached
7 hereto as **Exhibits B and C**.

8 7. Additionally, my wing fuel bladders, upon visual inspection, appeared to be
9 expanded beyond the shape there were supposed to be. My rubber fuel bladders were installed
10 circa 2020 and were manufactured by Eagle Fuel Cells, Eagle River, WI ("Eagle"). Mr.
11 Nickravesh informed me they had expanded in a manner they are not supposed to do; he
12 personally showed me the visible areas of the expanded bladders so that I could see it for myself.
13 Mr. Nickravesh informed me that an Eagle representative recommended the G100UL be drained
14 from the bladders and have 100LL filled into them to return them to their original shape. I
15 subsequently obtained 100LL fuel at Palo Alto Airport because it is no longer sold at Reid-
16 Hillview.

17 8. On February 6, 2025, a sample of the goop was scraped off the N92353's right
18 wing fuel drain into a clear plastic cup with blue tape placed on it (with "N92353" written on it)
19 which was provided to Carsten Hoyt, General Counsel, General Aviation Manufacturers
20 Association, for safekeeping. Attached hereto as **Exhibit D** is a photograph, taken by Mr. Hoyt,
21 of the goop sample in the plastic cup. I have reviewed the photograph taken by Mr. Hoyt and can
22 affirm it is true and correct.

23 9. On February 14, 2025, I observed that N92353's right wing fuel tank top cover
24 seal gaskets were destroyed. When they were removed from the airplane, they completely fell
25 apart into several pieces. Based on my experience as a pilot and aircraft owner, this is not a
26 normal condition for these seals.

27 10. Thus far, SWFC has incurred approximately \$1800.00 in repair costs for
28 inspecting and repairing N92353 after the G100UL fuel use. While it has been deemed to be

EXHIBIT A

FAA REGISTRY

N-Number Inquiry Results

N-NUMBER ENTERED: 92353

AIRCRAFT DESCRIPTION

Serial Number	18260168	Status	Valid
Manufacturer Name	CESSNA	Certificate Issue Date	06/07/1996
Model	182N	Expiration Date	10/31/2027
Type Aircraft	Fixed Wing Single-Engine	Type Engine	Reciprocating
Pending Number Change	None	Dealer	No
Date Change Authorized	None	Mode S Code (base 8 / Oct)	53146162
MFR Year	1969	Mode S Code (Base 16 / Hex)	ACCC72
Type Registration	Corporation	Fractional Owner	NO

REGISTERED OWNER

Name	SILVER WINGS FLYING CLUB		
Street	22685 SUMMIT RD		
City	LOS GATOS	State	CALIFORNIA
County	SANTA CLARA	Zip Code	95033-9310
Country	UNITED STATES		

AIRWORTHINESS

INFORMATION PROVIDED HERE SHOULD NOT BE USED TO DETERMINE THE AIRWORTHINESS OF AN AIRCRAFT.

Refer to 14 CFR Parts 39, 43, 91, and FAA Order 8130.2 for airworthiness regulations and guidance.

Type Certificate Data Sheet	None	Type Certificate Holder	None
Engine Manufacturer	CONT MOTOR	Classification	Standard
Engine Model	O-470 SERIES	Category	Normal

A/W Date	12/04/1969	Exception Code	No
<p>The information contained in this record should be the most current Airworthiness information available in the historical aircraft record. However, this data alone does not provide the basis for a determination regarding the airworthiness of an aircraft or the current aircraft configuration. For specific information, you may request a copy of the aircraft record at https://aircraft.faa.gov/e.gov/ND/</p>			

OTHER OWNER NAMES

None

TEMPORARY CERTIFICATES

Certificate Number	T141147	Issue Date	02/13/2014	Expiration Date	03/15/2014
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FUEL MODIFICATIONS

None

DEREGISTERED AIRCRAFT

Deregistered Aircraft 1 of 1			
Aircraft Description			
Serial Number	16810	Certificate Issue Date	08/06/1946
Manufacturer Name	PIPER	Mode S Code (base 8 / oct)	53146162
Model	J3C-65	Mode S Code (base 16 / hex)	ACCC72
Year Manufacturer	None	Cancel Date	10/27/1955
Reason For Cancellation	Cancelled	Export To	None
Type Registration	Corporation		
Aircraft Registration Prior to Deregistration			
Name	ANDREW FLYING SERVICE LTD		
Street	P O BOX 3295		

City	HONOLULU		
State	HAWAII	Zip Code	96813
County	HONOLULU		
Country	UNITED STATES		
Deregistered Airworthiness			
Engine Manufacturer	None	Classification	Unknown
Engine Model	None	Category	None
A/W Date	None	Exception Code	No
Deregistered Other Owner Names			
None			

The duration of aircraft registration certificates has been extended up to 7 years. The Registry will be issuing revised certificates in batches based on the former expiration date. For verification purposes, even though the expiration date on the registration certificate may not match the expiration date in the FAA Aircraft Registration database, any registration certificate displaying an expiration date of January 31, 2023 or later is still valid. This applies to all foreign Civil Aviation Authorities or anyone else with a verification need.

You are accessing a U.S. Government authorized information system, which includes (1) this computer, (2) this computer network, (3) all computers connected to this network, (4) all devices and storage media attached to this network or to a computer on this network, and (5) all cloud services and hosting environments supporting this information system. This information system is provided for U.S. Government-authorized use only.

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By logging in and using this information system, you understand and consent to the following:

- You have no reasonable expectation of privacy regarding communications or data transiting or stored on this information system.***

- ***At any time, and for any lawful Government purpose, communication between the user and this information system, data transiting to/from the system, or stored on this system is subject to monitoring, interception, and search.***
 - ***Any communications or data transiting or stored on this information system may be disclosed or used for any lawful Government purpose.***
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EXHIBIT B



EXHIBIT C



EXHIBIT D



EXHIBIT E



Single-Engine Piston Communiqué

Communiqué SE-P-006
December 19, 2024

ATA 28 – Use of Unleaded Fuels Not Yet Approved by Textron Aviation or Engine Manufacturers

Affected Models:

All Single Engine Cessna and Beechcraft models that utilize aviation gasoline.

Textron Aviation has been working with FAA, fuel manufacturers and distributors, airports, and other Original Equipment Manufacturers for a number of years in an effort to identify, test and certify alternative fuels to replace leaded fuels in order to eliminate lead-based additives from aviation fuel. For example, Textron Aviation has previously approved UL91 and UL94 (manufactured under ASTM D7547) for use in certain Textron Aviation aircraft.

As a part of these ongoing efforts, Textron Aviation has been actively involved in and providing technical and in-kind support to both the FAA Piston Engine Aviation Fuels Initiative (PAFI) and in the Eliminate Aviation Gasoline Lead Emissions (EAGLE) programs. Each of these programs seeks to provide comprehensive testing of candidate replacement fuels for engine performance, materials compatibility, and operational safety.

Textron Aviation is aware that there are certain aviation fuels that have been granted Supplemental Type Certification (STC) for use in certain aircraft engines through the FAA in a process that is separate and apart from the PAFI and EAGLE programs. For example, the GAMI G100UL fuel received such an STC approval. Because the STC process, unlike the PAFI and EAGLE programs, does not involve broad aviation industry coalition participation, neither Textron Aviation nor its engine suppliers, Lycoming and Continental Motors, have had the opportunity to conduct the type of comprehensive and wide-ranging performance, compatibility and operational testing with respect to that fuel needed to provide a basis for approval of the fuel for use in Textron Aviation's current and legacy fleet of Cessna and Beechcraft aircraft.

Textron Aviation has been made aware that at least one other aircraft OEM has begun more comprehensive testing of GAMI G100UL in their airframes. Textron Aviation has also been made aware of reports indicating that two different OEMs have been advised of reported issues with fuel tank sealant degradation following exposure of those sealants to G100UL. These kinds of reported materials compatibility issues give rise to concerns about the continuing airworthiness of aircraft that may be operated on fuels that have not yet been comprehensively tested by Textron Aviation and/or by its engine suppliers.

The continued airworthiness and operational safety of our products and their reliable service to our customers and their passengers is of paramount importance to Textron Aviation. For these reasons, Textron Aviation has not yet approved G100UL for use in its piston engine products. Such approval can only be made by Textron Aviation if the fuel is approved by its engine

suppliers and has also undergone testing to confirm its airframe fuel systems performance, compatibility, and operational safety.

Please refer to applicable Textron Aviation approved Owner's Manuals, Pilot Operating Handbooks, Aircraft Flight Manuals, placards, and Service Bulletins SEB-28-04R1 or MEB-28-01 (or later revisions) for a listing of fuels that are Textron Aviation approved for use in your aircraft.