

PRESS RELEASE

Chino Airport Tenants Ask Court to Halt Air Show: “The Air Show Has No Respect for Us.”

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Contacts: Christen Wright, Director, Yanks Air Museum. (909) 597-1735. info@yanksair.com

Frank Mickadeit, Borchard & Callahan, APC. (949) 457-9505, ex. 223.

fmickadeit@borchardlaw.com.

CHINO, Calif.: A group of tenants at the Chino Airport sued the operators of the annual Planes of Fame Air Show this week, asking that the show be halted because it forces them to shut down their businesses.

The lawsuit, filed in San Bernardino Superior Court, alleges that the Air Show physically blocks and obstructs various airport businesses from operating by erecting fences and other barriers that keep would-be customers from accessing their businesses; creating huge traffic jams that keep customers away; and by shutting down the air space, which grounds flight schools and other businesses not affiliated with the show.

This year, the show’s announced schedule is the weekend of May 6 and 7, however, the show actually begins setting up the Monday before the event and is not finished dismantling it until the Tuesday after the show.

“We are sorry that it has come to this, but the Air Show really left us no choice,” said Charles Nichols, who founded Yanks Air Museum, the lead plaintiff in the lawsuit. “We’ve tried to work with them, but they offered us basically nothing. The Air Show has no respect for us.”

Besides Yanks Air Museum, other businesses that have joined the lawsuit are Flying Tigers Aviation, which cannot sell aviation fuel during the show and which sublets hangar space to a flight school; two other flight schools; and the operator of a cargo plane, all of whom are grounded.

“There’s a misperception that because all of these people come to the Air Show, that other businesses at the airport profit as well,” said Christen Wright, director of Yanks Air Museum. “That is not the case. They put fencing around other businesses that blocks access. They have workers who actually discourage people from coming to our museum.

“We also have special events, like weddings and parties here, and our clients and their guests can’t even get to our business because the roads are so jammed,” Wright said. “We had a wedding last year that wasn’t even supposed to start until *after* the show was over, but the wedding started two hours late because the bridal party couldn’t get here without a police escort, and even *then* some guests did not make it. We’ve had to give up that type of business and shut down entirely during the weekend of the Air Show.”

Wright also noted that, “We pay rent for 52 weeks a year, but we get 51 weeks of use.”

The lawsuit states: “At times, Air Show personnel have verbally assaulted certain Plaintiffs and their guests and customers, and public officials and fire marshals have had to be summoned to order the Air Show to provide ingress and egress for these other businesses’ owners, employees, and customers,” the lawsuit alleges. “The event is so large and uncontrollably unwieldy, however, that no amount of same-day adjustments and crowd control can overcome the extreme disruption”

The County of San Bernardino owns the airport and leases space to the plaintiffs, as well as to Planes of Fame Air Museum, which operates the Air Show. Although the county grants the Air Show a license to operate, nothing in the underlying leases allows one tenant to interfere with another’s

business. In fact, the license to operate the Air Show only grants the Air Show “non-exclusive access” to the show areas, according to the lawsuit.

Under the terms of the 2016 license, the Air Show is supposed to pay the county 20 percent of profit from the show for profits exceeding \$325,000. According to the figures from the 2015 show, the most recent documents available, the Air Show took in \$615,576 in gross revenues but paid no fees to the county because the profit was calculated at only \$253,798. “It is not clear whether the taxpayers of the county have ever received a dime in Air Show license fees, although Planes of Fame is quite healthy financially overall,” the lawsuit states.

In addition to tenants, private plane owners who simply lease hangar space are prohibited from enjoying their leaseholds. “Like the commercial enterprises, they and their guests are also barred from using a publicly owned airport that has been co-opted for the private, exclusive use of a single tenant, Planes of Fame,” the lawsuit states.

A hearing at which the tenants will ask a judge to stop the show is scheduled for April 20, 2017. In addition to asking the judge to halt the show, the tenants seek to be compensated for business that they have lost because of the show dating back to 2013.

The San Bernardino County Superior Court case is *Yanks Air Museum, et al. v. Planes of Fame Air Museum*, case number CIVDS1705434. The airport tenants are represented by Thomas J. Borchard and Frank Mickadeit of Borchard & Callahan, APC in Mission Viejo, California.