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11 CENTER FOR ENVIRONMENTAL HEALTH

ELECTRONICALLY FILED
Superior Court of California,
County of Alameda
12/04/2024 at 04:53:54 PM
By: Darnekia Oliver,
Deputy Clerk

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF ALAMEDA

14 CENTER FOR ENVIRONMENTAL HEALTH, a
15 non-profit corporation,

16 Plaintiff,

17 v.

18 AERODYNAMIC AVIATION, *et al.*,

19 Defendants.

Case No. RG-11-600721

**PLAINTIFF'S NOTICE OF MOTION
IN SUPPORT OF PLAINTIFF
CENTER FOR ENVIRONMENTAL
HEALTH'S MOTION TO ENFORCE
AND MODIFY CONSENT
JUDGMENT**

Date: January 28, 2025

Time: 1:30 p.m.

Dept.: 21

Action Filed: October 20, 2011

Reservation ID: 690015831804

[Filed Concurrently with Memorandum
of Points & Authorities; and Declarations
of Mark N. Todzo, Robert Emmett, and
Harry Freitas]

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that on January 28, 2025, at 1:30 p.m. in Department 21 of the
3 Alameda County Superior Court, located at 1225 Fallon Street, Oakland, California 94612,
4 Plaintiff Center for Environmental Health (“CEH”) will move, and hereby does move, this Court
5 for an order requiring defendants Avfuel Corporation, Downstream Aviation LP, Titan Aviation
6 Fuels, Inc. on behalf of Eastern Aviation Fuels, Inc. and World Fuel Services, Inc. (the
7 “Distributor Settling Defendants”) to comply with the Amended Consent Judgment entered by the
8 Court on December 9, 2014 (the “Consent Judgment”). Specifically, CEH will and hereby does
9 move the Court for an order:

- 10 1) Finding the Distributor Settling Defendants are in violation of Section 2.3.1(a) of the
11 Consent Judgment for failure to distribute and sell in California aviation gasoline
12 (“Avgas”) with the lowest concentration of lead approved for aviation use that is
13 commercially available;
- 14 2) Requiring Distributor Settling Defendants to pay CEH’s reasonable attorneys’ fees
15 and costs incurred in enforcing the Consent Judgment;
- 16 3) Setting a hearing on an order to show cause why Distributor Settling Defendants
17 should not be held in contempt of Court and to issue sanctions against them; and
- 18 4) To reopen discovery to allow CEH to obtain evidence to support the amount of
19 sanctions to be levied against Distributor Settling Defendants.

20 Further, CEH will and hereby does move this Court for an order to modify the Consent
21 Judgment to reduce the permissible lead concentration in Avgas pursuant to Section 2.3.1(d)
22 thereof from 0.56 grams per liter to 0.013 grams per liter. In addition to the Distributor Settling
23 Defendants, the modification of the Consent Judgment applies to the following defendants:

- 24 1. Air 88, Inc. d/b/a CrownAir Aviation
- 25 2. Air Rutter International LLC d/b/a Alerion Aviation
- 26 3. Amelia Reid Aviation LLC d/b/a Aerodynamic Aviation
- 27 4. Aviation Consultants, Inc. d/b/a ACI Jet
- 28 5. APP Properties, Inc. d/b/a App Jet Center

- 1 6. Atlantic Aviation Corp., on behalf of itself and on behalf of Airflite, Inc. and Napa
- 2 Jet Center, Inc.
- 3 7. California in Nice, Inc. d/b/a Nice Air
- 4 8. Channel Islands Aviation, Inc.
- 5 9. Castle & Cooke Aviation Services, Inc.
- 6 10. KaiserAir, Inc.
- 7 11. Loyd's Aviation
- 8 12. Modern Aviation, Inc. on behalf of Sacramento International Jet Center, Inc.
- 9 13. Pacific States Aviation, Inc.
- 10 14. Rossi Aircraft, Inc.
- 11 15. Signature Flight Support LLC, on behalf of itself and on behalf of Business Jet
- 12 Center Oakland, LP and Maguire Aviation Group, LLC
- 13 16. Sun Air Jets, LLC
- 14 17. Van Nuys Skyways dba Million Air Burbank

15 This Motion is advanced on the grounds that: (i) there is an unleaded Avgas that is
16 approved for use in nearly all piston-engine aircraft, is being mass produced, and is available for
17 shipment and sale in California; (ii) Distributor Settling Defendants have failed to sell and
18 distribute such Avgas in California pursuant to Section 2.3.1(a) of the Consent Judgment, despite
19 CEH's year-long efforts to secure compliance short of filing the instant motion; and (iii) such
20 unleaded Avgas meets the modification provisions contained Section 2.3.1(d) of the Consent
21 Judgment, such that the maximum permissible lead concentration of aviation fuel sold and/or
22 distributed under Section 2.3.1(a) of the Consent Judgment should be adjusted downward.

23 This Motion is based on this Notice, the Memorandum of Points and Authorities, the
24 Declarations of Mark N. Todzo, Robert Emmett, and Harry Freitas filed herewith, and the
25 pleading and files and such additional evidence or argument that may be presented at the hearing.

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Dated: December 4, 2024

Respectfully submitted,

LEXINGTON LAW GROUP



Mark N. Todzo
Attorneys for Plaintiff
CENTER FOR ENVIRONMENTAL HEALTH



Make a Reservation

Center for Environmental Health, VS Aerodynamic Aviation

Case Number: RG11600721 Case Type: Civil Unlimited Category: Toxic Tort/Environmental

Date Filed: 2011-10-20 Location: Rene C. Davidson Courthouse - Department 21

Reservation

Case Name:

Center for Environmental Health, VS Aerodynamic Aviation

Case Number:

RG11600721

Type:

Motion re: (Motion to Enforce and Modify Consent Judgment)

Status:

RESERVED

Filing Party:

Center for Environmental Health, (Plaintiff)

Location:

Rene C. Davidson Courthouse - Department 21

Date/Time:

01/28/2025 1:30 PM

Number of Motions:

1

Reservation ID:

690015831804

Confirmation Code:

CR-E6Q9MFVMR2HUWGS6R

Fees

Description	Fee	Qty	Amount
Motion re: (name extension)	0.00	1	0.00
Court Technology Fee	1.00	1	1.00
TOTAL			\$1.00

Payment

Amount:

\$1.00

Type:

Visa

Account Number:

XXXX5395

Authorization:

02135G

Payment Date:

n/a

[Print Receipt](#)

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