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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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BEFORE: THE HONORABLE STANLEY A. WEIGEL, JUDGE

RODNEY STICH,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. C80-4526 SAW
	)	
NATIONAL TRANSPORTATION	)	
SAFETY BOARD, et al.,	)	
	)	
Defendants.	)	
	)	

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Defendant's Motion to Dismiss or for Summary Judgment

REPORTER'S TRANSCRIPT

Thursday, April 23, 1981

Reported by:  
PAUL SCHILLER, R.P.R.

A P P E A R A N C E S:

For the Plaintiff:

RODNEY STICH, in propria persona

For the Defendants:

G. WILLIAM HUNTER  
United States Attorney  
By: GEORGE CHRISTOPHER STOLL  
Assistant United States Attorney  
450 Golden Gate Avenue  
San Francisco, California

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1 THURSDAY, APRIL 23, 1981

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3 THE CLERK: Civil Case 80-4526, Rodney Stich v.  
4 National Transportation Safety Board, et al.

5 MR. STOLL: Good afternoon, Your Honor, George Stoll  
6 on behalf of the Board.

7 MR. STICH: Rodney Stich for the plaintiff in pro  
8 per.

9 THE COURT: Well, I have rather bad news for you,  
10 Mr. Stich. I think you are in the wrong Court.

11 MR. STICH: I disagree with you, Your Honor.

12 THE COURT: I know you do. I think this is a matter  
13 that is properly before the Court of Appeals, and in a way  
14 I am sorry, because it is a fascinating subject and I would  
15 like very much to have it before me, but under the law I  
16 don't think I properly can.

17 If you can point to a single case that squarely  
18 holds, leaving out the question of standing right now, that  
19 with respect to an order by this Board, a final order by this  
20 Board, that you have the right to be here rather than the  
21 Court of Appeals, give me that single case and I will change  
22 my mind. But I have nothing before me that supports that  
23 position.

24 MR. STICH: My understanding on the United States  
25 of Appeals Court would be on economic matters, and as far as

1 the mandamus action, where I am alleging gross abuse of  
2 discretion or failure to carry out the discretionary --

3 THE COURT: The mandamus statute on which you rely  
4 in this contract relates only to administrative matters, not  
5 orders of this kind based upon items of discretion.

6 MR. STICH: Obviously, then, I would have to appeal.

7 THE COURT: You can appeal, instead of appealing,  
8 why don't you go directly to the Court of Appeals. You can  
9 do both.

10 MR. STICH: I don't feel I belong in the United  
11 States Court of Appeals, Your Honor.

12 THE COURT: I think the reason you feel that way  
13 possibly is because you feel this involves factual issues  
14 more appropriately presented to a trial court; is that right?

15 MR. STICH: I thought I submitted sufficient  
16 statutory and case law to show that this Court did have  
17 jurisdiction.

18 As a matter of fact, Your Honor, in a previous  
19 action similar to this before Judge Schnacke, they did  
20 acknowledge and the United States Court of Appeals acknowl-  
21 edged I was in the correct Court, and it was a similar action  
22 such as this.

23 THE COURT: Are you aware of that?

24 MR. STOLL: I'm not aware of that, Your Honor.

25 MR. STICH: This was a previous action that I had

1 filed concerning the Federal Aviation Administration's  
2 misconduct, and in that particular action Judge Schnacke  
3 and the United States Court of Appeals ruled that I was in  
4 the right Court but the way it was dismissed was the excuse,  
5 over my objection, that I was asking the Court and the Judge  
6 and his Clerk to investigate, which I definitely was not  
7 requesting.

8 But I definitely had standing, and I was definitely  
9 in the right Court, and this is a similar action.

10 THE COURT: All right, you are entitled to your  
11 opinion and I wish you luck on appeal.

12 I can rarely remember when I had one matter, let  
13 alone two, when I did not mind being reversed, but in this  
14 case that is not because I have any question as to the sound-  
15 ness of my decision but because of my interest in the subject  
16 matter.

17 However, there you are. You can appeal this and  
18 also go directly to the Court of Appeals. All right.

19 MR. STOLL: Do you want a formal order?

20 THE COURT: No, I got one here. Thank you.

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CERTIFICATE OF REPORTER

I, the undersigned official reporter of the United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, California, do hereby certify:

That the foregoing transcript, Pages 1 through 5, inclusive, constitutes a true, full and correct transcript of my shorthand notes taken as such reporter of the proceedings hereinbefore entitled, and reduced to typewriting to the best of my ability.

Paul Schiller

**PAUL SCHILLER**

**OFFICIAL REPORTER, U. S. DISTRICT COURT  
SAN FRANCISCO, CALIFORNIA**