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Superior Court of California,
County of Alameda

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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.
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Case No. RG-11-600721

Hon. Somnath Raj Chatterjee

**DECLARATION OF DAVID HORTON
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO MOTION TO
ENFORCE AND MODIFY CONSENT
JUDGMENT**

Date: February 4, 2025

Time: 1:30 p.m.

Reservation Number: 690015831804

Complaint Filed: October 20, 2011
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DECLARATION OF DAVID HORTON

I, David Horton, declare:

1. I am the Chief Executive Officer at Schweizer RSG, LLC (“SRSG”). I submit this declaration in support of Settling Defendant’s Opposition to Plaintiff Center for Environmental Health’s (“CEH”) Motion to Enforce and Modify Consent Judgment in the above-captioned matter. I have personal knowledge of the matters set forth herein. If called and sworn as a witness, I could and would testify competently thereto.

2. SRSG is the manufacturer of the 269 series piston engine helicopters. The helicopters we build, and support are some of the safest and most robust helicopters in the world.

3. SRSG is a member of Vertical Aviation International and the General Aviation Manufacturers Association and supports the efforts of the industry to replace 100 Low Lead (“100LL”) aviation gasoline (“avgas”) with an alternative that does not contain lead. SRSG has been involved with various hearings and strategy meetings to explore the possibility of unleaded avgas.

4. The General Aviation Modifications, Inc., (“GAMI”) G100UL unleaded avgas is not a replacement option approved for any SRSG helicopter. First and foremost, the U.S. Federal Aviation Administration (FAA) Supplemental Type Certificate (STC) SA01967WI that approved G100UL does not apply to piston-powered rotorcraft (i.e., helicopters). Attached hereto as Exhibit A is a copy of STC SA01967WI, which is also publicly available in the FAA Dynamic Regulatory System at <https://drs.faa.gov/browse>. To remain airworthy, an aircraft—including helicopters—must conform to its FAA-issued type certificate and, after inspection, be in a condition for safe operation. *See* 49 U.S. Code § 44704(d)(1). If a SRSG helicopter owner or operator were to use the G100UL fuel, it would constitute the aircraft not conforming to its type certificate, which would render it to not be in an airworthy condition. Thus, SRSG helicopters cannot use the G100UL fuel and require the continued use of 100LL to be able to fly.

5. Additionally, SRSG is also not in a position where it can presently determine: (1) whether GAMI G100UL fuel is compatible with its 269 Series helicopters; (2) whether GAMI G100UL fuel is operationally capable and efficient to use in connection with its 269 Series

1 helicopters; and (3) whether GAMI G100UL fuel is safe to use with its 269 Series helicopters.
2 SRSG has not had access to any GAMI technical fuel data to evaluate the new fuel.

3 6. Further, our engine provider, Lycoming, has not given approval to utilize GAMI
4 G100UL as an alternate approved fuel in the engines that are used in SRSG's 269 Series
5 helicopters. Until Lycoming delivers its own approvals, SRSG cannot perform any of its own
6 testing. Until such Lycoming approval is received—and G100UL receives an STC that applies to
7 piston-powered helicopters—the GAMI G100UL fuel cannot be successfully used as a
8 replacement fuel in SRSG's aircraft.

9 7. In conclusion, without sufficient information, successful testing and FAA
10 approvals, SRSG cannot make any determination as to the compatibility and the operational
11 capability of the GAMI G100UL fuel. The safety and well-being of our customers, operators and
12 stakeholders are of the most importance. SRSG will proceed with caution as future development
13 of replacement fuels is proposed to ensure that the safety and well-being of our customers is
14 prioritized before the integration of any future replacement fuel in SRSG's aircraft. Furthermore,
15 if 100LL is prematurely removed from the marketplace, no SRSG owners and operators in
16 California will be able to fly in any areas where the affected Fixed Base Operators and fuel
17 distributors are located.

18 I declare under penalty of perjury of the laws of the state of California that the foregoing
19 is true and correct. Executed this 7th day of January, 2025, at Fort Worth, TX.

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21 By: David Horton
22 David Horton
23 Schweizer RSG, LLC
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EXHIBIT A



United States of America
Department of Transportation
Federal Aviation Administration

Supplemental Type Certificate

Number: SA01967WI

This certificate issued to: General Aviation Modifications, Inc.
2800 Airport Road, Hangar A
Ada, OK 74820

Certifies that the change in the type design for the following product with the limitations and conditions therefore as specified hereon meets the airworthiness requirements of Part 23 of Code of Federal Regulations

Original Product
Type Certificate Number:

Make:
Model: See attached FAA Approved Model List (AML)
No. SA01967WI, for all aircraft makes, models and certification basis.

Description of Type Design Change:

Use of GAMI G100UL High Octane Unleaded Avgas on aircraft listed in the attached AML.
Add the following approved fuel: unleaded aviation gasoline per GAMI Specification G100UL-12C-2, or later FAA Accepted revision.
Comingling is approved with ASTM Grade 100LL aviation gasoline and other gasolines with 100 MON or less, including MoGas, where those gasolines are also approved for the same make and model engines.

See attached STC AML No. SA01967WI for all required data.

Limitations and Conditions:

- 1. Specific approval must be obtained for each model aircraft to ensure compatibility with its fuel system.
- 2. Compatibility of this design with previously approved modifications must be determined by the installer.
- 3. STC SE01966WI must be previously installed.

This certificate and the supporting data which is the basis for approval shall remain in effect until surrendered, suspended, revoked, or a termination date is otherwise established by the Administrator of the Federal Aviation Administration.

Date of Application: October 6, 2020 Date Reissued:

Date of Issuance: July 23, 2021 Date Amended:

By Direction of the Administrator

Signature: _____

Paul Nguyen
Manager, AIR-7K0

Title: Wichita ACO Branch

Any alteration of this certificate is punishable by a fine of not exceeding \$1,000, or imprisonment not exceeding 3 years, or both. This certificate may be transferred or made available to third persons by licensing agreements in accordance with 14 CFR 21.47. Possession of this Supplemental Type Certificate (STC) document by persons other than the STC holder does not constitute rights to the design data nor to alter an aircraft, aircraft engine, or propeller. The STC's supporting documentation (drawings, instructions, specifications, flight manual supplements, etc.) is the property of the STC holder. An STC holder who allows a person to use the STC to alter an aircraft, aircraft engine, or propeller must provide that person with written permission acceptable to the FAA. (Ref. 14 CFR 21.120).



United States of America
Department of Transportation
Federal Aviation Administration

Supplemental Type Certificate

Number: SA01967WI

INSTRUCTIONS: The transfer endorsement below may be used to notify the appropriate FAA Aircraft Certification Office of the transfer of this Supplemental Type Certificate. The FAA will reissue the certificate in the name of the transferee and forward it to them.

Transfer Endorsement

Transfer the ownership of Supplemental Type Certificate Number: _____

To (Name and address of transferee):

From (Name and address of grantor):

Extent of Authority (if licensing agreement):

Date of transfer:

Signature of grantor: _____

Any alteration of this certificate is punishable by a fine of not exceeding \$1,000, or imprisonment not exceeding 3 years, or both. This certificate may be transferred or made available to third persons by licensing agreements in accordance with 14 CFR 21.47. Possession of this Supplemental Type Certificate (STC) document by persons other than the STC holder does not constitute rights to the design data nor to alter an aircraft, aircraft engine, or propeller. The STC's supporting documentation (drawings, instructions, specifications, flight manual supplements, etc.) is the property of the STC holder. An STC holder who allows a person to use the STC to alter an aircraft, aircraft engine, or propeller must provide that person with written permission acceptable to the FAA. (Ref. 14 CFR 21.120).
