

FILED

JUL 08 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DON ADDINGTON, individual resident of the State of Arizona, formerly employed by America West Airlines, Inc. and presently employed by its successor after merger, US Airways, Inc.; JOHN BOSTIC, individual resident of the State of Arizona formerly employed by America West Airlines, Inc. and presently employed by its successor after merger, US Airways, Inc.; MARK BURMAN, individual resident of the State of Arizona, formerly employed by America West Airlines, Inc. and presently employed by its successor after merger, US Airways, Inc.; AFSHIN IRANPOUR, individual resident of the State of Arizona, formerly employed by America West Airlines, Inc. and presently employed by its successor after merger, US Airways, Inc.; ROGER VELEZ, individual resident of the State of Arizona, formerly employed by America West Airlines, Inc. and presently employed by its successor after merger, US Airways, Inc.; STEVE WARGOCKI, individual resident of the State of Arizona, formerly employed by America West Airlines, Inc. and presently employed by its successor after merger, US Airways, Inc.,

Plaintiffs - Appellees,

No. 09-16564

DC No. 2:08-CV-01633 NVW
D. Ariz.

ORDER

v.

US AIRLINE PILOTS ASSOCIATION,
an unincorporated association representing
the pilots in the employment of US
Airways, Inc., a Delaware corporation,

Defendant - Appellant,

and

US AIRWAYS, INC., a Delaware
corporation; STEPHAN BRADFORD;
ROBERT DAVISON; DOUGLAS L.
MOWERY,

Defendants.

Before: TASHIMA, GRABER and BYBEE, Circuit Judges.

The panel voted to deny the petition for clarification and said petition is denied.

Judge Graber votes to deny the petition for rehearing en banc, Judge Bybee votes to grant the petition for rehearing en banc, and Judge Tashima recommends that the petition for rehearing en banc be denied. The full court has been advised of the petition for rehearing en banc and no judge of the court has requested a vote on en banc rehearing. *See* Fed. R. App. P. 35(f).

The petition for rehearing en banc is denied.