

**JOHN WAYNE
AIRPORT
ORANGE COUNTY**

Policy and Procedure

Subject:	Airline Dispute Resolution
Number:	BD-08
Airport Director Signature:	DocuSigned by: <i>Charlene Reynolds, Director</i> A1A526A921AF49F...
Deputy Airport Director Signature:	DocuSigned by: <i>Kim Kitko</i> 5CFDAG08B221425...
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A. Policy

It is the policy of John Wayne Airport, Orange County ("JWA"), to work collaboratively with Airlines to resolve operational disputes in a timely and fair manner.

B. Purpose

Establish a process to provide a fair, appropriate, and expeditious means by which an Airline can resolve operational disputes adjudicated by JWA.

C. Scope

This policy and procedure applies to operational disputes from Airlines within JWA's jurisdiction and excludes all matters subject to the Phase 2 Commercial Airline Access Plan and Regulation ("Access Plan").

D. Responsibilities

1. Prior to filing a formal dispute under the terms of this policy, the local station management of the Airline shall take steps to resolve the issue with the relevant JWA division. This may include but is not limited to the following situations: For any Airport Identification badge and access control issues, the local Airline Authorized Signatories will coordinate directly with JWA's Operations Division; For any facility discrepancies issues, the local Airline management shall coordinate directly with JWA's Maintenance Service, and for any issues arising between tenants (i.e., tenant improvement), the local Airline management should coordinate directly with JWA's Business Development Division.
2. Airlines are encouraged to avail themselves of the various committee resources prior to submitting a formal dispute claim. The committee resources include: JWA's Airport Airline

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Affairs Committee, Airline Affairs Ad-Hoc Committee, and Tenant/Station Manager Committee.

3. In submitting a dispute within the scope of this procedure, the Airline must include, in writing: the date of the dispute, description, and actions taken leading up to the dispute and the parties involved resulting in the JWA action/decision. All information submitted during the dispute must be fact-based and shall include the steps taken above and the relevant JWA division involved in the initial attempt(s) to resolve the issue.
4. When participating in a dispute proceeding within the scope of this procedure, Interested Party, as defined in section E, must provide information that is fact-based and supported by documentary evidence.
5. JWA Deputy Airport Director (“DAD”) of Business Development shall acknowledge receipt of the submitted written disputes, determine the sufficiency of the submitted written dispute as outlined in steps 1, 3, and 4, and may delegate the dispute to the appropriate JWA division. JWA DAD of Business Development shall disseminate this policy and procedure to Airlines so they are fully aware of the process and its applicability.
6. JWA DAD handling the dispute, shall be responsible for processing the dispute.
7. Any appeals arising from the JWA DAD decision shall be referred to the Airport Director, and his/her determination of the appeal shall be final and binding on all parties.

E. Definitions

Term	Definition
Interested Party	Any other Airline directly implicated or possessing legal rights or interests affected by the legal or factual issues raised by the Airline submitting a dispute concerning an action or decision from JWA.

F. Procedure

1. General

- a. JWA has authority under this procedure to review and make determinations regarding disputes arising from an Airline’s operations at JWA and has broad discretion to implement remedies consistent with JWA’s Airport Rules and Regulations and the Certificated Passenger Airline Leases.
- b. A dispute is a formal written request submitted to JWA, as specified in Section F.2 of this procedure, for the adjustment or interpretation of an action or decision or a request for other relief involving an action or decision.
- c. A dispute can only be filed with JWA by an Airline whose direct economic interest has been or would be, affected by an action or decision made by JWA. An Airline is encouraged to resolve any disagreement with JWA informally, if possible, before filing a formal written dispute.

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2. Submission of Dispute for Initial Determination

- a. A formal dispute may be initially filed with JWA's DAD of Business Development by mail, overnight delivery, hand delivery, or email and is considered filed on the date JWA receives a complete dispute during normal business hours, which are Monday through Friday, between 8 am and 5 pm, excluding County observed holidays. The dispute must be filed using the following contact information:
 - i. Address:
John Wayne Airport, Orange County
Attention: Deputy Airport Director, Business Development
3160 Airway Avenue
Costa Mesa, CA 92626
 - ii. Telephone Number: (949) 252-5291
- b. To be considered complete, a dispute must contain the following information:
 - i. A signed cover letter with the Airline's name, address, and telephone number, and the name, address, and telephone number of the Airline's legal representative(s), if any.
 - ii. The contact number and name of the JWA employee who rendered the decision or action subject to the dispute, if applicable.
 - iii. A detailed chronological statement of the facts and the grounds for the Airline's position regarding each element of the operational dispute, citing the relevant specific provisions and documents from JWA's Airport Rules and Regulations and Certificated Passenger Airline Lease, attaching copies of those provisions.
 - iv. A request for a specific remedy, and if a monetary remedy is requested, a sum certain must be specified with pertinent cost information and documentation (e.g., invoices and canceled checks) attached, broken down by the individual claim item, and summarized.

3. JWA Initial Review and Determination

- a. Within 15 business days of receiving a dispute, the JWA DAD of Business Development will determine whether the dispute is complete, acknowledge its receipt and the date it was received, and may delegate the dispute to the appropriate JWA division based on the substance and/or timing of the dispute. Should the submission be considered incomplete/insufficient, the JWA DAD receiving the dispute shall identify the missing information and return the written dispute to the Airline.
- b. Within 30 business days of JWA receiving a complete dispute, JWA DAD handling the dispute will determine whether there are any Interested Parties and take the following actions:
 - i. Notify any Interested Parties of the dispute and the date it was received;
 - ii. Provide a copy of the dispute to any Interested Parties through US mail, duly registered or certified, return receipt requested with postage prepaid, or by an overnight courier service;
 - iii. Notify the Airline filing the dispute of the Interested Parties; and

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- iv. Schedule an initial conference with the Airline filing the dispute and any Interested Parties to attempt to resolve the disagreement through voluntary and informal negotiations.
- c. Airline submitting the dispute and any Interested Parties are encouraged to engage in informal discussions and communications during the first 30 business days after filing a complete dispute with JWA.
- d. JWA DAD handling the dispute is authorized to resolve the disagreement through negotiations. If no agreement is reached within 30 business days, JWA DAD handling the dispute will schedule a dispute proceeding within 60 business days of receiving the complete dispute. Proceedings may be conducted in person or via video conference.
- e. Only the disputing Airline and Interested Parties can participate in the dispute proceedings. Any party participating in the proceedings may submit information or documents relevant to the matter for consideration, which is the final opportunity to submit information relating to the dispute, other than the information requested by JWA DAD under Section F.3.f of this procedure.
- f. The disputing Airline and Interested Parties will be invited to the proceedings to clarify points of contention, discuss mutual solutions, and ascertain any additional information needed by JWA DAD handling the dispute to make an initial determination. Any follow-up information requested by JWA DAD handling the dispute must be submitted within 15 business days after the dispute proceeding.
- g. Any party submitting documents as part of the dispute proceeding must provide copies to all Interested Parties 5 days prior to the proceeding.
- h. JWA DAD handling the dispute, reviews each dispute on a case-by-case basis to determine whether a compelling basis exists to rescind a disputed action or decision, in whole or in part, to modify the action or decision, or to impose some other action or decision. The review shall consider but are not limited to the following factors, including:
 - i. Whether the Airline has alleged a substantial dispute.
 - ii. The likelihood of harm to a party affected by the modified action or decision
 - iii. Balancing the relative hardships between the Interested Parties
 - iv. The interests of stakeholders, including the Airport community.
- i. After the dispute proceeding, and within 90 business days of receiving the completed, submitted written dispute, the JWA DAD handling the dispute will send a written response providing the initial determination on behalf of JWA to the Airline and Interested Parties.

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4. Appeal to the Airport Director

- a. Airline who submitted the dispute or Interested Parties involved in the proceeding may submit a written appeal of JWA DAD's initial determination to the Airport Director at the following contact information:
 - i. Address:
John Wayne Airport, Orange County
Attention: Airport Director
3160 Airway Avenue
Costa Mesa, CA 92626;
 - ii. Telephone Number: (949) 252-5183
- b. The written appeal must be postmarked or received by JWA within 15 business days of the Airline's or Interested Party's receipt of the initial determination, copying the JWA DAD who initially handled the dispute and any Interested Parties, and must contain the following information:
 - i. A signed cover letter stating that the Airline or Interested Party is submitting an appeal, the specific reasons for the appeal, why the initial determination should be overturned, and what alternative determination is being sought by the appellant.
 - ii. A copy of the written initial determination from JWA.
- c. Any appeals received after the fifteen (15) business day deadline will not be considered.
- d. JWA DAD, who handled the dispute, will provide a complete file to the Airport Director with all records and information previously submitted and considered as part of the initial dispute proceedings.
- e. Airport Director will review the appeal and may request any additional information necessary in making a final determination. The Airport Director has broad discretion to apply any remedies she deems appropriate and fair, given the facts and the circumstances.
- f. Within 30 business days of JWA's Airport Director receiving the appeal, the Airport Director will make a final determination and notify the disputing Airline and all Interested Parties.
- g. The decision rendered by the Airport Director shall be final and binding on the Interested Parties.

G. References

Title/URL	Description
Certificated Passenger Airline Lease	Agreement between the County of Orange and an Airline addressing certain premises, facilities, rights, licenses, services, and privileges.

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Title/URL	Description
John Wayne Airport, Orange County Airport Rules, and Regulations	Airport-approved operating procedures and safety and security requirements at JWA.