

Appeal No. 13-15000

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

US AIRWAYS, INC.,
Appellant,

v.

DON ADDINGTON, et al.,
Appellees,

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
THE HONORABLE ROSLYN O. SILVER, CHIEF JUDGE
CASE No. 10-1570-PHX-ROS

DECLARATION OF CHRIS A. HOLLINGER

I, Chris A. Hollinger, submit the following declaration in support of the Motion To Hold The Appeal In Abeyance filed by appellant US Airways, Inc. (“US Airways”):

1. I am an attorney licensed to practice law in the State of California, and a partner with the law firm of O’Melveny & Myers LLP. I am one of the attorneys principally responsible for the representation of US Airways in this matter. I have personal knowledge of the facts set forth below, and, if called as a witness, I could and would competently testify thereto.

2. The Memorandum Of Understanding Regarding Contingent Collective Bargaining Agreement (“MOU”) sets the terms, and/or prescribes procedures for setting terms, of the collective bargaining agreement that will become applicable to the American Airlines, Inc. (“American”) pilots and the US Airways (East and West) pilots if the US Airways/American merger closes. As set forth in the MOU (*see, e.g.*, ¶¶ 1, 4 (attached as Exhibit 1 to the Declaration by Andrew S. Jacob (Doc. No. 8-2))), those terms and conditions of employment are the 2012 Collective Bargaining Agreement (“CBA”) between American and the Allied Pilots Association (“APA”), the union which represents American’s pilots, as modified pursuant to the MOU. The amendable date of the 2012 American-APA CBA is January 1, 2019, and the amendable date will not be modified as part of the MOU process.

3. On April 18, 2013, counsel for US Airways advised counsel for appellees USAPA and the West Pilot Class of US Airways’ intent to file the instant Motion To Hold The Appeal In Abeyance. On that same day, Marty Harper (counsel for the West Pilot Class) advised that the West Pilot Class do not oppose US Airways’ motion, and Patrick Szymanski (counsel for USAPA) advised that USAPA would oppose the motion.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated: April 19, 2013.

/s/ Chris A. Hollinger
Chris A. Hollinger
Counsel for Appellant
US Airways, Inc.

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I electronically filed the foregoing Motion to Hold the Appeal in Abeyance with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system, on April 19, 2013. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

I further certify that I have caused personal service of the within Motion to be effected on this same date on the following recipients:

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