

HOGAN & HARTSON

L.L.P.

ROBERT E. COHN
PARTNER
(202) 637-4999
RECOHN@HHLAW.COM

September 30, 2005

COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004-1109
TEL (202) 637-5600
FAX (202) 637-5910
WWW.HHLAW.COM

By Email

Andrew B. Steinberg, Chief Counsel
Federal Aviation Administration
800 Independence Avenue S.W.
Washington D.C. 20591

Dear Mr. Steinberg:

As you know, we represent the parties whose homes, businesses, religious cemetery, and treasured parklands are slated for acquisition and destruction under the City of Chicago's O'Hare Modernization Plan (OMP).

We (again) hereby formally request that the Federal Aviation Administration (FAA) issue an immediate stay of the Record of Decision (ROD) it issued today, September 30, 2005, which approved the City's request to amend its airport layout plan for the OMP, pending the conclusion of the impending court proceedings on the validity of the ROD. Because we sought a stay from FAA yesterday—which the agency promptly rejected—we do not believe that Rule 18(a) of the Federal Rules of Appellate Procedure requires us to reprise our request again today. Nevertheless, out of an abundance of caution and in the interests of cooperation, we are tendering this second request for a stay.

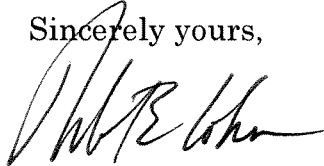
In support of our stay request, we are enclosing the Emergency Motion for Stay Pending Appeal, which, given the exigent circumstances and threatened irreparable harms, we intend to file this afternoon in the U.S. Court of Appeals for the D.C. Circuit—absent a stay from FAA. As our motion makes clear, the ROD threatens immediate and irreversible injury to petitioners, who are very likely to prevail on the merits of their claims.

Time is of the utmost essence. We therefore must request that you respond by no later than 1:30 P.M. EDT to our stay request. That is only two and one-half hours before the D.C. Circuit closes for the weekend. Because Chicago can wreak irreparable harm before Monday, we need to submit our Emergency Motion early enough to give the Court sufficient

Andrew B. Steinberg, Chief Counsel
September 30, 2005
Page2

time to consider whether to enter an immediate stay. If I do not hear from you before 1:30 P.M., we will consider our stay request denied.

Sincerely yours,

A handwritten signature in black ink, appearing to read "R. E. Cohn", written in a cursive style.

Robert E. Cohn

Enclosure

cc: Daphne Fuller
Joseph Karaganis
Gregory G. Garre