

FILED

UNITED STATES COURT OF APPEALS

NOV 18 2009

FOR THE NINTH CIRCUIT

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

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.; et al.,

Plaintiffs - Appellees,

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; et al.,

Defendants.

No. 09-16564

DC No. 2:08 cv-1633 NVW
D. Ariz., Phoenix

ORDER

Defendant-appellant's motion to stay judgment and all other proceedings pending appeal ("motion"), which is now fully briefed, has been referred to the merits panel for determination. The merits panel has determined that defendant-appellant will not suffer any irreparable harm pending oral argument on the merits

on December 8, 2009. Therefore, further consideration and determination of the motion are postponed to be heard together with the merits. At oral argument, the parties may address the motion, as well as the merits.

BY ORDER OF THE COURT.

MOLLY C. DWYER, Clerk

By: Shane Colegrove
Deputy Clerk