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Federal District Court Grants Critical Ruling in Million Air's Favor in Lawsuit Against Westchester County

October 7, 2022 (West Harrison, NY) — On October 4, 2022, Yankwitt LLP obtained a critical ruling for its client, Million Air, an operator of fixed base operations (FBOs) at Westchester County Airport and other airports around the country, in a lawsuit against the County of Westchester, NY. The lawsuit alleges that the County breached its lease with Million Air when it unreasonably withheld consent to Million Air's construction of a new hangar at the Westchester County Airport.

The district court granted Million Air's motion, ruling that the proposed amended complaint adequately alleged a claim for breach of Section 5.5 of the lease because the court was "not convinced that the County's stated reasons for withholding approval are reasonable as a matter of law[,]” and that further factual development through discovery is therefore required.

The district court further indicated that it would not allow the County the opportunity to move to dismiss the new claim, stating that “any motion to dismiss would be frivolous and summarily denied.” The claim will now proceed to discovery and trial.

The lawsuit contends that construction of the new hangar would have significant long-term economic benefits for the County and its residents. The new hangar would reduce total air traffic as well as environmental and sound pollution because it would allow more planes to station at the airport. This would significantly reduce the number of “ferry flights” to and from other airports. Available space for additional planes to reside at Million Air is attractive to large companies that want to do business in Westchester County, which would ultimately translate to more job opportunities for the local Westchester workforce. Additionally, the new hangar in and of itself would create more jobs.

Roger Woolsey, CEO of Million Air said, “Our intention for Million Air White Plains is to provide the community with solutions to its long-term goals – less airplane noise by decreasing repositioning flights by more than 1,000 flights per year, more high-paying jobs, and work for our local unions and suppliers. It is deeply saddening that this lawsuit had to be part of a move toward these goals for the community. We look forward to bringing these benefits to fruition.”

The district court previously dismissed Million Air's breach of contract claim under the lease agreement while allowing Million Air's claim relating to the County's reversal of its position regarding the installation of a stormwater protection system to proceed.

Russell Yankwitt, Lead Counsel for Million Air stated, “I am pleased by this week's district court ruling, which is a significant victory in Million Air's pursuit of its claim that the County wrongfully withheld consent to the new hangar. We are optimistic about the advancement of this case and what this decision means for the lawsuit moving forward.”

If successful, Million Air asserts that it would be entitled to millions of dollars in damages and a court order directing the County to allow Million Air to build the new hangar.

Media coverage from [Patch.com](#) and [The Examiner](#).