

SERVED: February 1, 1995

NTSB Order No. EA-4323

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24)
on the 1st day of February, 1995

DAVID R. HINSON,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-13279
v.)	
)	
FORESTEEN G. CHERRY,)	
)	
Respondent.)	
)	

ORDER GRANTING STAY

Respondent, by counsel's petition received January 24, 1995, has requested a stay of NTSB Order EA-4272, served December 5, 1994, pending disposition of a petition for review of that order to be filed in the United States Court of Appeals pursuant to Section 1006 of the Federal Aviation Act (49 U.S.C. 1486) and the NTSB Rules (49 C.F.R. 821.64).¹ No opposition to the request has been received. It appears that good cause exists for granting the stay.²

¹Board Order EA-4272 affirmed a 30-day suspension of respondent's private pilot certificate.

²We note that, were we to apply our new procedural rules (see 59 F.R. 59042, November 15, 1994), we would reject this stay request as late filed, as it would have been due within 30 days of December 5, 1994. However, because that due date occurred before the effective date of our new rules (January 17, 1994), we are accepting the petition for filing.

ACCORDINGLY, IT IS ORDERED THAT:

The effective date of NTSB Order EA-4272 is stayed until the expiration of the 60-day period within which a petition for review may be filed with the Court of Appeals; however, if such a petition is filed, the stay will continue in effect until the court enters judgment on the petition.

Daniel D. Campbell
General Counsel