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November 12, 2009 *via ECF*

Office of the Clerk
Attn: Molly C. Dwyer
James R. Browning Courthouse
U.S. Court of Appeals
P.O. Box 193939
San Francisco, CA 94119-3939

Matter: Notice Of Potential Judicial Disqualification
References: Addington v. US Airline Pilots Assn., Appeal No. **09-16564**

Dear Ms. Dwyer:

Pursuant to a prior discussion with the Court's clerk, we write to advise the Court that we are aware of a potential judicial disqualification were the Honorable Judge Barry G. Silverman appointed to the reviewing panel in the above-cited matter. This would arise because, on information and belief, an attorney for Appellees, Mr. Andrew S. Jacob, who may argue the case for Appellees, did clerk for Judge Silverman (2003-04).

We also attach an internet publication from a class plaintiff who insinuates that plaintiffs will benefit from the presence of his relatives employed by the Ninth Circuit. (See, [Attachment A](#)). Although we have been unable to confirm the veracity of these assertions, their dissemination throughout various internet channels has generated widespread concern among US Airways pilots that their right to a fair hearing may be at risk. We respectfully request the Court's consideration of the attachment.

The pending appeal has been expedited and oral argument now scheduled for December 8, 2009. We address the Court at this time, before the panel is selected, to avoid any disruption of that argument. I can be reached directly at (612) 210-8460, or at ngranath@ssmplaw.com. Thank you.

Sincerely,
Seham, Seham, Meltz, Petersen, LLP

s/ Nick Granath

Nicholas Paul Granath, Esq.
Admitted Attorney For Appellants US Airline Pilots Assn.

November 12, 2009

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cc:

M. Harper, Esq (for Appellees)

A. Jacobs, Esq. (for Appellees)

R. Siegel, Esq. (for US Airways Inc.)

L. Seham, Esq.

L. Middlebrook, Esq.

S. Silverstone, Esq

Attachment A

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Subject: Merger Decision

Author: MARK DOYAL

Date: 11 May 2007 09:19 PM

"Besides being a pilot, I'm also a lawyer and a former prosecuting attorney (probably should've never left, but I can go back anytime). My father is a retired federal judge, my 3 brothers are lawyers, and I have one other district court judge in the family. Just to give a background of where I'm coming from."

Mark
P2897

<http://www.pilotloop.com/secure/Forum/tabid/57/forumid/2/threadid/6811/scope/posts/threadpage/1/Default.aspx>

Today @ 4:44 PM

[REDACTED]
281 posts

Re: WRe: MORE FURLOUGHSI

[Quote Reply](#)

WOW, so the 9th is biased thanx for the heads up! STAY SAFE JAA!

[Report Post](#)

Today @ 4:38 PM

[Mark Doyal](#)
47 posts

Re: WRe: MORE FURLOUGHSI

[Quote Reply](#)

[REDACTED]
WOW, MARK your next career choice should be the FBI(I THINK THEY USE POLY) but hey if not ask WAKE for a recommendation! STAY SAFE BE WELL ! LUV THOSE ATT. JOKES JAA! PS does your family have any affiliation to JUDGE WAKE or is that a POLY QUESTION! JAA!

No affiliation to Judge Wake. But I have two cousins sitting on the 9th.

[Report Post](#)

Today @ 4:17 PM

[REDACTED]
[REDACTED]

[REDACTED]

[Quote Reply](#)

[REDACTED]

[Report Post](#)

Today @ 4:08 PM

[REDACTED]
[REDACTED]

Re: MORE FURLOUGHSI

[Quote Reply](#)

[REDACTED]

[REDACTED]

[REDACTED]