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First Lawsuit to Clarify the Rights of Drone Operators and Property Owners Filed in Federal Court

The first lawsuit regarding the rights of drone operators versus property owners has been filed in federal court. On Monday, Kentucky resident David Boggs filed a suit in The United States District Court of Western Kentucky asking the court to “define clearly the rights of aircraft operators and property owners” as they relate to unmanned aircraft. The lawsuit stems from an incident last year that gained national media attention in which a Hillview, Kentucky resident shot down an unmanned aircraft being flown by Boggs, claiming that the drone had trespassed and invaded his privacy.

Although the shooter initially faced criminal charges, those charges were eventually dismissed by a state court judge. On October 26, 2015, Kentucky District Court Judge Rebecca Ward dismissed the criminal charges, saying that he “had a right to shoot” at the aircraft. Boggs, on the other hand, claims that he was approximately 200 feet above the property at the time it was shot down and did not view or record the defendant’s property.

“The tension between private property rights and the freedom to use the national airspace is important to both the unmanned aircraft industry and the general public,” says James Mackler, Boggs’ legal counsel who leads Frost Brown Todd’s Unmanned Aircraft Systems practice. “Property owners deserve to be free from harassment and invasion of their privacy. Likewise, aircraft operators need to know the boundaries in which they can legally operate without risk of being shot down. This lawsuit will give clarity to everyone.”

“Our client is requesting clarification of the legal issues and to be compensated for the damage to his aircraft,” says co-counsel Chip Campbell, also of Frost Brown Todd. Both Campbell and Mackler are former military aviators who advise clients on a variety of issues

relating to unmanned aircraft operation.

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