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# JOURNAL OF SPACE LAW

UNIVERSITY OF MISSISSIPPI SCHOOL OF LAW  
A JOURNAL DEVOTED TO SPACE LAW AND THE LEGAL PROBLEMS  
ARISING OUT OF HUMAN ACTIVITIES IN OUTER SPACE.

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**VOLUME 33**

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*Editor-in-Chief*

Professor Joanne Irene Gabrynowicz, J.D.

*Executive Editor*

Jacqueline Etil Serrao, J.D., LL.M.

*Bibliography Compiled By*

Macey Lynd Edmonson

*with the assistance of*

Joanne Irene Gabrynowicz

Jacqueline Etil Serrao

Rebecca J. Allsbrow

Shalanda R. Hudson

*Business Manager*

Michelle Aten

*Senior Staff Assistant*

Gregory Hunley

*Founder, Dr. Stephen Gorove (1917-2001)*

---

All correspondence with reference to this publication should be directed to the *Journal of Space Law*, P.O. Box 1848, University of Mississippi School of Law, University, Mississippi 38677; [jsl@olemiss.edu](mailto:jsl@olemiss.edu); tel: +1.662.915.6857, or fax: +1.662.915.6921.

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# DEDICATION

This book is dedicated to:

All of the authors, editors, researchers,  
and board members  
of the  
JOURNAL OF SPACE LAW

who,

for more than 30 years  
have collectively created  
an important body of work  
that has served  
the public and the space community.

Particular recognition goes to:  
Presiding Justice Kay Beavers Cobb  
of the Mississippi Supreme Court.

Justice Cobb served as the JOURNAL OF SPACE LAW'S  
Editor-in-Chief in 1977.

She is retiring from the Court in 2007 after  
a long and distinguished career in which she served  
in all three branches of the Mississippi State Government.

# INTRODUCTION

*Joanne Irene Gabrynowicz, Director  
April 2007*

This bibliography is an updated and expanded edition of the first one published by the National Center for Remote Sensing, Air, and Space Law (Center) in 2002.<sup>1</sup> The need to update the bibliography was obvious. Therefore, the Center has compiled this current, comprehensive bibliography to meet that need. As did the first one, this bibliography addresses the legal and policy aspects of remote sensing and space law. However, this second edition has been expanded to include aviation law—an extensive legal and policy field unto itself. Together, these topics span the entire spectrum of aerospace law.

The bibliography covers domestic and international literature, published in various languages, related to remote sensing, air, and space law and policy issues. It includes, for example, publications on data policy, privacy, liability, insurance, intellectual property, public law, and commercialization in the form of books, dissertations, reports, proceedings, symposia, government publications and other materials published between 1930 and 2007. Though the bibliography's focus is on law issues, a few relevant scientific and technical publications that can serve the lawyer, law student, and legal assistant as a reference, are included.

This bibliography contains a special section on U.S. case law. It includes state and federal cases in which remotely sensed and other geospatial data were used in a variety of legal

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<sup>1</sup> In 2002, the Center was known as the National Remote Sensing and Space Law Center.

proceedings, particularly litigation. There is also a section on selected recent aviation case law from 1990 to 2007. Selected law review articles that discuss some of the cases are also listed. This research was conducted in the Lexis, Westlaw, and OCLC/Worldcat databases. Search terms included, but were not limited to, “geographic information systems,” “GIS,” “geospatial,” “geospatial data,” “remote sensing,” “aerial photography,” “satellites,” “satellite images,” “global positioning system,” “GPS,” “radar,” “aerial images,” and “thermal imagery.”

In order to make the bibliography as accessible as possible to as many people as possible, the bibliography is published as both a text and a searchable CD.



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*Compiled by*

*Macey Lynd Edmonson with the assistance of  
Joanne Irene Gabrynowicz, Jacqueline Etil Serrao,  
Rebecca J. Allsbrow, and Shalanda R. Hudson*

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Treaty Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and other Celestial Bodies, Moscow, London, & Washington, January 27, 1967.

Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Space, Moscow, London & Washington, April 22, 1968.

Convention on the International Liability for Damage Caused by Space Objects, Moscow, London & Washington, March 29, 1972.

Convention on Registration of Objects Launched into Outer Space, New York, December 12, 1974.

Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, New York, December 12, 1974.

Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite, Brussels, 21 May 1974.

Convention on the Transfer and Use of Data of Remote Sensing of the Earth from Outer Space, Moscow, 19 May 1978.

Constitution of the International Telecommunication Union, Geneva, 22 December 1992.

European Convention Relating to Questions on Copyright Law and Neighboring Rights in the Framework of Transfrontier Broadcasting by Satellite, 1994.

International Space Station Intergovernmental Agreement (“IGA”), 29 January 1998.

### **Remote Sensing Case Law**

#### **United States Supreme Court Cases**

*Kyllo v. U.S.*, 533 U.S. 27 (2001). The Supreme Court held that: (1) use of remote sensing technology to sense the interior of a constitutionally protected area (home), which, ordinarily could not be gathered without physical entry, constitutes a “search”; (2) measuring heat coming from home through the use of thermal imaging constitutes a “search”.

*Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, (1993). The Supreme Court held that: (1) under the Federal Rules of Evidence, “general acceptance” is not a precondition for scientific evidence to be admissible in court; and (2) under the Federal Rules of Evidence, the trial judge is responsible for ensuring that the expert’s testimony is relevant and reliable.

*Dow Chemical Company v. U.S.*, 476 U.S. 227 (1986). Under the Clean Air Act, the Environmental Protection Agency has statutory authority to use aerial surveillance to inspect an industrial complex, and such aerial photography does not constitute a “search” under the Fourth Amendment.

#### **United States Courts of Appeals Cases**

*United States v. Valencia*, 2006 U.S. App. LEXIS 32306 (11<sup>th</sup> Cir. 2006). A surveillance aircraft was used to spot an unregistered boat off the coast of Ecuador, a drug-smuggling route. It was not determined whether the boat was subject to U.S. jurisdiction.

*United States v. Chiquito*, 175 Fed. Appx. 215 (10<sup>th</sup> Cir. 2006). The government had taken a variety of photographs where the accident in the case at hand occurred, which included aerial photographs and videotape with panoramic and focused

shots. If the defendant found the government's photography inadequate, he could have provided his own.

*United States v. Aguirre*, 147 Fed. Appx. 893 (11<sup>th</sup> Cir. 2005). A mistrial was not granted whereby a map, not admitted into evidence, was used by a juror, but was deemed cumulative to an aerial photograph that was introduced into evidence.

*Dean v. Duckworth*, 99 Fed. Appx. 760 (8<sup>th</sup> Cir. 2004). The appellate court agreed with the district court whereby photographs taken of plaintiffs' property did not violate the Fourth Amendment in that the photographs were taken due to an investigation on road and bridge damage on conservation commission property. Further, the court stated that taking photographs is not akin to thermal imaging.

*United States v. Bennett*, 363 F.3d 947 (9<sup>th</sup> Cir. 2004). A customs officer's testimony in an illegal importation case regarding a global positioning system he discovered during his boat search of the defendant showed the defendant's route from Mexican waters. As this violated the best evidence rule, the defendant was prejudiced and his importation conviction did not survive.

*United States v. Ishmael*, 343 F.3d 741 (5<sup>th</sup> Cir. 2003). The prisoner's petition was based upon *Kyllo*, which held that the warrantless use of thermal imaging to measure heat emanating from a home constituted a presumptively unreasonable search. This claim was barred because *Kyllo* did not apply retroactively.

*United States v. Jarrell*, 68 Fed. Appx. 622 (6<sup>th</sup> Cir. 2003). Agent's reliance on warrant, which was issued pursuant to an affidavit that provided information using thermal imaging, was not unreasonable.

*United States v. Real Property located at 15324 County Highway E.*, 332 F.3d 1070 (7<sup>th</sup> Cir. 2003). Law enforcement agents used thermal images without obtaining a search warrant. The case was remanded back to the district court whereby forfeiture of the house was ordered.

*United States v. Davis*, 326 F.3d 361 (2<sup>nd</sup> Cir. 2003). Court held that audio recordings were not considered sense-enhancing technology that was not in general public use. No violation of the Fourth Amendment was found.

*In re Huston*, 308 F.3d 1267 (Fed. Cir. 2002). Inventor filed application for invention whereby an advertisement message

would be displayed on a screen to a golfer based upon his/her position as determined by a global positioning system.

*United States v. Huggins*, 299 F.3d 1039 (9<sup>th</sup> Cir. 2002). Officers used thermal imaging to determine whether a marijuana manufacturing operation existed. The court determined that the search was relied upon in good faith by a search warrant issued due to an informant's tip.

*United States v. Elkins*, 300 F.3d 638 (6<sup>th</sup> Cir. 2002). Police officers searched buildings after receiving a tip regarding a marijuana manufacturing operation. Some of the evidence, which included thermal imaging material, was permitted and some was suppressed.

*Therma-Scan, Inc. v. Thermoscan, Inc.*, 295 F.3d 623 (6<sup>th</sup> Cir. 2002). Court discussed trademark whereby infrared thermal imaging examinations of the human body by an examiner were performed.

*United States v. Larry Reed & Sons, P'ship*, 280 F.3d 1212 (8<sup>th</sup> Cir. 2002). Court held that it was not an abuse of discretion to allow expert testimony regarding soil preparation of farmland based upon computer analysis of satellite images.

*United States v. Hammond*, 351 F.3d 765 (6<sup>th</sup> Cir. 2002). Thermal imaging used to measure heat coming from a home cannot be used, per the *Kyllo* decision, unless a warrant is issued.

*United States v. Lopez-Lopez*, 282 F.3d 1 (1st Cir. 2002). Court allowed testimony of customs service agent regarding the use of Global Positioning Systems in drug importation schemes. Evidence was found to be relevant. A GPS system was found on the boat in question.

*Fairport International Exploration, Inc. v. The Captain Lawrence*, 245 F.3d 857 (6th Cir. 2001). Remote sensing technology was used to locate a shipwrecked vessel and was applied in court.

*Students Against Genocide v. Department of State*, 257 F.3d 828 (D.C. Cir. 2001). Plaintiffs requested the satellite and aerial imagery used by defendants U.S. Departments of State and Defense, and the U.S. Central Intelligence Agency, over Bosnia. The court evaluated the security risk of the disclosure of such satellite and aerial imagery.



*NutraSweet Co. v. X-L Engineering Co.*, 227 F.3d 776 (7th Cir. 2000). Aerial photography of a hazardous waste site was used as evidence to prove that defendant was responsible for the dumping.

*Sea Hunt, Inc. v. The Unidentified Shipwrecked Vessel or Vessels*, 221 F.3d 634 (4th Cir. 2000). Remote sensing technologies used to find the remains of two shipwrecks, and to assert the right to the two shipwrecks.

*St. Martin v. Mobil Exploration & Producing U.S. Inc.*, 224 F.3d 402, (5th Cir. 2000). Aerial photography was introduced as evidence to prove that defendants damaged marsh land.

*United States v. Asarco Inc.*, 214 F.3d 1104 (9th Cir. 2000). A GIS database was admitted into the administrative record in a case involving claims relating to land.

*Pittson Co. v. Allianz Insurance Co.*, 905 F. Supp. 1279, (D.N. J. 1995), rev'd in part on other grounds, 124 F.3d 508 (3d Cir. 1997). Aerial pictures were admitted into evidence to show extent of pollution on property. Plaintiff objected when the expert hydrogeologist referred to such photos, stating that the expert was unqualified to interpret the aerial photos. Court allowed the expert's testimony due to the fact that members of his profession reasonably rely on such photos.

*United States v. Ishmael*, 48 F.3d 850, (5th Cir. 1995). The use of thermal imagery to detect marijuana growth on private property was not a violation of the Fourth Amendment and that probable cause to issue a warrant to search the building existed.

*Chevron U.S.A., Inc. v. U.S. E.P.A.*, 658 F.2d 271 (5th Cir. 1981). Satellite evidence was admitted and found to be inconclusive on the issue of whether a particular wilderness area had exceeded five thousand acres in size to qualify it as a Class I federal area and, thus, subject to protection under the Clean Air Act.

*U.S. v Kilgus*, 571 F.2d 508 (9th Cir. 1978). The use of a Forward Looking Infrared System was found to be inadmissible because defense could not impeach such data as it was considered a military secret.

### United States Court of Federal Claims Cases

*Banks v. United States*, 49 Fed. Cl. 806 (Fed. Cl. 2001). Ground radar and underwater video data in a technical report was introduced as evidence in a claim that US Army Corps of Engineers caused the erosion of shoreline property.

*Wetsel-Oviatt Lumber Co., Inc. v. U.S.*, 40 Fed. Cl. 557 (Fed. Cl. 1998). Court did not rely on aerial and satellite photography of an area used for timber. The court stated that such evidence was not accurate.

*Gasser v. United States*, 14 Cl. Ct. 476, (Cl. Ct. 1988), *opinion withdrawn on other grounds*, 22 Cl.Ct. 165 (Cl. Ct. 1990). This suit for compensation was based on the Fifth Amendment to the Constitution of the United States. Plaintiffs, owners of property interests in Baja California, Mexico, alleged that the construction and operation of Hoover Dam and Glen Canyon Dam in the United States resulted in a substantially reduced flow of water in the Colorado River, causing the development of a sediment blockage below their properties. Aerial and satellite photography introduced at trial detailed the progress of channel development subsequent to 1935.

### Federal District Court Cases

*Johnson v. Hamrick*, 155 F. Supp.2d 1355 (N.D. Ga. 2001). GIS software was used to create a proposed districting system in a challenge against a city's at large system for electing city council.

*Images Audio Visual Productions, Inc. v. Perini Bldg. Co., Inc.*, 91 F.Supp. 2d 1075 (E.D. Mich. 2000). Aerial photographs of construction site progress were distributed to others, without the permission of the photographer. Court held this did not constitute fair use of photographs.

*Yankton Sioux Tribe v. U.S. Army Corps of Engineers*, 83 F. Supp. 2d 1047, (D.S.D. 2000). In a preliminary injunction case seeking to protect lakeshore grave sites, the court ordered remote sensing equipment be used to locate the remains in the sites.

*I & M Rail Link v. Northstar Navigation*, 21 F. Supp. 2d 849, (N.D. Ill. 1998). Satellite photos helped determine whether

a barge accident occurred in Illinois or Iowa to determine whether a court had personal jurisdiction over a defendant. Infrared aerial photography helped to determine if the State of New Jersey claimed title to a substantial part of plaintiff's land as the tide-flowed riparian lands.

*Surfrider Foundation v. Dalton*, 989 F. Supp. 1309 (S.D. Cal. 1998). GIS surveys comprising 60 years of aerial photographs were used as evidence showing that the United States Marine Corps met the requirements of the National Environmental Policy Act regarding a proposed military housing construction project.

*U.S. v. Fisher*, 977 F. Supp. 1193, (S.D. Fla. 1997). Photographs were used to determine damages caused by a treasure-hunting company whose blowholes damaged 1.63 acres of sea-grass.

*Lathrop v. the Unidentified, Wrecked & Abandoned Vessel*, 817 F. Supp. 953, (M.D. Fl. 1993). State sought to prevent salvor from dredging or excavating an underwater national park land. Evidence indicated that salvage operations consisted primarily of remote sensing surveys and the use of a magnetometer.

*Good v. Austin*, 800 F. Supp. 557 (E.D. Mich. 1992). A GIS specialist was appointed by the court to examine the apportionment of Michigan's congressional districts, and to design a GIS plan for redistricting.

*Nation Magazine v. U.S. Dep't of Defense*, 762 F. Supp. 1558, (S.D.N.Y. 1991). Members of press challenged US Department of Defense regulations governing media coverage of US military activities during periods of open hostilities. The Court upheld regulation which restricted access to satellite data over military sensitive areas during Operation Desert Shield.

*ANR Production Co. v. M/V MEKHANIK DREN*, 1989 WL 180064 (S.D. Tex. 1989). Platform in the Gulf of Mexico sustained damages after being struck by a ship. Official satellite photographs were used to show weather conditions in the area at the time of the accident.

*In re Vernon Sand & Gravel, Inc.*, 93 B.R. 580, (Bkrctcy. N.D. Ohio 1988). In an environmental reclamation cost incurred by state as a result of debtors' surface mining activity, aerial

photographs were dispositive on the issue of a discrepancy regarding the acreage of land involved.

*Bayou Des Familles Development Corporation v. U.S. Corps of Engineers*, 541 F. Supp. 1025, (E.D. La. 1982). Federal government denied a leveeing and pumping station permit filed by developer of river front property. Remote sensing was used to show evidence of wetland hydrology, and to indicate that the property in question was, in fact, a wetland.

*United States v. Reserve Mining Co.*, 380 F. Supp. 11 (D. Minn. 1974). Satellite photographs of lake were introduced in court as evidence showing defendant discharged taconite tailings into the waters of Lake Superior.

*United States v. Garcia*, 2006 U.S. Dist. LEXIS 29596 (W. D. Wis. 2006). Under either burden of proof presented by the government, it was not constitutionally unreasonable for the agents to place a GPS device on defendant's Tempo in an attempt to determine if he really had started cooking methamphetamine, and if so, where his lab was located.

*United States v. Assi*, 414 F. Supp. 2d 707 (Mich. 2006). Defendant was charged with the attempt to provide Hizballah, a terrorist organization, with night vision goggles, global positioning satellite modules, and a thermal imaging camera.

*Zoltar Satellite Sys. v. LG Elecs. Mobile Communs. Co.*, 402 F. Supp. 2d 731 (E. D. Texas 2005). Patent infringement case involving a global positioning system being incorporated in products associated with the cellular telephone industry.

*Baldi v. Amadon*, 2004 DNH 55 (N.H. 2004). Use of a night scope from an adjoining parcel of land where the petitioner did not show that otherwise his property could not be observed, did not violate the Fourth Amendment. The court distinguished the use of a night scope with thermal imaging technology.

*United States v. Jackson*, 2004 U.S. Dist. LEXIS 15676 (Ind. 2004). Use of a dog to sniff contents inside a home is analogous to thermal imaging use as indicated in *Kyllo* and constitutes a search requiring a warrant.

*United States v. Allen*, 289 F. Supp. 2d 230 (N.D.N.Y. 2003). Aerial photographs taken by investigators did not constitute a search of property. The defendant did not put on enough evidence to support thermal-imaging claim.

*Cumming v. United States*, 2003 U.S. Dist. LEXIS 11448 (Me. 2006). Motion to vacate and to withdraw guilty pleas was denied. Court discussed suppression of evidence whereby thermal imaging was used.

*United States v. 15324 County Highway E. Richland Ctr.*, 301 F. Supp. 2d 868 (W.D. Wis. 2002). Court determined that the good faith exception to the exclusionary rule applied to the thermal imaging scan of home.

*EOSAT v. DoC/NASA* (D. D. C., 1995). Language contained in the Competition in Contracting Act ("CICA") conflicted with language of the Land Remote-Sensing Commercialization Act ("Landsat Act"). This led to a contractual issue between the Department of Commerce and the Earth Observation Satellite Company. The Court opined that such contract needed to be renegotiated, and held that the Landsat Act does not authorize negotiators to procure a contract under the CICA process.

## State Court Cases

### Alaska

*Johnston v. State*, 2002 Alas. App. LEXIS 70 (2002). Search warrant did not contain use of thermal imaging. Use of thermal scan needed to be expanded upon as to whether it intensified a search of warehouse.

### California

*Streisand v. Adelman et al.*, Case No. SC 077 257 (Cal., 2003). Digital images from a helicopter were taken of Barbra Streisand's home. The posting of these images did not violate California statutes.

*People v. Gotfried*, 107 Cal. App. 4th 254 (2003). Court held that a search warrant authorizing law enforcement to use a thermal imaging device to scan defendant's residence was not supported by probable cause.

### Connecticut

*Dir. v. Freedom of Info. Comm'n*, 2003 Conn. Super. LEXIS 3617 (2003). Court concluded that GIS data was a trade secret under Conn. Gen. Stat. § 1-210(b)(5)(A)(ii).

*Turner v. Am. Car Rental, Inc.*, 92 Conn. App. 123 (2005). A customer rented a vehicle whereby a GPS system was used to monitor the speed and penalize the customer should he speed while driving. This did not violate the customer's right to privacy.

*State v. Mordowanec*, 259 Conn. 94 (2002). The court did not have to address the issue of whether thermal imaging, which showed a portion of defendant's home to be warmer, was a Fourth Amendment violation, whether the use of electric bills to show increased electric use violated Conn. Gen. Stat. § 16-262c, or whether it was an invasion of privacy.

*State v. Wright*, 752 A.2d 1147 (Conn. App. Ct. 2000). In a drug offense case, a computer generated engineering map was introduced as evidence showing that the defendant's residence was 1125 feet from an elementary school. The City GIS techni-

cian testified that the locations on the map and the coordination system which formed the basis of the map were accurate and fair representations of the distance.

*Gioielli v. Mallard Cove Condominium Ass'n, Inc.*, 658 A.2d 134, (Conn. App. Ct. 1995). In a prescriptive easement case, aerial photos of the properties in question were inadmissible because defendant provided no argument as to how the photos were relevant to its case.

*Peterken v. Wetlands Com'n of Town of Haddam*, 2001 WL 238098, (Conn. Super. Ct. 2001). A GIS map was submitted with an application for approval of construction of a driveway across a wetland area. The court affirmed the approval.

### **District of Columbia**

*United States v. Jones*, 451 F. Supp. 2d 71 (D.C. 2006). Text message data obtained from a tracking device while on public roads was admissible; however, messages received from the device while parked inside the garage of the defendant's home had to be suppressed since he had a justifiable privacy interest in the home.

*Roum v. Bush*, 461 F. Supp. 2d 40 (D.C. 2006). Complaint alleged that the FBI used the movant's neighbor's apartment to direct thermal imaging and radiological devices against him, as the result of an insurance company dispute after a car collision. The court found these allegations to be unrealistic.

### **Idaho**

*Woodward v. State*, 142 Idaho 98 (2005). Evidence was supplied showing probable cause whereby police conducted a surveillance of inmate's son's property using a thermal imaging device. This did not violate the Due Process Clause of the Fourteenth Amendment.

### **Illinois**

*Civix-DDI, LLC v. Nat'l Ass'n of Realtors*, 2006 U.S. Dist. LEXIS 81102 (N.D. Ill. 2006). Court found genuine issues of material fact as to whether all of defendant's activities, including

the generation of an intermediate webpage, were covered under the covenant-not-to-sue.

### **Indiana**

*Frasier v. State*, 794 N.E.2d 449 (Ind. 2003). The court denied motion to suppress evidence. The evidence that the defendant sought to oppress was admissible due to the good faith exception of the exclusionary rule.

*Amoco Production Co. v. Laird*, 622 N.E. 2d 912 (Ind. 1993). An oil company spent seven months investigating, and used microwave radar surveys, to locate potential oil fields. The Court determined that such information was entitled to trade secret protection.

### **Kentucky**

*Revenue Cabinet v. Gillig*, 957 S.W. 2d 206 (Ky. 1997). A Geographic Information System was used by the Kentucky Revenue Cabinet to determine unmined tracts of coal. The Court held that the method was valid.

### **Maryland**

*Kline v. Green Mount Cemetery*, 677 A.2d 623 (Md. Ct. Spec. App. 1996). Relatives of John Wilkes Booth petitioned to have his body disinterred from his grave for verification. Cemetery opposed the petition and Court dismissed the petition. Court noted that ground penetrating radar used to fix the location merely indicates an anomaly under the surface of the soil.

### **Montana**

*Blasdel v Montana Power Co.*, 640 P.2d 889 (Mont. 1982). In an inverse condemnation case, aerial photographs were admitted into court to show evidence of damage levels to property.

### **New Jersey**

*Velsicol Chemical Corp. v. State, Dept. of Environmental Protection*, 442 A.2d 1051 (N.J. Super. Ct. App. Div. 1982). In-



frared aerial photographs were not enough to sustain the State's burden of proof in an acreage title case. The methodology in gathering such data could not be substantiated.

### **Oklahoma**

*Oklahoma Water Resources Bd. v. Texas County Irr. and Water Resources Ass'n, Inc.*, 711 P.2d 38 (Okla. 1984). In a case involving groundwater elimination, the court noted that Texas has used satellite imagery to get precise estimates of the extent of drainage of the water table. Oklahoma had not taken such steps, and therefore, Oklahoma's approval of an oil company's request to withdraw groundwater for an oil recovery process was reversed.

### **Tennessee**

*State v. Perry*, 2000 WL 1246577 (Tenn. Crim. App. 2000), Appeal denied March 12, 2001. A GIS program and a computer mapping system was used to identify a 1000 foot buffer zone around each school. In a drug possession case, State proved that defendant's residence was within 1000 feet of a school, and, therefore, the defendant was convicted of two counts of possession of cocaine.

### **Washington**

*State of Washington v. Jackson*, 46 P.3d 257 (Wash. Ct. App. 2002). Defendant's privacy interests were insufficient to require warrants, given that monitoring of his public travels in his truck by use of GPS device was merely sense augmenting, revealing open view information of what might easily have been seen from lawful vantage point without such aids.

### **Wisconsin**

*Garmin Ltd. v. Tomtom, Inc.*, 2006 U.S. Dist. LEXIS 61187 (Wis. 2006). Court laid out rules of claims in construction for patent cases. It stated that in some instances the defendant had not adequately disclosed the structure corresponding to the associated function in its patent.

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*Olympic Airways v. Husain*, 540 U.S. 644 (2004). The Court determined that a flight attendant contributed to a chain of events that led to a passenger's death by an asthma attack. This was held to be an accident under the Convention for the Unification of Certain Rules Relating to International Transportation by Air, Oct. 29, 1934, art. 17, 49 Stat. 3000, T.S. No. 876 (reprinted at 49 U.S.C.S. § 40105).

*El Al Isr. Airlines v. Tsui Yuan Tseng*, 525 U.S. 155 (1999). The Supreme Court held that the respondent's intrusive security search was not an "accident" as intended by the Warsaw Convention, therefore the respondent was barred from bringing a private action.

*Dooley v. Korean Air Lines Co.*, 524 U.S. 116 (1998). Decedent's heirs brought suit when plane was shot down in Soviet Union airspace. The Court held that the Death on the High Seas Act limited recovery, namely punitive damages.

*Am. Airlines v. Wolens*, 513 U.S. 219 (1995). Court held that a state may impose court enforcement of contract terms set by airlines and passengers regarding frequent flyer program. This did not violate the Airline Deregulation Act, 49 U.S.C.S. app. § 1305(a)(1).

*Zicherman v. Korean Air Lines Co.*, 516 U.S. 217 (1996). Court held that the determination of recoverable damages was a question of domestic law per the Warsaw Convention. Further, the Court held that petitioners could not recover for loss of society under the Death on the High Seas Act.

*Hawaiian Airlines v. Norris*, 512 U.S. 246 (1994). An employee's state tort claims were barred by the RLA because only facts as to whether the airline acted with retaliation were in question.

*Northwest Airlines v. County of Kent*, 510 U.S. 355 (1993). Appellate court decision was affirmed where no violation of the federal Anti-Head Tax Act (AHTA), 49 U.S.C.S. app. § 1513 was found when an airport charges reasonable rental charges to use its facilities.

*Morales v. TWA*, 504 U.S. 374 (1992). The Supreme Court held that air travel industry enforcement guidelines were preempted, 49 U.S.C.S. § 1305(a)(1).

*Eastern Airlines v. Floyd*, 499 U.S. 530 (1991). Court held that claims based solely on mental distress were not allowed per the Warsaw Convention, 49 U.S.C.S. § 1502, which set forth conditions whereby an air carrier could be liable to passengers for damages.

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