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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.  
18  
19  
20  
21  
22  
23

Case No. RG-11-600721

Hon. Somnath Raj Chatterjee

**DECLARATION OF SEAN PATRICK  
KELLEY 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  
24  
25  
26  
27  
28

1 **DECLARATION OF SEAN PATRICK KELLEY**

2 I, Sean Patrick Kelley, declare:

3 1. I am a general aviation (“GA”) pilot and aircraft owner. I submit this declaration in  
4 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 am a U.S. Federal Aviation Administration (“FAA”)-certificated Private Pilot,  
9 airplane single-engine land, with an Instrument Rating and tailwheel and high-performance  
10 endorsements. I hold a Bachelor of Science in aerospace engineering from the Massachusetts  
11 Institute of Technology and am currently employed as an aeronautical engineer. I am also a one-  
12 third owner and operator of Live Free and Fly, Inc. (“LFFI”), which is a corporation of three  
13 shareholders that operates an amateur-built 2007 Vans Aircraft, Inc., kit model RV-6, serial  
14 number 23005, FAA registration number N146WB (experimental) (“N146WB”). Attached hereto  
15 as **Exhibit A** is a true and correct copy of the registration details for N146WB, which is publicly  
16 available at: <https://registry.faa.gov/aircraftinquiry/Search/>. N146WB is powered by a Lycoming  
17 O-320-E2D piston engine, which requires a high-Octane aviation gasoline (“avgas”), such as 100  
18 Low Lead (“100LL”) or other high-Octane variants. N146WB is based and flown out of  
19 Watsonville Municipal Airport, Watsonville, CA.

20 3. On December 6, 2024, 23.5 gallons of General Aviation Modifications, Inc.,  
21 (“GAMI”) G100UL avgas was first purchased and filled into N146WB’s fuel tanks, which  
22 resulted in a fuel ratio of 61% G100UL and 39% 100LL (“fuel ratio”). Prior to this, N146WB  
23 exclusively used 100LL avgas. N146WB was subsequently flown 2.0 hours. On December 7,  
24 2024, N146WB was fueled with an additional 12.8 gallons of G100UL, which raised ratio to  
25 74%; the airplane was subsequently flown 1.7 hours. Later on December 7, N146WB was fueled  
26 with another 12.9 gallons of G100UL, raising the ratio of 83%. From December 15-30, 2024,  
27 N146WB flew 3.9 hours. On December 31, 2024, N146WB was fueled with 26.72 gallons of  
28

1 G100UL, which raised the fuel ratio to 95%. By January 1, 2025, I estimate the left wing tank  
2 contained approximately 8 gallons.

3 4. I first identified a possible fuel leak on January 12, 2025, on the tank located in the  
4 left wing. This tank eventually leaked until it was bone dry, which probably occurred on January  
5 13, 2025. It did not appear the right tank leaked, which had a fuel sample taken on January 19,  
6 2025. Afterwards, the right tank was filled with 100LL; the current fuel ratio is estimated to be  
7 20% with G100UL.

8 5. On January 12, 2025, I observed fuel in the floor area of N146WB's cockpit (the  
9 fuel likely traveled along the bottom of the forward wing spar into the cockpit), on the underside  
10 of the wing, down to the flap, and down the airplane's belly. I also observed bubbled and peeled  
11 paint on the cockpit floor, the underside of the wing, the flap, and at several locations on the belly  
12 extending to the underside of the tail. Pieces of paint had already fallen to the floor along the  
13 length of the aircraft when the leak was discovered. As a result, I collected a 3-gallon fuel sample  
14 of G100UL from the right tank and filled the right tank with 100LL to dilute the G100UL that  
15 remained. I also visually inspected the fuel tanks. N146WB's fuel tanks are part of the inboard  
16 forward wing and fasten to the forward wing spar and the forward fuselage with a design similar  
17 to that of a "wet wing" aircraft. The seams of the metallic components are sealed with a  
18 commercial sealant known as ProSeal, which is currently sold by PPG.

19 6. Before January 19, 2025, myself and Michael Luvara, another GA pilot and  
20 aeronautical engineer whom I know has experience with the G100UL fuel that he obtained  
21 through his personal investigation of multiple airplanes that experienced possible G100UL issues,  
22 examined N146WB and the conditions of its fuel tanks. An inspection of N146WB's exterior  
23 found the presence of fuel and bubbled/peeled paint on the bottom of the empennage. Attached  
24 hereto is **Exhibit B**, which is a photograph of this affected area, which was taken either by Mr.  
25 Luvara or myself; however, I have reviewed the photograph and can affirm it to be true and  
26 correct. Attached hereto is **Exhibit C**, which is a closeup photograph of the area on the lower  
27 empennage of an aera that was stripped of paint by G100UL fuel. An inspection of the  
28 N146WB's lower center fuselage, by myself and Mr. Luvara, identified a trail of stained paint by

1 a fluid running along the outer skin, which was believed to be G100UL fuel, and bubbled/peeled  
2 aircraft paint where said fuel accumulated and dripped to the floor, a photograph of which is  
3 attached hereto as **Exhibit D**. An inspection of N146WB's cockpit area yielded bubbled/peeled  
4 primer paint on the metal floor area, photographs of which are attached hereto as **Exhibits E and**  
5 **F**.

6 7. An inspection of N146WB's wing fuel tanks was also conducted by Mr. Luvara  
7 and myself; the tanks were documented with a video-producing borescope and photographs.  
8 N146WB's left wing root fuel sender was examined. First, Mr. Luvara touched a substance  
9 believed to be either ProSeal or silicon, which he was able to rub off with his finger and could be  
10 smeared. A captured borescope video shows this, of which a screenshot photograph is attached  
11 hereto as **Exhibit G**. Photographs of N146WB's left wing root fuel sender ProSeal condition are  
12 attached hereto as **Exhibits H and I**. I was present when Mr. Luvara took the aforementioned  
13 photographs and videos. I have further reviewed the aforementioned photographs, including the  
14 video screenshots, and can confirm them to be true and correct.

15 8. On January 29, 2025, Mr. Luvara and I also tested the ProSeal's strength on the  
16 inside of N146WB's fuel tank seams. When Mr. Luvara pressed a screwdriver on the tank's  
17 ProSeal, it appeared the sealant was much softer and pliable than it should be and allowed the  
18 screwdriver to make noticeable indentations. Mr. Luvara and I observed that the ProSeal, in  
19 N146WB's wing fuel tanks, was also so pliable that it could be peeled with ease using a  
20 screwdriver. For reference, when ProSeal is applied to a surface, it quickly hardens and remains  
21 hard and air/water tight.

22 9. In mid-January 2025, I contacted GAMI and articulated my aforementioned  
23 experience with the G100UL fuel. On January 22, 2025, I had a Zoom meeting with GAMI co-  
24 founder George Braly. During this call, Mr. Braly stated that GAMI would like to see the tanks  
25 and would cover the costs to have them repaired at a facility near them that specializes in wet  
26 wing tank repairs, which I understood to be a reference to a repair facility in Oklahoma. I was not  
27 immediately sure we wanted to do this at the time because of how long the airplane would not be  
28 airworthy and flyable because we had not yet ascertained the extent of the damage to the tanks.



# **EXHIBIT A**

## FAA REGISTRY

### N-Number Inquiry Results

**N-NUMBER ENTERED: 146WB**

#### AIRCRAFT DESCRIPTION

Serial Number	23005	Status	Valid
Manufacturer Name	BRECHEISEN ADELL WARREN II	Certificate Issue Date	12/06/2022
Model	RV-6	Expiration Date	12/31/2029
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)	50135360
MFR Year	2007	Mode S Code (Base 16 / Hex)	A0BAF0
Type Registration	Non Citizen Corporation	Fractional Owner	NO
Kit Manufacturer	VANS AIRCRAFT INC	Kit Model	RV-6

#### REGISTERED OWNER

Name	LIVE FREE AND FLY INC		
Street	629 COLUMBIA ST		
City	SANTA CRUZ	State	CALIFORNIA
County	SANTA CRUZ	Zip Code	95060-6059
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
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Engine Manufacturer	LYCOMING	Classification	Experimental
Engine Model	O-320-E2D	Category	Amateur Built
A/W Date	10/10/2007	Exception Code	No
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 <a href="https://aircraft.faa.gov/e.gov/ND/">https://aircraft.faa.gov/e.gov/ND/</a>			

**OTHER OWNER NAMES**

None

**TEMPORARY CERTIFICATES**

None

**FUEL MODIFICATIONS**

None

**DEREGISTERED AIRCRAFT**

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**



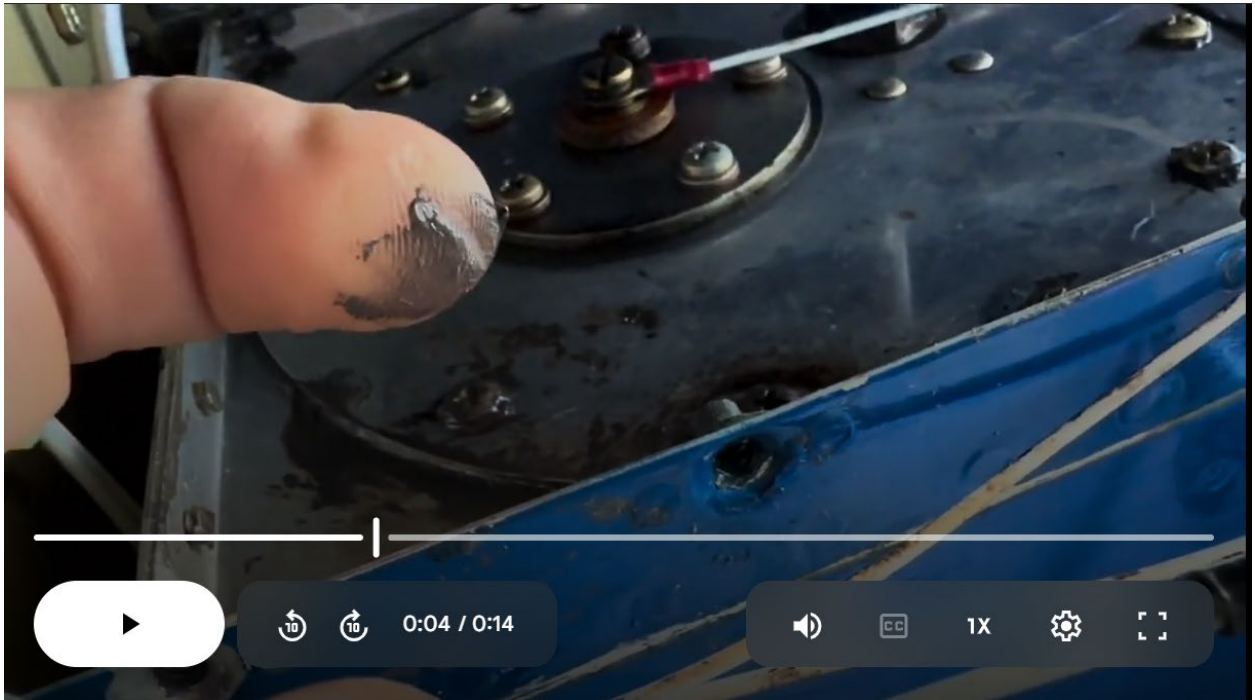


# **Exhibit F**



# **Exhibit G**





# Exhibit H



# Exhibit I





# **Exhibit J**

