

Submitted by _____ Date _____

1). Federal Statute 47506 can be found in the U. S. Code: Title 49:Transportation.

It is preceded by regulation 49 U. S. C. section. 41713 b) (1) which states: 'This subsection does not limit a political subdivision of a state...that owns or operates an airport...from carrying out its property powers and rights.'

Federal aviation preemption applies in three areas: rates, routes, and service. Federal aviation preemption does NOT apply to local airport noise.

2) In 1979, the California Supreme Court ruled that federal preemption does not bar a nuisance action against a city-owned airport for personal injuries sustained as a result of noise from aircraft using the facility. It also found that preemption does not bar plaintiffs' claims.

Source: Greater Westchester Homeowners' Association v. City of Los Angeles 26 Cal.3d 86. 603 P.2d 1329. 160 Cal. Rptr. 733

3) The Judicial Branch of the Court of California offers legal information and resources via online "chat rooms". When Sonoma County's courts website "Ask a Law Librarian" was asked "Can the defense use a federal statute in small claims court?", the law librarian responded "In general, if the small claims court is handling a state issue, federal statutes would not apply or be binding on the small claims court, even if the party presents the statute in its arguments to the court.

"The source of this statement is my summary of jurisdiction of courts in the United States at federal and state levels." LawLibrarian 107

Source: askalibrarian@oclc.org

Date: 12:34. 2020/5/12

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4) Small Claims Court is a court of limited jurisdiction. It can only hear and decide cases that claim damages of \$10,000 or less. The judge has to follow the jurisdictional limits in these cases. Federal Statutes are used in suits that involve cases claiming compensation of more than \$10,000.

Source: Judicial Branch of California.

<https://www.courts.ca.gov/9617.htm?rdeLocaleAttr=en>

5). Small Claims court has jurisdiction in an action brought by a natural person, if the amount of the demand doesn't exceed \$10,000.

Source: California Code of Civil Procedure

<https://law.justia.com/codes/california/2009/ccp/116.210-116.270.html>

6). “Note: You cannot sue the federal government in state court. You can only sue the federal government or a federal agency in federal court.”

Source: California Courts, the Judicial Branch of California; Jurisdiction - Where to File a Case. <https://www.courts.ca.gov/9617.htm?rdeLocaleAttr=en>

7) “Small claims courts only exist at the state level. Federal courts have jurisdiction over all matters involving federal law, and they can only exercise diversity jurisdiction over questions of state law if the amount-in-controversy is \$75,000 or more. This is much higher than the maximum amount in any state's small claims court.”

Source: justia.com - <https://www.justia.com/consumer/enforcing-your-rights-as-a-consumer/small-claims-court-for-consumers/>

8). “Congress expressly provided that the proprietary powers and rights of municipal airport owners are not preempted by Federal law, 49 U. S. C. 41713 (section 105 of the Airline Deregulation Act of 1978). Thus, the task of protecting the local population from airport noise has fallen to the agency, usually the local government, that owns and operates the airport.

Source: 43816. Federal Register, Vo., 65, No. 136/Friday, July 14, 2000/Notices

9) There is no ostensible evidence of federal statute 47506 ever being applied in the California Superior Court or in the California Supreme Court.

10) Federal statute 47506 has been used in Washington and Georgia superior courts. Each case involved the federal government; Statute 47506 could be applied.

Admasu v. Port of Seattle

City of Atlanta v. Watson

11) A search of the term “federal statute” (or similar) yields nothing in these sources:

California Code of Civil Procedure, Chapter 5.5

California Rules of Court

California Judges Benchbook Small Claims and Consumer Law 2019

California Judges Benchguides Small Claims Court 2009

California Department of Consumer Affairs: Small Claims

Public Entities Civil Code