

## JUDICIAL BRANCH OF CALIFORNIA

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN MATEO

Foreperson  
San Mateo County Civil Grand Jury  
400 County Center  
Redwood City CA 94063

**I am Sally Meakin, 825 Barroilhet Avenue, age 76  
Hillsborough CA 94010  
Cell 650 678 8524  
January 2, 2024**

## Overview Of The Civil Grand Jury

The San Mateo Civil Grand Jury is authorized by the State Constitution to be “a voice of the people and conscience of the community....The jury may (investigate) complaints by individuals regarding the actions or performances of county or public officials.”

Having personally observed San Mateo County Small Claims Court proceedings since 2018 as judges made erroneous rulings regarding the City and County of San Francisco and its legal responsibility of the effect of San Francisco international Airport’s ground noise on Peninsula people, I pledge that hundreds, if not thousands, of people affected by the noise were improperly informed they were/are not qualified to be compensated for the unhealthy effect of runway noise.

I now ask the San Mateo Civil Grand Jury to perform an inquiry of several Small Claims judgments which were non-compliant with federal or California law. This request is late because I’ve spent extensive time filing writs in the appeals court, all denied. I was unaware the Civil Grand Jury could be useful to my case until relatively recently, and then my first grandchild came along....

## Summary of My Seven Filed Small Claims Cases from 2016 to 2023

Small Claims Cases #1 and #2 - 18-SCS-01617 and 19-SCS-01600

Judge Mazzei complied twice with the defense's erroneous contention that federal statute 47506 mandates that only plaintiffs who still live in their home bought before 1980 could be compensated for noise (loosely put).

Small Claims Case # 3 - 20-SCS - 00864

Judge Borja denied my several "request to correct or cancel judgment and answer" forms that provided accurate information,

based his ruling on the unauthorized use of federal statute 47506,

and illegally granted, without my knowledge, the defense's request to dismiss case #3.

Small Claims Case # 4 - 21-SCS-00420

that got "lost" in the San Mateo Small Claims Department thus canceling my hearing

Small Claims Cases #5, #6, and 7# - 21-SCS - 00514  
22-SCS- 00552  
22-SCS - 00865

At the defense's illegal request, Judge Halperin inappropriately dismissed my case #21-SCS - 00514 without my knowledge.

Judge Halperin ruled for the defense in the 2 other cases, providing reasoning that was based on two federal, unusual and complicated, out-of-state cases legally involving federal statute 47506 AND small claims court.

Judge Halperin impressed me with the time and effort that was put in to explain his conclusion (imprecise as it was).

**Pertinent background -**

No small claims court judges corrected the CCSF representative Chris Roach to clarify that CCSF is legally responsible for the ground noise....never corrected that a federal regulation was being illegally used by the defense in Small Claims Court....never corrected the defense using an illegal claim about small claims dismissals.

I, Sally Meakin, spent numerous hours witnessing Small Claims Court’s honest and detailed plaintiff testimonies, presenting proof about state and federal laws, all disregarded.

In the avalanche of dishonesty I witnessed over the years by Small Claims judges and the Small Claims Department, **is it possible that CCSF somehow joined with San Mateo courts to ensure CCSF avoided their federal responsibility for local runway noise?**

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As an aside...

**National Library of Medicine - Airport Noise**

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5437751/>

**A reputable source of ground noise’s effect on health**

.....

Few of what the honest plaintiffs told the judges about the effects of runway noise:

vibrations of windows, doors, glassware, crying children afraid it was an earthquake, loss of sleep, loud interruptions of speaking, concentrating, inability to enjoy an outdoor barbecue due to noise, smell of jet fuel, the need to shut windows and doors on summer evenings, the denial of natural ventilation.

None was heeded by the small claims court.

## PROOF: THE CITY AND COUNTY OF SAN FRANCISCO IS RESPONSIBLE FOR THE EFFECT OF LOCAL RUNWAY NOISE

1979:

The California Supreme Court asked “Is a municipality that owns and operates an airport IS liable on a nuisance theory for personal injuries sustained by nearby residents and caused by noise from aircraft using the facility?” “We will conclude that it is.”

Calif. Supreme Court, 1979, 603 P.2d 1329; cert. denied 1980, 449 US 820

1979:

“It is beyond dispute that a small claims court may hear an action in nuisance. And it has recently been established that airport noise may give rise to a nuisance action.”

Greater Westchester Homeowners Assn. v. City of Los Angeles (1979) 26 Cal.3d 86, 101, 160 Cal.Rptr. 733, 603 P.2d 1329, cert. den. 449 U.S. 820, 101 S.Ct. 77, 66 L.Ed.2d 22;

see also San Diego Unified Port Dist. v. Gianturco (9th Cir.1981) 651 F.2d 1306, p. 1313, fn. 16, cert. den. 455 U.S. 1000, 102 S.Ct. 1631, 71 L.Ed.2d 866.)

CACI 2030 Affirmative Defense: Statute of Limitations - Trespass or Private Noise -

“If a nuisance is a use which may be discontinued at any time, it is considered continuing in character and persons harmed by it may bring successive actions for damages until the noise is abated.”

## (Cont'd). PROOF: THE CITY AND COUNTY OF SAN FRANCISCO IS RESPONSIBLE FOR THE EFFECT OF LOCAL RUNWAY NOISE

“State law damage remedies remain available against an airport proprietor despite the fact that federal law precludes interference with commercial flight patterns and schedules...” “Thus, airport defendant shoulders an affirmative responsibility to minimize noise levels through the use of buffers, barriers, or other noise reducing devices.”

(39 Cal.3d 862, 218 Cal.Rptr. 293, 705 P.2d 866; cert. denied 475 U.S. 1017, 106 S.Ct. 1200, 89 L.Ed.2d 314) (This opinion is discussed extensively in Renzet al. v. 33d. Dist. Agricultural Assn. (1995, 6th Dist. Ct. App.), 39 Cal.App.4th 61, 46 Cal.Rptr.2d 67. See subsequent decision in this case, Baker v. Burbank-Glendale-Pasadena Airport Authority, 1990, 2d Dist. Ct. App., above.)

“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.”

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

The FAA will encourage airport proprietors, who are legally responsible for the effect of aircraft noise on the surrounding community, to assess their particular noise problem.

[https://www.faa.gov/about/office\\_org/headquarters\\_offices/apl/noise\\_emissions/planning\\_toolkit/media/II.A.pdf](https://www.faa.gov/about/office_org/headquarters_offices/apl/noise_emissions/planning_toolkit/media/II.A.pdf) Page 2, right-hand column

1979

"A proprietor of an airport is not immune from liability for personal injuries and emotional distress caused by noises emanating from aircraft in flight....They (airport proprietors) retain responsibility for the proper construction, operation and maintenance of ground facilities....to minimize the effects of noise." 1979 Greater Westchester Homeowners v. City of Los Angeles 603 P.2d 1329 (Cal.1979)

1985

Federal preemption of local regulation of airport noise is not absolute. State law damage remedies remain available against an airport proprietor despite the fact that federal law precludes interference with commercial flight patterns and schedules, since federal law preempts only the exercise of police power to reduce airport noise. Airport proprietors have a duty under state law to reduce airport noise. Plaintiffs may elect to treat airport noise as a continuing or permanent nuisance.

(39 Cal.3d 862, 218 Cal.Rptr. 293, 705 P.2d 866; cert. denied 475 U.S. 1017, 106 S.Ct. 1200, 89 L.Ed.2d 314) (This opinion is discussed extensively in Renz et al. v. 33d. Dist. Agricultural Assn. (1995, 6th Dist. Ct. App.), 39 Cal.App.4th 61, 46 Cal.Rptr.2d 67. See subsequent decision in this case, Baker v. Burbank-Glendale-Pasadena Airport Authority, 1990, 2d Dist. Ct. App., below.)

1999

“The FAA has sole authority to regulate the use of airspace. This authority does not extend to regulation of ground facilities which does not affect inflight safety.”

City of Burbank v. Burbank-Glendale-Pasadena Airport Authority, 1999.(See United Air Lines, Inc. v. [72 Cal. App. 4th 380])

**49 U. S. C. (Section 105 of the Airline Deregulation Act of 1978). “This subsection does not limit a political subdivision of a state that owns or operates and airport from carrying out its propriety powers and rights.”**

49 U.S.C Section 1305 (b) Congress expressly provided that the proprietary powers and rights of municipal airport owners are not preempted by federal law.

## California Laws on Noise Nuisance

1991 - "Persons harmed by...a nuisance...may bring successive actions for damages until the nuisance is abated."

Mangini v. Aerojet General Corporation

1996 : "The essence of a private nuisance is its interference with the use and enjoyment of land. The activity in issue must 'disturb or prevent the comfortable enjoyment of property,' such as.....the noise and vibration of machinery."

Oliver v. AT&T Wireless Service

1996: "...liability for nuisance does not require proof of damage to the plaintiff's property; proof of interference with the plaintiff's use and enjoyment of the property is sufficient."

San Diego Gas & Electric Co. v. Superior Court, 1996

1996: "The first additional requirement for recovery of damages on a nuisance theory is proof that the invasion of the plaintiff's interest in the use and enjoyment of the land was substantial, i.e., that it caused the plaintiff to suffer 'substantial actual damage'. The Restatement recognizes the same requirement as the need for proof of 'significant harm', which it variously defines as 'harm of importance' and a 'real and appreciable innovations of the plaintiff's interests' and an invasion that is 'definitely offensive, seriously annoying or intolerable'.

San Diego Gas & Electric Co. v. Superior Court , 13 Cal.4th at p. 93

2007: There is no limitation period for a continuing private nuisance. There is no limitation period for a public nuisance. (See Civ. Code, § 3490.) There is also essentially no statute of limitation for a continuing trespass or continuing private nuisance, but damages for future harm are not recoverable.

(See Lyles v. State of California (2007) 153 Cal.App.4th 281, 291 [62 Cal.Rptr.3d 696] [nuisance]; Starrh & Starrh Cotton Growers v. Aera Energy LLC (2007) 153 Cal.App.4th 583, 592 [63 Cal.Rptr.3d 165] [trespass].)

2015: "We acknowledge that to recover on a nuisance claim, the harm the plaintiff suffered need not be a physical injury."

Wilson v. Southern California Edison Co., 234 Cal.App 4th at p. 159

## Federal Regulations Do Not Mesh with Airport Proprietors' Duties

2020 ~ [askalibrarian@oclc.org](mailto:askalibrarian@oclc.org) ~ May 12, 2020, 12:34 PM ~ Question ID 15448053 - response of lawlibrarian107

“If the small claims court is handling a state issue, federal statutes would not apply or be binding on the small claims court” is my summary of jurisdiction of courts in the United States at federal and state levels.” Sonoma County’s courts website “Ask a Law Librarian”

“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

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

“The FAA has sole authority to regulate the use of airspace. This authority does not extend to regulation of ground facilities which does not affect inflight safety.”

City of Burbank v. Burbank-Glendale-Pasadena Airport Authority, 1999.(See United Air Lines, Inc. v. [72 Cal. App. 4th 380]

Federal preemption of local regulation of airport noise is not absolute. State law damage remedies remain available against an airport proprietor despite the fact that federal law precludes interference with commercial flight patterns and schedules, since federal law preempts only the exercise of police power to reduce airport noise. **Airport proprietors have a duty under state law to reduce airport noise.** Plaintiffs may elect to treat airport noise as a continuing or permanent nuisance.

(39 Cal.3d 862, 218 Cal.Rptr. 293, 705 P.2d 866; cert. denied 475 U.S. 1017, 106 S.Ct. 1200, 89 L.Ed.2d 314) (This opinion is discussed extensively in Renz et al. v. 33d. Dist. Agricultural Assn. (1995, 6th Dist. Ct. App.), 39 Cal.App.4th 61, 46 Cal.Rptr.2d 67. See subsequent decision in this case, Baker v. Burbank-Glendale-Pasadena Airport Authority, 1990, 2d Dist. Ct. App., below.)

Thus, airport defendant shoulders an affirmative responsibility to minimize noise levels through the **use of buffers, barriers, or other noise reducing devices.** (39 Cal.3d 862, 218 Cal.Rptr. 293, 705 P.2d 866; cert. denied 475 U.S. 1017, 106 S.Ct. 1200, 89 L.Ed.2d 314) (This opinion is discussed extensively in Renz et al. v. 33d. Dist. Agricultural Assn. (1995, 6th Dist. Ct. App.), 39 Cal.App.4th 61, 46 Cal.Rptr.2d 67. See subsequent decision in this case, Baker v. Burbank-Glendale-Pasadena Airport Authority, 1990, 2d Dist. Ct. App., above.

“A proprietor of an airport is not immune from liability for personal injuries and emotional distress caused by noises emanating from aircraft in flight...They (airport proprietors) retain responsibility for the proper construction, operation and maintenance of ground facilities....to minimize the effects of noise.” 1979 Greater Westchester Homeowners v. City of Los Angeles 603 P.2d 1329 (Cal.1979)

The City and County of San Francisco is on its own; it’s legally responsible for the effects of ground airport noise. But of the 60+ plaintiffs who had the right to file in small claims court (and met the legal requirements of being over 18), the names in blue you’ll see on the next 2 pages were denied any compensation by judges. The names in yellow were awarded minimum amounts.

2019 - Wrongly abiding by federal statute 47506, the judge <b>denied compensation to those who <i>did not</i> own their home before 1980.</b>	Small Claims Case Numbers
Joseph Baylock	18-scs-01612
Sally Meakin	18-scs-01617
Robin Montoya	19-scs-01618
Mary Patrician	19-scs-00174
Olen and Debi Simon	18-scs-01621
Ted Yun	19-scs-00173
Josiah Ambrose	19-scs-00213
Mary Alice Ambrose	19-scs-00208
Susan Burns	19-scs-00214
Dan Clarke	19-scs-00215
Chris Denten	19-scs-00216
Peter Garrison	19-scs-00207
Dan Lucier	19-scs-00218
Arthur Stromberg	18-scs-01619
James Barry	19-scs-00149
Charlie Campos	19-scs-00145
Stephen Livingston	19-scs-00155
Bernice Morgan	19-scs-00152
Gary Cellini	19-scs-00166
Ray Chen	19-scs-00161
Shirin Coleman	19-scs-00168
Rhonda Dunten	19-scs-00169
Phoebe Wong	19-scs-00171
Anne Carey	19-scs-00194
Christine Gutknecht	19-scs-00187
Jullin Kwok	19-scs-00191
Kirsten McCarthy	19-scs-00189
Barbara Yerby	19-scs-00192
George Yerby	19-scs-00193
Kun Gao	19-scs-00552
Aaron Zornes	18-scs-01620

2019 - Wrongly abiding by federal statute 47506, the judge awarded <b>compensation to those who <i>did</i> own their home before 1980.</b>	Small Claims Case Numbers
Jean and David Lombardi	19-scs-00181
Louis Maraviglia	18-scs-01616
Charlene Campos	19-scs-00144
Dona Edlund	19-scs-00150
Frank Edlund	19-scs-00151
Judith Downing	19-scs-00167
Bonnie Hepps (missed)	19-scs-00190



<b>2020</b> - Again wrongly abiding by federal statute 47506, the same commissioner denied compensation to those who <i>did not</i> own their home before 1980.	Small Claims Case Numbers	<b>2020</b> - Again wrongly abiding by federal statute 47506, the same commissioner awarded compensation to those who <i>did</i> own their home before 1980.	Small Claims Case Numbers
Joseph Baylock	19-scs-01264	Louis Maraviglia	19-scs-01252
Sally & Jim Meakin	19-scs-01600	Charlene Campos	19-scs-01263
Robin Montoya	19-scs-01313	Dona & Frank Edlund	19-scs-01412
Victor Gray	19-scs-01250	Denis & Katie O'Brien	19-scs-01482
Richard & Mary Griffith	19-scs-01247	Judith Downing	19-scs-01253
Ted Yun & Ella Negrou	19-scs-01586	Bonnie Hepps	19-scs-01251
Josiah & Mary Alice Ambrose	19-scs-01588		
David Sturman	19-scs-01255		
Susan Burns	19-scs-01249		
Dan Clarke & Maureen Laney	19-scs-01593		
Samuel & Melissa Hamilton	19-scs-01596		
Peter Garrison	19-scs-01262		
Chunwei Wang	19-scs-01602		
James Barry	19-scs-01256		
Shirin Coleman	19-scs-01257		
Anne Carey	19-scs-01248		
Jullin Kwok	19-scs-01314		
Aaron & Elizabeth Zornes	19-scs-01590		
Kun Gao	19-scs-01260		
Debbie McKeever	19-scs-01315		

**After this, plaintiffs who weren't still in their home after 1980 were convinced it was useless to continue their efforts to combat the airport's runway noise. Instead of the numbers of plaintiffs expanding in court, our efforts dried up.**

**To my knowledge, those who were still in their homes were granted \$2500. Most of these people felt the effort to go through so many hurdles wasn't worth it.**

**Sally Meakin  
January 2, 2024**

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# And more substantiation about laws being tossed aside.....

Judges in my small claims cases failed to comply with California's small claims court rules involving "dismissals"

"Dismissal" rules as spelled out in California Judges Benchguide 34:

1) [section 34.19] "request for dismissal"

"The court may grant a dismissal without prejudice when one party fails to appear at the hearing.

"The court may grant plaintiff's request for dismissal before the trial

"A dismissal may be granted to any party...if all the parties consent in writing. Form SC-24"

2) as spelled out in the County Law Library:

"Defense may ask the case to be dismissed by objecting to the plaintiff's choice of court"

3) as spelled out in the California Department of Consumer Affairs:

" If both of you resolve the dispute on the day of the hearing, try to Complete Request for Dismissal (form CIV-110)."

4) as spelled out in the California Self-help guide (Judicial Branch of California):

"If you've started a case and both parties resolve the dispute and want to request a dismissal (form CIV 110)"

***Judges granted the defense a dismissal of two of my cases even though not one of the above requisites applied to my cases.***

After several decades of peace, the runway noise began in late 2015 when modifications created the lengths of new federal runways. The airport was not forthcoming on a variety of topics regarding this sudden new blast.

By 2016, I was holding meetings, creating sforunwaynoise.com, and watching the numbers grow of those disturbed with the ground noise. Newcomers to our area bought charming homes after daytime investigations of the properties; their stomachs turned when the night roars commenced.

Hundreds, if not thousands of citizens in San Mateo, Burlingame, Hillsborough, Millbrae, San Bruno, perhaps others, must endure the ongoing roars of runways on a nearly daily basis. I no longer hear crickets, morning birds, tree frogs, the breeze in trees. Windows vibrate; even mattresses feel the blasts. Resident doctors approached me with great consternation about the noise in and surrounding their homes. Many affected people are miserable but are unable to move elsewhere. Plaintiffs trusted the defense AND the judges, feeling it's pointless to continue the effort. Shame on the City and County of San Francisco.

Three years ago, a peculiar thing happened in the San Mateo Court Small Claims Department.

I'd filed my 4th claim, case # 21-SCS-00420, and received a hearing date. Closer to the trial, when I called the department to confirm something, the gentleman who answered the phone told me he couldn't find the case. Visiting Redwood City to discuss this oddity, I was told that a supervisor had gone back through the authorized claim, found some faults (although I was not told what), and my claim was rescinded without notifying me.

On behalf of so many people suffering with the vehement noise, please help us.

Thank you.

Sally Meakin