

Citizens for Quiet Skies appeal to be heard by appellate court Tuesday

Karen Antonacci, Times Call | DEC 12, 2016



Kimberly Gibbs listens and watches for planes from Mile-Hi Skydiving in her backyard in May of 2015 during a site visit in the civil trial of Kimberly Gibbs v. Mile-Hi Skydiving Center Inc. (Matthew Jonas / Staff Photographer)

Citizens For Quiet Skies, the Longmont-area group that sued local business Mile-Hi Skydiving, has an appointment with the Colorado Court of Appeals on Tuesday.

The group and some individual members living in Longmont and unincorporated Boulder County claim that Mile-Hi Owner Frank Casares was being negligent and a nuisance by flying what they said were unusually loud planes over their homes.

If you go

What: Oral arguments in Citizens for Quiet Skies v. Mile-Hi Skydiving

When: 1:30 p.m. Tuesday

Where: Third floor, Colorado Court of Appeals, 2 E. 14th Ave, Denver

In 2015, Boulder District Court [Judge Judith LaBuda denied every claim](#) brought by the group and the plaintiffs and made a special appeal in the judgment asking all parties to move on from the matter.

[Later that year, however, the plaintiffs and Citizens For Quiet Skies founder Kimberly Gibbs filed an appeal.](#) On Tuesday, attorneys for both the plaintiff and Mile-Hi will make their case to the Colorado Court of Appeals in Denver.

Gibbs said Friday that her reasons for moving forward with the case to the appellate level were fairly simple.

"Well, because the noise is still there," Gibbs said. "There have been, after several years of working on the issue, no concessions."

Casares did not respond to a request for comment on the case.

Gibbs said she and the attorney working on their case feel LaBuda erred in applying federal standards for noise to the Longmont airplanes and sought to punish Gibbs and the group for bringing the suit by awarding Mile-Hi more than \$120,000 for their costs and fees.

"The first judgment she awarded was about \$68,000 and the second one was for attorney fees about the claims that did not go to trial — unjust enrichment, the trespass claim and then the question about whether our group Citizens for Quiet Skies could be a plaintiff," Gibbs said.

"That was about \$48,000 and then we filed a motion for reconsideration of the attorney fees and she assessed another \$7,000."



A twin engine plane operated by Mile-Hi Skydiving takes off in February 2015 at Vance Brand Municipal Airport. (Matthew Jonas / Staff Photographer)

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(Highlights, footnotes and minor edits may have been added, but only to add analysis & clarification)**