

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 07-10729  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT May 20, 2008 THOMAS K. KAHN CLERK
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D. C. Docket No. 05-80543 CV-KLR

TCC AIRSERVICES, INC.,  
a Delaware Corporation,  
BASIC SYSTEMS OF DELAWARE, INC.,  
a Delaware Corporation,

Plaintiffs-Appellees,

versus

RICHARD SCHLESINGER,

Defendant-Appellant.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Florida  
\_\_\_\_\_

**(May 20, 2008)**

Before ANDERSON, HULL and SILER,\* Circuit Judges.

PER CURIAM:

\_\_\_\_\_  
\*Honorable Eugene Siler, Jr., United States Circuit Judge for the Sixth Circuit, sitting by designation.

After oral argument and careful consideration, we conclude that the judgment of the district court is due to be affirmed. We believe that the instant situation is probably within the contemplation of 14 C.F.R. § 91.501(b)(5), which indicates that charges not in excess of the cost of owning, operating and maintaining the airplane may be made when the situation involves carriage of guests of a company when the carriage is within the scope of, and incidental to, the business of the company (other than transportation by air). Schlesinger failed to prove that the charges exceeded such costs.

In any event, we agree with the district court that Schlesinger is not within that class of persons intended to be protected by the regulation.

Accordingly, the judgment of the district court is

**AFFIRMED.**