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16 Attorneys for all Defendants  
in both cases

17  
18 IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

19 Don ADDINGTON; John BOSTIC;  
20 Mark BURMAN; Afshin  
IRANPOUR; Roger VELEZ; and  
21 Steve WARGOCKI,

22 Plaintiffs.

23 vs.

24  
25 Defendants.

No. CV2008-1633 PHX NVW

**MOTION TO CONSOLIDATE**

1 Don ADDINGTON; John BOSTIC;  
2 Mark BURMAN; Afshin  
3 IRANPOUR; Roger VELEZ; and  
Steve WARGOCKI,

No. CV2008 1728 PHX MHM

4 Plaintiffs,

5 vs.

6 Steven H. BRADFORD, Paul J.  
7 DIORIO, Robert A. FREAR,  
Mark. W. KING, Douglas L.  
8 MOWERY, and John A. STEPHAN,

9 Defendants.

10 Defendants in both of the above cases, by and through  
11 counsel undersigned, hereby move the Court to consolidate  
12 the two above-captioned cases. In support of this Motion,  
13 these Defendants show as follows:

14 1. The case docketed as CV2008-1633 was filed in this  
15 Court on September 4, 2008. The case docketed as CV2008-  
16 1728 was simultaneously filed in the Superior Court for the  
17 State of Arizona in and for Maricopa County. The Defendants  
18 in that matter removed that case to this Court on September  
19 19, 2008.

20 2. As noted in the Notice of Removal (see Ex. 1), the  
21 two cases arise under identical facts, involve the same or  
22 closely related parties and the outcome of each will affect  
23 the rights and responsibilities of all parties to both  
24 cases. Indeed, Plaintiffs in CV2008-1633 are currently  
25 seeking a preliminary injunction which will impact the  
26 rights of the Defendants in CV2008-1728.

1           3. The Notice of Removal also demonstrates that the  
2 legal arguments applicable in each suit are the same.

3           4. The Notice of Removal also shows that the two  
4 lawsuits arise out of one ongoing dispute between the two  
5 groups of pilots employed by US Airways, those formerly  
6 employed by America West Airlines and those employed by US  
7 Airways since prior to the merger. The current US Airways  
8 is the merged successor to the formerly separate airlines.

9           5. Plaintiffs are represented by the same attorneys in  
10 both cases. All of the Defendants in both cases are  
11 likewise represented by the same attorneys.

12           6. Given the above, it is clear that consolidation  
13 will serve the interests of justice, allow the proceedings  
14 to go forward in a more efficient and economical manner, and  
15 avoid the possibility of inconsistent judgements.

16           For these reasons, it is respectfully requested that  
17 the two referenced cases be consolidated for all purposes  
18 and assigned to one judge for all further proceedings.

19           RESPECTFULLY SUBMITTED this 22<sup>nd</sup> day of September, 2008.

20  
21   LUBIN & ENOCH, P.C.

22  
23   s/Stanley Lubin  
24   by: Stanley Lubin, Esq.  
25   Attorneys for Plaintiff

1 CERTIFICATE OF SERVICE

2 I hereby certify that on the 22nd day of September, 2008, I  
3 electronically transmitted the attached Motion to  
4 Consolidate to the Clerk's office using the CM/ECF System  
5 for filing.

6 I hereby certify that on the 22nd day of September, 2008, I  
7 served the attached Motion to Consolidate by mail on the  
8 following, who are not registered participants in the CM/ECF  
9 System, or requested a paper copy:

10 The Honorable Neil V. Wake  
11 District Court Judge  
12 401 W. Washington Street, SPC 52  
13 Phoenix, AZ 85003

14 The Honorable Mary H. Murguia  
15 District Court Judge  
16 401 West Washington Street, SPC 53  
17 Phoenix, AZ 85003

18 \_\_\_\_\_  
19 s/Danette Valencia  
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