

1 Marty Harper (#003416)  
mharper@stklaw.com  
2 Kelly J. Flood (#019772)  
kflood@stklaw.com  
3 Andrew S. Jacob (#22516)  
ajacob@stklaw.com  
4 **SHUGHART THOMSON & KILROY, P.C.**  
Security Title Plaza  
5 3636 N. Central Ave., Suite 1200  
Phoenix, AZ 85012  
6 Phone: (602) 650-2000  
Fax: (602) 264-7033  
7 *Attorneys for Plaintiffs*

8  
9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE DISTRICT OF ARIZONA**

11 Don ADDINGTON, John BOSTIC, Mark  
BURMAN, Afshin IRANPOUR, Roger  
12 VELEZ; and Steve WARGOCKI, *et al.*

13 Plaintiffs,

14 vs.

15 Steven BRADFORD, Paul DIORIO, Robert  
FREAR, Mark KING, Douglas MOWERY,  
16 and John STEPHAN, *et al.*

17 Defendants.

CASE NO. CV-08-1728-PHX-NVW

**DECLARATION OF ANDREW S. JACOB  
IN SUPPORT OF PLAINTIFFS'**

***RESPONSE IN OPPOSITION TO  
DEFENDANTS' MOTION TO DISMISS  
UNDER RULES 12(b)(1), (2), (3), (6),  
and (7)***

18 I, Andrew S. Jacob, hereby declare:

19 1. I am an adult resident of the State of Arizona. I make this declaration  
20 based upon my personal knowledge.

21 2. I have viewed a video recording made a few weeks before the April  
22 2008 NMB election that shows Defendants Bradford and King making a  
23 presentation to West Pilots in Phoenix on behalf of USAPA on the subject of USAPA  
24 seniority policy.

25 3. A message entitled "USAPA OFFICER MESSAGE," dated May 1,  
26 2008, and posted on the USAPA website states that Defendants Bradford, King, and  
27 Mowery met that day with Company "senior management in Tempe, AZ" to begin  
28 contract negotiations. (Exhibit A.)



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EXHIBIT A

*only one remains, and he shall serve as arbitrator. Expedited hearings and decisions will be expected, and a decision shall be rendered within 90 days after the controversy arises, unless an extension of time it is mutually agreeable to all parties. The salary and expenses of the arbitrator shall be borne equally by the carrier and (i) the organization or organizations representing employee or employees or (ii) if unrepresented, the employee or employees or group or groups of employees. The decision of the arbitrator shall be final and binding on the parties.*

Rumors of outside interference from any organization(s) such as ALPA are unfounded, as the process will be as federal law dictates. Obviously, USAPA cannot guarantee results, but our focus is solely on the interests of our pilots and you can be assured that USAPA will use all the resources available in order to protect the careers of the 5,200 US Airways pilots.

Sincerely,

Stephen Bradford  
President

USAPA Communications | US Airline Pilots Association  
877-678-7272 | USAirlinePilots.org

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**USAPA OFFICER MESSAGE**  
**May 1, 2008**

Fellow Pilots,

This morning USAPA President Stephen Bradford, Vice President Mike Cleary, Secretary/Treasurer Mark King and Negotiating Advisory Committee Consultant Doug Mowery met with senior management in Tempe AZ. Present for Management was CEO Doug Parker, President Scott Kirby, Chief Operating Officer Robert Isom, Senior Vice President Flight Operations/Inflight Ed Bular and Vice President Labor Relations Al Heminway. The 60 minute meeting in

Tempe was the first time the two parties met, and talks were professional and businesslike. Although this was the first meeting between Management and USAPA as the new collective bargaining agent, many of our pilots have been down this path with no less than four management teams in the last seven years.

The meeting certainly provided an occasion to open channels of communications and afforded each party an opportunity to deliver a message. Although Management's message to USAPA expressed optimism and was forward looking now that the representational vote is completed, we know that what management says is not as important as what they do.

USAPA's message to management was straightforward concerning pilot issues system-wide. There is an enormous amount of pilot energy here at US Airways which can be easily directed. US Airways management has an opportunity to motivate the employees in a positive direction and our message made them aware that addressing the pilots' issues will be a key component. This, in turn, will produce positive effects for the Corporation and Management's strategic plans. It will however take more than words to motivate our pilots. Actions truly do speak louder than words.

We look forward to seeing positive actions from Management in the very near future that support a motivated pilot work force; these will be the actions of a management who desires to create an airline that delivers a quality service to its customers.

USAPA Communications | US Airline Pilots Association  
877-678-7272 | [USAirlinePilots.org](http://USAirlinePilots.org)

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[Older USAPA Updates](#)

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US Airline Pilots Assn contact info:

USAPA  
5821 Fairview Road  
Suite 400  
Charlotte, NC 28209

Toll-free: 877-332-3342  
Local: 704-936-4500  
Fax: 704-936-4592

[Contact Us](#)

Comments or problems  
with our site:

[Webmaster@USAirlinePilots.org](mailto:Webmaster@USAirlinePilots.org)

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# EXHIBIT B

(enable cookies & pop-ups)



## USAPA Updates

Recent updates from USAPA, in case you missed them...

[Newer USAPA Updates](#)

**NEW!** Rumor Control

Committee Directory  
(Yellow Pages)

Family Awareness  
Committee

Furlough Committee

Furlough Committee  
Jobs Listing

Grievance Committee

Hotel Committee

Insurance Transfer  
and Purchase

Jumpseat Committee

Litigation Library

Merger Committee

Negotiating Advisory  
Committee (NAC)

Retirement and  
Insurance

Safety Committee

Scheduling Committee

Scheduling Library

Security Committee

Training Committee

### Merger Committee Update for Tuesday, September 30th, 2008

This is a special Merger Committee update for Tuesday, September 30th 2008. Today your Merger Committee along with your Negotiating Advisory Committee, Professional Negotiator and Merger Counsel, met with Company representatives at the Company's Tempe headquarters. The purpose of the meeting was to pass to the Company our date of hire seniority list along with a comprehensive set of conditions and restrictions. Although much work remains to be done, all US Airways pilots can take a great deal of pride in the fact that we have taken another large step towards the creation of a Date of Hire airline that recognizes the service of all of our pilots in a fair and equitable fashion.

USAPA Communications | US Airline Pilots Association  
877-678-7272 | USAirlinePilots.org

### USAPA Update

September 27, 2008

**Item One:** The Safety Committee issued a recent update regarding Onboard Flight Kits (OFKs). Assuming a satisfactory trial run, the company will transition the entire fleet to OFKs in stages beginning in December. The Safety Committee believes this is a positive move that is a first step in the eventual transition to the Electronic Flight Bag. The full text of the update is available in the Safety Committee section of the web site.

**Item Two:** The Scope Monitoring Committee issued an update on the 25th outlining the status of the violation to our scope language regarding Regional Jet flying at the Express carriers. A System Board of Adjustment

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EXHIBIT C



(enable cookies & pop-ups)



## USAPA Officer, BPR and Committee Directory

"Welcome to the Yellow Pages"

### Quick contact links:



**NEW!** Rumor Control

Committee Directory  
 (Yellow Pages)

Family Awareness  
 Committee

Furlough Committee

Furlough Committee  
 Jobs Listing

Grievance Committee

Hotel Committee

Insurance Transfer  
 and Purchase

Jumpseat Committee

Litigation Library

Merger Committee

Negotiating Advisory  
 Committee (NAC)

Retirement and  
 Insurance

Safety Committee

Scheduling Committee

For issues specific to insurance conversion: <a href="mailto:Insurance@USAirlinePilots.org">Insurance@USAirlinePilots.org</a> For web site technical issues or comments: <a href="mailto:Webmaster@USAirlinePilots.org">Webmaster@USAirlinePilots.org</a> To volunteer: <a href="mailto:Volunteer@USAirlinePilots.org">Volunteer@USAirlinePilots.org</a>	Donations: <a href="mailto:Donations@USAirlinePilots.org">Donations@USAirlinePilots.org</a> Email, address & phone updates: <a href="mailto:Records@USAirlinePilots.org">Records@USAirlinePilots.org</a> Site password issues: <a href="mailto:Records@USAirlinePilots.org">Records@USAirlinePilots.org</a> To check on membership/dues check-off status: <a href="mailto:Records@USAirlinePilots.org">Records@USAirlinePilots.org</a>
---	---

**US Airline Pilots Association, 5821 Fairview Road, Suite 400, Charlotte, NC 28209**  
**Office: 877-678-7272 Fax: 704-936-4592**

Download entire contact list in [DOC](#) or [PDF](#) format (right-click, "Save as")

### USAPA BOARD OF PILOT REPRESENTATIVES

rev 11-13-08

	<i>Base</i>	<i>Name</i>	<i>Personal Phone Contact</i>	<i>Toll-Free 877-332-3342 Local 704-936-4500</i>	<i>E-Mail</i>
	Boston	Rich Peters- <i>Chairman</i>	704-451- 1337	ext. 4531	<a href="mailto:rpeters@usairlinepilots.org">rpeters@usairlinepilots.org</a>
		Jess Pauley- <i>Vice Chairman</i>	704-936- 4532	ext. 4532	<a href="mailto:jpauley@usairlinepilots.org">jpauley@usairlinepilots.org</a>
	Charlotte	David Koseruba- <i>Chairman</i>	980-875- 7645	ext. 4533	<a href="mailto:dkoseruba@usairlinepilots.org">dkoseruba@usairlinepilots.org</a>
		Bill McKee- <i>Vice</i>	980-875-	ext.	<a href="mailto:bmckee@usairlinepilots.org">bmckee@usairlinepilots.org</a>

Scheduling Library  
 Security Committee  
 Training Committee

*Chairman* 7644 4534  
 Steve Greif-  
*Vice* 704-497- ext.  
*Chairman* 7246 4535 [sgreif@usairlinepilots.org](mailto:sgreif@usairlinepilots.org)  
[stevegreif@yahoo.com](mailto:stevegreif@yahoo.com)

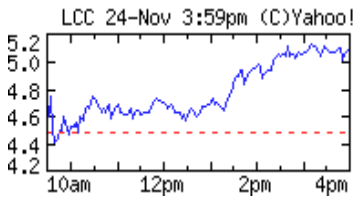
Press Releases DCA Joseph Stein- 704-264- ext.4536 [jstein@usairlinepilots.org](mailto:jstein@usairlinepilots.org)  
*Chairman* 6235

**Domicile Updates:**

BOS CLT DCA LAS  
LGA PHL PHX

David Westberg- 704-491- ext.  
*Vice* 0424 4537 [dwestberg@usairlinepilots.org](mailto:dwestberg@usairlinepilots.org)  
*Chairman*  
 423-381-  
 3739 [captdavewestberg@aol.com](mailto:captdavewestberg@aol.com)

Las Vegas *Chairman-*  
 TBA  
*Vice-*  
*Chairman-*  
 TBA



LGA Ken Blitchington- 704-497- ext.  
*Chairman* 0627 4538 [kblitchington@usairlinepilots.org](mailto:kblitchington@usairlinepilots.org)  
 Dan Britt- 704-458- ext.  
*Vice* 7297 4539 [dbritt@usairlinepilots.org](mailto:dbritt@usairlinepilots.org)  
*Chairman*

Philadelphia Doug Burke- 980-875- ext.  
*Chairman* 7643 4540 [dburke@usairlinepilots.org](mailto:dburke@usairlinepilots.org)  
 Roger Henriksson- 704-458- ext.  
*Vice* 5602 4541 [rhenriksson@usairlinepilots.org](mailto:rhenriksson@usairlinepilots.org)  
*Chairman*  
 Pete Dugstad- 980-875- ext.  
*Vice* 7641 4542 [pdugstad@usairlinepilots.org](mailto:pdugstad@usairlinepilots.org)  
*Chairman*

Phoenix *Chairman-*  
 TBA  
*Vice*  
*Chairman-*  
 TBA  
*Vice*  
*Chairman-*  
 TBA

**USAPA OFFICERS**

President Steve Bradford 980-875- ext. 4504 [sbradford@usairlinepilots.org](mailto:sbradford@usairlinepilots.org)  
 7624  
 Vice President Mike Cleary 980-875- ext. 4502 [mcleary@usairlinepilots.org](mailto:mcleary@usairlinepilots.org)  
 7625  
 Executive Vice President Gary Bauhan 980-875- ext. 4505 [gbauhan@usairlinepilots.org](mailto:gbauhan@usairlinepilots.org)  
 7628  
 412-

Secretary/Treasurer Mark King 606-3667 ext. 4503 [mking@usairlinepilots.org](mailto:mking@usairlinepilots.org)

### **OFFICE STAFF**

Office Manager	Natasha Lindsey	704-936-4507	ext 4507	<a href="mailto:nlindsey@usairlinepilots.org">nlindsey@usairlinepilots.org</a>
Legal Secretary/Receptionist	Nicki Taylor	704-936-4501	ext 4501	<a href="mailto:ntaylor@usairlinepilots.org">ntaylor@usairlinepilots.org</a>
Communication Specialist	Whitney Moose	704-936-4510	ext 4510	<a href="mailto:wmoose@usairlinepilots.org">wmoose@usairlinepilots.org</a>
Bookkeeper	Sandra Rogers	704-936-4508	ext 4508	<a href="mailto:srogers@usairlinepilots.org">srogers@usairlinepilots.org</a>
Paralegal	Catherine Mchale	704-936-4515	ext 4514	<a href="mailto:cmchale@usairlinepilots.org">cmchale@usairlinepilots.org</a>

### **USAPA COMMITTEES**

<b>Name</b>	<b>Phone Contact</b>	<b>E-mail</b>
-------------	----------------------	---------------

#### ***Administrative Oversight***

Gary Bauhan- <b>Chairman</b>	980-875-7628 or ext 4505	<a href="mailto:gbauhan@usairlinepilots.org">gbauhan@usairlinepilots.org</a>
------------------------------	--------------------------	--

#### ***Dues Collection (sub-Committee)***

Carl J. Clarke- <b>Chairman</b>	877-332-3342 x 4543	<a href="mailto:cclarke@usairlinepilots.org">cclarke@usairlinepilots.org</a>
Darrel Webb		<a href="mailto:dwebb@usairlinepilots.org">dwebb@usairlinepilots.org</a>
Dale Hopta	305-588-0760	<a href="mailto:dalehopta@aol.com">dalehopta@aol.com</a>
John Mahlman		<a href="mailto:jmahlman@usairlinepilots.org">jmahlman@usairlinepilots.org</a>

#### ***Ballot Certification***

David Tobin	877-332-3342 x 4576	<a href="mailto:ballot@usairlinepilots.org">ballot@usairlinepilots.org</a>
Valerie Milum		
Jay Morgan		

#### ***Business Intelligence***

Robert Saylor- <b>Chairman</b>	702-682-4167 or ext 4544	<a href="mailto:thedock@cox.net">thedock@cox.net</a>
--------------------------------	--------------------------	--

#### ***Communications***

Scott Theuer- <b>Chairman</b>	980-875-7629 or ext 4546	<a href="mailto:stheuer@usairlinepilots.org">stheuer@usairlinepilots.org</a>
Arnie Gentile- <b>Vice Chairman</b>	980-875-7630 or ext 4546	<a href="mailto:agentile@usairlinepilots.org">agentile@usairlinepilots.org</a>

Todd Fieser 980-875-7647 or ext 4548 [tfieser@usairlinepilots.org](mailto:tfieser@usairlinepilots.org)  
Rich Wargin 704-806-3029 [rwargin@usairlinepilots.org](mailto:rwargin@usairlinepilots.org)

***Pilot for Pilot Communications (sub-committee)***

Todd Fieser-*Chairman* 980-875-7647 or ext 4548 [tfieser@usairlinepilots.org](mailto:tfieser@usairlinepilots.org)

***Family Awareness Communication (sub-committee)***

Open

***Strike Communications (sub-committee)***

Rick Odatto-*Chairman* 941-730-4461 or ext 4551 [rodato@usairlinepilots.org](mailto:rodato@usairlinepilots.org)

***Liaisons (sub-committee)***

C. Schuyler ("Sky") 480-250-3643 [csMcCorkle@mac.com](mailto:csMcCorkle@mac.com)  
McCorkle-LTD  
Col. Rick Carter (Ret)-MIL 704-770-6145 [ccarter502@aol.com](mailto:ccarter502@aol.com)  
Ron Sessa-Retirees 208-720-3860 [ronsessa@mindspring.com](mailto:ronsessa@mindspring.com)

***Media (sub-committee)***

James Ray-*Chairman* 980-875-7642 or ext 4552 [jray@usairlinepilots.org](mailto:jray@usairlinepilots.org)

***Electronic Communications (sub-committee)***

Scott Theuer-*Chairman* 980-875-7629 or ext 4546 [stheuer@usairlinepilots.org](mailto:stheuer@usairlinepilots.org)  
Arnie Gentile-*Vice Chairman* 980-875-7630 or ext 4547 [agentile@usairlinepilots.org](mailto:agentile@usairlinepilots.org)  
John Johnson 928-714-1360 [johnjdjohnson@cableone.net](mailto:johnjdjohnson@cableone.net)  
David Shryack 704-847-4151 [dshryack@usairlinepilots.org](mailto:dshryack@usairlinepilots.org)

***Contract***

***Grievance (sub-committee)***

Tracy Parrella-*Chairperson* 412-716-1130 or ext 4553 [tparrella@hotmail.com](mailto:tparrella@hotmail.com)  
Dennis Brennan 508-274-2917 [dub9898@aol.com](mailto:dub9898@aol.com)  
Jay Milkey 413-533-7242 [jcm33@comcast.net](mailto:jcm33@comcast.net)

West Grievance Liaison-  
TBA

***Hotline (Contract)***

Steve Myers 208-890-5553 or ext 4555 [mcur@cableone.net](mailto:mcur@cableone.net)  
West Contract Hotline  
Liaison-TBA

***Jumpseat (sub-committee)***

Ron Hall- <b>Chairman</b>	941-650-2901 or ext 4557	<a href="mailto:rhall@usairlinepilots.org">rhall@usairlinepilots.org</a>
Bob Crowther	978-853-8371	<a href="mailto:bcrowther@usairlinepilots.org">bcrowther@usairlinepilots.org</a>

***Negotiating Advisory (sub-Committee)***

Paul Diorio- <b>Chairman</b>	704-340-5098 or ext 4558	<a href="mailto:pdiorio@usairlinepilots.org">pdiorio@usairlinepilots.org</a>
Bob Frear	980-875-7649	<a href="mailto:bfrear@usairlinepilots.org">bfrear@usairlinepilots.org</a>
Jeff Davis	877-332-3342 x 6001	<a href="mailto:jdavis@usairlinepilots.org">jdavis@usairlinepilots.org</a>
Dean Colello-Note Taker	704-307-9768	<a href="mailto:dcoello@usairlinepilots.org">dcoello@usairlinepilots.org</a>
Doug Mowery - <i>Consultant</i>	904-491-1472	

***Professional Negotiators***

Scott Petersen, *Attny,*  
*SSM&P*

***Membership Services***

Steve Szpyrka-**Chairman** 704-408-6814 or ext 4560 [spike@usairlinepilots.org](mailto:spike@usairlinepilots.org)

***Aeromedical-Pilot Health (sub-committee)***

<b>Harvey Watt and Company Aeromedical Ins.</b>	1-800-241-6103	<a href="mailto:pilot@harveywatt.com">pilot@harveywatt.com</a>
P.O. Box 20787 Atlanta, GA 30320	fax: 404-768-5594	

<b>Harvey Watt Aeromedical Services</b>	1-800-241-6103 x 240	<a href="mailto:avmed@harveywatt.com">avmed@harveywatt.com</a>
Attn: Dana Bates	fax: 404-761-8326	<a href="mailto:dbates@harveywatt.com">dbates@harveywatt.com</a>

<b><i>Aeromedical Consultant</i></b> Steve Javaras	317-844-2742	<a href="mailto:spj767@aol.com">spj767@aol.com</a>
---	--------------	--

***Bereavement (sub-committee)***

Mike Bradberry-**Chairman** 704-236-9166 or ext 4561 [Mb52@aol.com](mailto:Mb52@aol.com)

***Critical Incident Response Program (sub-committee)***

Lucy Young- <b>BOS-Co- Chairman</b>	617-501-3155	<a href="mailto:lucyyoung@verizon.net">lucyyoung@verizon.net</a>
Gary Van Hartogh- <b>PHL- Co-Chairman</b>	724-622-9177	<a href="mailto:gary.vh@verizon.net">gary.vh@verizon.net</a>

Jack Broadbent- <i>PHL</i>	410-490-0095	<a href="mailto:flybywire@earthlink.net">flybywire@earthlink.net</a>
Randy Hass- <i>PHL</i>	412-915-7603	<a href="mailto:rsrjhass@adelphia.net">rsrjhass@adelphia.net</a>
Conny Kleissas- <i>DCA</i>	410-827-4854	<a href="mailto:ckleissas@gmail.com">ckleissas@gmail.com</a>
Mike McGraw- <i>DCA</i>	757-348-5506	<a href="mailto:quickdraw1@flica.net">quickdraw1@flica.net</a>
Valerie Wells- <i>PHL</i>	757-593-9681	<a href="mailto:valerieawells@cox.net">valerieawells@cox.net</a>
Stew White- <i>LGA</i>	864-304-1207	<a href="mailto:stuwire1@aol.com">stuwire1@aol.com</a>

***Furlough Administrator (sub-committee)***

Courtney A. Borman- <b><i>Chairman</i></b>	240-463-9003 or ext 4575	<a href="mailto:cborman@usairlinepilots.org">cborman@usairlinepilots.org</a>
Carrie Landry	617-290-1456	<a href="mailto:shedrivesajet@yahoo.com">shedrivesajet@yahoo.com</a>
DeWitt Ingram- <b><i>EVLA/VLA</i></b>	561-379-2351	<a href="mailto:paravion@hotmail.com">paravion@hotmail.com</a>
Keith Rodriquez- <i>WIA</i> (workforce investment act)	412-389-1980	<a href="mailto:fly4usair@netzero.com">fly4usair@netzero.com</a>
Leroy Young- <i>Insurance</i>	310-962-2973	<a href="mailto:L.youngjr@gmail.com">L.youngjr@gmail.com</a>

***Human Intervention (sub-committee)***

Bob Sullivan- <b><i>Chairman</i></b>	678-234-2657 or ext 4562	<a href="mailto:bsullivan8849@hotmail.com">bsullivan8849@hotmail.com</a>
John Brookman- <i>PHL</i>	612-386-1637	<a href="mailto:brookmanjohn@hotmail.com">brookmanjohn@hotmail.com</a>
Dave Carney- <i>CLT</i>	704-907-3034	
Jim Conner- <i>BOS</i>	802-485-6939	
Jim Findley- <i>CLT</i>	704-726-1962	
Wiet Segers- <i>CLT/PHL</i>	704-543-0037	
Ed Solak- <i>PHL</i>	704-724-8850	
Peter Thyrrre- <i>CLT</i>	941-704-1087	<a href="mailto:pcthyrrre@mac.com">pcthyrrre@mac.com</a>
Steve Javaras- <i>Consultant</i>	317-844-2742	<a href="mailto:spj767@aol.com">spj767@aol.com</a>

***Hotel (sub-committee)***

Jay Lyle- <b><i>Chairman</i></b>	724-772-6029 or ext 4564	<a href="mailto:jay_lyl@msn.com">jay_lyl@msn.com</a>
Chris Cullison- <i>LGA</i>	412-901-9728	<a href="mailto:dccullison@comcast.net">dccullison@comcast.net</a>
Brett Cunnigham- <i>CLT</i>	770-655-8300	<a href="mailto:hotelclt@live.com">hotelclt@live.com</a>
David Demarais		<a href="mailto:2d.desmarais@gmail.com">2d.desmarais@gmail.com</a>
Nick Dudley- <i>PHL</i>		<a href="mailto:nick@yadtel.net">nick@yadtel.net</a>
Rick Odatto- <i>PHL</i>		<a href="mailto:rick@odato.com">rick@odato.com</a>
Steve Osborne- <i>PHL</i>		<a href="mailto:srosborne2002@yahoo.com">srosborne2002@yahoo.com</a>
Morgan Lankford- <i>PHL</i>		<a href="mailto:jempat56@gmail.com">jempat56@gmail.com</a>
Paul Scoskie- <i>PHL</i>	502-645-3179	<a href="mailto:scoskie-usapa@live.com">scoskie-usapa@live.com</a>

***Pilot Voluntary Fund***

Jim Anderson	757-503-0596	<a href="mailto:janderson@cox.net">janderson@cox.net</a>
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***Professional Standards (sub-committee)***

Rich Taylor- <b><i>Chairman</i></b>	305-394-2229 or ext 4565	<a href="mailto:rich767@gmail.com">rich767@gmail.com</a>
Gary Blohm	305-393-1238	<a href="mailto:gblohm@runbox.com">gblohm@runbox.com</a>
Robert Byrd	704-892-6333	<a href="mailto:rbyrd@roadrunner.com">rbyrd@roadrunner.com</a>
Billy Erwin	305-942-4162	<a href="mailto:chug33070@yahoo.com">chug33070@yahoo.com</a>

Chris Kitchens	704-607-7010	<a href="mailto:kitchenscj@gmail.com">kitchenscj@gmail.com</a>
Kurt Holter	770-380-9052	<a href="mailto:keholter@comcast.net">keholter@comcast.net</a>
Jim O'Conner	203-254-1660	<a href="mailto:jjconnor1@yahoo.com">jjconnor1@yahoo.com</a>
Jeff Rule	407-758-4863	<a href="mailto:jruleorlando@aol.com">jruleorlando@aol.com</a>

***Retirement & Insurance, Long Term Disability (sub-committee)***

Bud Nevers- <b>Chairman</b>	980-875-7648 or ext 4566	<a href="mailto:bnevers@usairlinepilots.org">bnevers@usairlinepilots.org</a>
Robert Macek	314-922-5616	<a href="mailto:macek@sbcglobal.net">macek@sbcglobal.net</a>
Mike Harsch	412-951-5967	<a href="mailto:mwh15317@yahoo.com">mwh15317@yahoo.com</a>
Tom Hlavin	305-505-3969	<a href="mailto:hlavin767@yahoo.com">hlavin767@yahoo.com</a>
Dave Hutchins	561-252-8762	<a href="mailto:dahutchins@comcast.net">dahutchins@comcast.net</a>
Jerry Kross	724-413-0907	<a href="mailto:baristre@hotmail.com">baristre@hotmail.com</a>
Walt Szwarc- <b>LTD Manager</b>	864-270-5834	<a href="mailto:wswzarc@usairlinepilots.org">wswzarc@usairlinepilots.org</a>
Strat Gallas- <b>Ltd Advisor</b>	407-321-1184	<a href="mailto:sbg767@Yahoo.com">sbg767@Yahoo.com</a>
Fred Freshwater- <b>LTD</b>	412-788-0414	<a href="mailto:fresh767@comcast.net">fresh767@comcast.net</a>
C. Schuyler ("Sky")	480-250-3643	<a href="mailto:csmccorkle@mac.com">csmccorkle@mac.com</a>
McCorkle- <b>LTD Advisor</b>		

***Security/FFDO (sub-committee)***

Steve Sevier- <b>Chairman</b>	615-210-8615 or ext 4567	<a href="mailto:ssevier@comcast.net">ssevier@comcast.net</a>
Scott Moore	412-310-4333	<a href="mailto:ultrakid@comcast.net">ultrakid@comcast.net</a>
Pat O'Laughlin	412-580-3677	<a href="mailto:olaughlin40@gmail.com">olaughlin40@gmail.com</a>

***Uniforms (sub-committee)***

Valerie Wells- <b>Chairman</b>	757-593-9681 or ext 4568	<a href="mailto:valerieawells@cox.net">valerieawells@cox.net</a>
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***Merger Committee***

Randy Mowrey- <b>Chairman</b>	704-307-0381 or ext 4569	<a href="mailto:remowrey@gmail.com">remowrey@gmail.com</a>
Bob Davison	704-451-2975	<a href="mailto:bdusapa@gmail.com">bdusapa@gmail.com</a>

***Safety and Training***

**USAPA Accident/Incident Hotline (24/7) 1-800-341-7176**

***Safety (sub-committee)***

Tom Kubik- <b>Chairman</b>	704-491-8347 or ext 4570	<a href="mailto:tkubik@usairlinepilots.org">tkubik@usairlinepilots.org</a>
Larry McCarroll- <b>Vice Chairman</b>	704-451-0644	<a href="mailto:lmccarroll@usairlinepilots.org">lmccarroll@usairlinepilots.org</a>
Ken Meadors	480-236-8286	<a href="mailto:kjmeadors@hotmail.com">kjmeadors@hotmail.com</a>
Mark Hendrych	412-608-6310	<a href="mailto:mark_hendrych@msn.com">mark_hendrych@msn.com</a>
Paul Grieshaber	704-224-5344	
Mike Castlen	704-491-8767	<a href="mailto:unionstuffandp2p@yahoo.com">unionstuffandp2p@yahoo.com</a>
Jim Best	724-816-7666	<a href="mailto:bestfam@comcast.net">bestfam@comcast.net</a>
Peter Gall	412-512-0085	<a href="mailto:pgall@mix.wvu.edu">pgall@mix.wvu.edu</a>
Phil Gibson	408-505-0886	<a href="mailto:crosswind@sprintmail.com">crosswind@sprintmail.com</a>
Dave Koseruba	904-613-2625	<a href="mailto:dkoseruba@usairlinepilots.org">dkoseruba@usairlinepilots.org</a>

Robert Lawlor  
West Safety Liaison-  
TBA

704-281-7588

[boblawlor@carolina.rr.com](mailto:boblawlor@carolina.rr.com)

### ***Accident Investigation (sub-committee)***

John Carey- <b>Chairman</b>	815-739-3154 or ext 4572	<a href="mailto:jcarey2257@gmail.com">jcarey2257@gmail.com</a>
Jeff Diercksmeier	714-742-9908	<a href="mailto:diercksmeier@rr.com">diercksmeier@rr.com</a>
Arnie Gentile	980-875-7630	<a href="mailto:agentile@usairlinepilots.org">agentile@usairlinepilots.org</a>
Bob Georges	717-991-8892	<a href="mailto:usabob@comcast.net">usabob@comcast.net</a>
Michael Greenlee	937-206-9349	<a href="mailto:michaelgreenlee@mac.com">michaelgreenlee@mac.com</a>
Sandy Gullo	386-566-4083	<a href="mailto:csgullo@cs.com">csgullo@cs.com</a>
Richard Koziel	520-271-5557	<a href="mailto:460koziel@earthlink.net">460koziel@earthlink.net</a>
Tom Kubik	704-491-8347	<a href="mailto:kubiktj@yahoo.com">kubiktj@yahoo.com</a>
Larry McCarroll	386-778-0063	<a href="mailto:lmccarroll@cfl.rr.com">lmccarroll@cfl.rr.com</a>
James Ray	980-875-7642	<a href="mailto:jray@usairlinepilots.org">jray@usairlinepilots.org</a>
Larry Rooney	215-262-7422	<a href="mailto:flatlander1@msn.com">flatlander1@msn.com</a>
John Sabel	412-512-7846	<a href="mailto:johnsabel@verizon.net">johnsabel@verizon.net</a>
Carol Stone	410-688-1197	<a href="mailto:mjstone2525@msn.com">mjstone2525@msn.com</a>

### ***Training (sub-committee)***

Gary Hummel- <b>Chairman</b>	704-804-2724 or ext 4571	<a href="mailto:ghummel@usairlinepilots.org">ghummel@usairlinepilots.org</a>
Bill Dunbar-Airbus 330	412-427-1651	<a href="mailto:wldiii@nauticom.net">wldiii@nauticom.net</a>
Mike Haraseviat-Airbus 330	615-525-5196	<a href="mailto:500mph@comcast.net">500mph@comcast.net</a>
Doug Stansbury-Airbus 330	407-791-3312	<a href="mailto:a330boy@gmail.com">a330boy@gmail.com</a>
Brian Bogdan-Airbus 320	412-780-7126	<a href="mailto:pbjetbank@verizon.net">pbjetbank@verizon.net</a>
Bob Burdick-Airbus 320	704-968-8564	<a href="mailto:bob_burdick@hotmail.com">bob_burdick@hotmail.com</a>
Larry Rooney-Airbus 320	215-262-7422	<a href="mailto:flatlander1@msn.com">flatlander1@msn.com</a>
Stafford Rodgers-Boeing 767/757	954-205-5881	<a href="mailto:sgrogers622@aol.com">sgrogers622@aol.com</a>
Randy Shepard-Boeing 767/757	865-607-7304	<a href="mailto:usairp111@hotmail.com">usairp111@hotmail.com</a>
Mike Wallstater-Boeing 767/757	775-240-3931	<a href="mailto:pegasus737@aol.com">pegasus737@aol.com</a>
Wayne Mann-Boeing 737	630-222-7390	<a href="mailto:mann15252@comcast.net">mann15252@comcast.net</a>
Warren Johnston-Boeing 737	817-366-8672	<a href="mailto:stryker042@hotmail.com">stryker042@hotmail.com</a>
Mike Baier-Emb 190	607-857-5787	<a href="mailto:snoojdrvr3@bellsouth.net">snoojdrvr3@bellsouth.net</a>
Barry Marshall-Emb190	901-552-6168	<a href="mailto:bammarshall@hotmail.com">bammarshall@hotmail.com</a>
Ron Kowalski-Emb 190	847-942-7752	<a href="mailto:kowalskicrew@yahoo.com">kowalskicrew@yahoo.com</a>
Robin Hefka-Emb 190	843-324-4322	<a href="mailto:rbhefka@bellsouth.net">rbhefka@bellsouth.net</a>
Phil Santoro-Emb 190	724-316-2389	<a href="mailto:philsan@verizon.net">philsan@verizon.net</a>
Kevin Ayala- <b>Check Airman Ombudsman</b>	941-447-7108	<a href="mailto:chicodeman@aol.com">chicodeman@aol.com</a>



### *Scheduling*

Steve Smyser- <b>Chairman</b>	440-238-2297 or ext 4573	<a href="mailto:ssmyser@live.com">ssmyser@live.com</a>
Jed Thomas- <b>Vice Chairman</b>	804-595-1031 or ext 4574	<a href="mailto:jedthomas1@flica.net">jedthomas1@flica.net</a>

### *Hotline (Contract)*

Steve Myers	208-890-5553 or 877-332-3342 x 4555	<a href="mailto:mcur@cableone.net">mcur@cableone.net</a>
-------------	-------------------------------------	--

### *Scheduling Specialist*

Jeff Edwards- <b>Flight Time/Duty Time</b>	724-622-4352	<a href="mailto:jeffed6161@aol.com">jeffed6161@aol.com</a>
Jed Thomas- <b>Reserve</b>	804-595-1031	<a href="mailto:jedthomas1@flica.net">jedthomas1@flica.net</a>
Miller Baird- <b>International</b>	717-867-1566	<a href="mailto:mil_mil@yahoo.com">mil_mil@yahoo.com</a>
PBS Specialist-OPEN	OPEN	OPEN

### *Base Scheduling Specialists*

BOS-Lineholder	OPEN	OPEN	OPEN
BOS----Reserve	OPEN	OPEN	OPEN
CLT-Lineholder	OPEN	OPEN	OPEN
CLT----Reserve	Jorge de Cubas	704-902-6723	<a href="mailto:airbus@helicopter.com">airbus@helicopter.com</a>
CLT----Reserve	Les Edwards	704-622-3646	<a href="mailto:les5edwards@gmail.com">les5edwards@gmail.com</a>
CLT----Reserve	Juan Rubiano	305-992-5826	<a href="mailto:juanrubiano@bellsouth.net">juanrubiano@bellsouth.net</a>
CLT----Reserve	Wes Yount	704-819-3472	<a href="mailto:wesyount@carolina.rr.com">wesyount@carolina.rr.com</a>
DCA-Lineholder	Kerry Kearns	859-312-7563	<a href="mailto:klkearns@roadrunner.com">klkearns@roadrunner.com</a>
DCA----Reserve	Tony Di Stefano	412-554-0324	<a href="mailto:av8rtony@netzero.com">av8rtony@netzero.com</a>
DCA----Reserve	Matthew Honiotes	678-777-4809	<a href="mailto:semagh@hartcom.net">semagh@hartcom.net</a>
LAS-Lineholder	OPEN	OPEN	OPEN
LAS----Reserve	OPEN	OPEN	OPEN
LGA-Lineholder	OPEN	OPEN	OPEN
LGA----Reserve	Jan Zweber	612-281-6334	<a href="mailto:Zweberjh@hotmail.com">Zweberjh@hotmail.com</a>
PHL-Lineholder	John Carlisle	717-515-6171	<a href="mailto:icarusalpa@aol.com">icarusalpa@aol.com</a>
Phl-Lineholder	Jeff Edwards	724-622-4352	<a href="mailto:jeffed6161@aol.com">jeffed6161@aol.com</a>

PHL- Lineholder	Joe Periera	724-935-9374	<a href="mailto:jcsbp78@comcast.net">jcsbp78@comcast.net</a>
PHL- Lineholder	Ernie Wheeland	570-971-0204	<a href="mailto:captainkitty@aol.com">captainkitty@aol.com</a>
PHL---- Reserve	Frederick Watts	734-732-0039	<a href="mailto:flyguyproductions@hotmail.com">flyguyproductions@hotmail.com</a>
PHL---- Reserve	Michael Bonnette	856-357-5083	<a href="mailto:mibbonnette@comcast.net">mibbonnette@comcast.net</a>
PHX- Lineholder	OPEN	OPEN	OPEN
PHX---- Reserve	OPEN	OPEN	OPEN

***Permanent Bid Closing***

John Bailey	215-989-4723	<a href="mailto:jtbailey@comcast.net">jtbailey@comcast.net</a>
Jeff Schiller	724-513-3746	<a href="mailto:Schillerja@inbox.com">Schillerja@inbox.com</a>
Arnie Sisca	330-284-0726	<a href="mailto:logansisca@aol.com">logansisca@aol.com</a>
Steve Crone- <i>West bid Specialist</i>	OPEN	<a href="mailto:WestSched@aol.com">WestSched@aol.com</a>
OPEN	OPEN	OPEN

***Line Building***

Ernie Wheeland	570-971-0204	<a href="mailto:captainkitty@aol.com">captainkitty@aol.com</a>
Mark Kaspar	724-777-0155	
Joe Pereira	724-935-9374	<a href="mailto:jcsbp78@home.com">jcsbp78@home.com</a>

***Preferential Bidding Systems***

Juan Rubiano	305-992-5826	<a href="mailto:juanrubiano@bellsouth.net">juanrubiano@bellsouth.net</a>
OPEN	OPEN	OPEN
OPEN	OPEN	OPEN

***Current openings:***

*West Grievance Liaison - contact Grievance  
Chairperson Tracy Parrella - 877-678-7272 x717  
[tparrella@hotmail.com](mailto:tparrella@hotmail.com)  
West Safety Liaison - contact Safety Chairman Tom  
Kubik - 877-678-7272 x715 -  
[tkubik@usairlinepilots.org](mailto:tkubik@usairlinepilots.org)  
West Contract Support Liaison - contact USAPA  
Contract Hotline Rep Steve Meyers - 877-678-7272  
x723*

*Communications Committee Web Support - send an email to [Webmaster@USAirlinePilots.org](mailto:Webmaster@USAirlinePilots.org)*

**Quick contact links:**

For issues specific to insurance conversion:

[Insurance@USAirlinePilots.org](mailto:Insurance@USAirlinePilots.org)

For web site technical issues or comments:

[Webmaster@USAirlinePilots.org](mailto:Webmaster@USAirlinePilots.org)

To volunteer: [Volunteer@USAirlinePilots.org](mailto:Volunteer@USAirlinePilots.org)

Donations: [Donations@USAirlinePilots.org](mailto:Donations@USAirlinePilots.org)

Email, address & phone updates: [Records@USAirlinePilots.org](mailto:Records@USAirlinePilots.org)

Site password issues: [Records@USAirlinePilots.org](mailto:Records@USAirlinePilots.org)

To check on membership/dues check-off status:

[mking@usairlinepilots.org](mailto:mking@usairlinepilots.org)

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US Airline Pilots Assn contact  
info:

USAPA  
5821 Fairview Road  
Suite 400  
Charlotte, NC 28209

Toll-free: 877-332-3342  
Local: 704-936-4500  
Fax: 704-936-4592

[Contact Us](#)

Comments or problems  
with our site:

[Webmaster@USAirlinePilots.org](mailto:Webmaster@USAirlinePilots.org)

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# EXHIBIT D

This is MEC Chairman Jack Stephan with a Chairman's message to the pilots for Tuesday, April 15<sup>th</sup>.

This Thursday, a little after 2 p.m. eastern time, we're going to find out if you have chosen to hand the reigns over to a start up independent union or if you've decided that ALPA is in your best interests. For those who have not yet voted, it may be because you haven't yet decided, you don't care, you need more time or perhaps it's because you are respecting that "too much information warning light" and just want to this whole ordeal to be behind you.

Well no matter what, I can appreciate these sentiments, but I can't stress enough how important it is to pick up your phone—or to head to your computer—and vote. You have a choice in front of you that will affect you, your fellow pilots, your career, your seniority, your family, and your airline for years to come. As previous MEC chairmen have said, when AAA pilots are faced with a critical situation, whether in the air or on the ground, when they have all the information—and you no doubt have received plenty—they make the right choice.

And right now, the direction of our careers and the fate of your seniority protections that you enjoy today are in your hands. If you choose to vote with your feet, so be it. I respect that decision, but I'd be remiss if I didn't remind you that if we vote ALPA out, you'll be without the protections that your MEC has carefully built up around us, including the ability for us to reach a consensual solution with the AWA pilots, separate operations and the MEC's litigation against the Nicolau Award.

No matter how many times USAPA and its supporters insist that separate operations is unattainable, it's hard to ignore the reality of separate operations, the two letters that Capt. Prater sent to us endorsing separate operations and the video that ALPA VP of Administration Bill Couette recorded last week saying that ALPA and the Executive Council support separate operations until we can separately ratify a joint contract. I guess if I was in USAPA's position, I'd say the same thing—voting is getting down to the wire and the reality of separate operations and the advances it has and continues to provide AAA pilots is a real threat to them.

Let me say it again—separate operations is real and separate operations is working for us. It not only keeps the Nicolau Award on the shelf, it also gives us the opportunity to enter into our own full-blown Section 6 negotiations with US Airways management, just as America West is doing. Not only would we be able to open up our entire contract and work towards improvements in pay, benefits, and work rules, ALPA Section 6 negotiations also allows our pilots to engage in self help. That's a position we haven't been in for a long time.

Your MEC promised you that they'd protect you from the Nicolau Award, that they would turn over every stone in their efforts and they have done just that. They continue to make sure that their plan stays firmly in place. You told us what you wanted, and we

have delivered. Your MEC has made promises to you and they've kept those promises. All bets are off, though, if USAPA wins this election. **The protections from an unaltered Nicolau Award that each and every AAA pilot enjoys today will simply go away should USAPA prevail.** If seniority really does matter, you may want to give your vote serious consideration.

I also have to mention that USAPA hasn't found any America West pilots who are willing to step forward and represent the pilots in PHX and LAS. Maybe PHX and LAS being without representation doesn't alarm you, because we're East-based pilots. But this sets up a troubling situation that could quickly turn into a pattern of representational failure. I think that's what we'd be facing with an untested union that includes nearly 1,800 extremely angry AWA pilots. No independent union has ever survived with that schism in place.

With ALPA representation your MEC will also have access to the resources we will need while the economy is on shaky ground. As you know, several smaller airlines have filed bankruptcy, and some have also ceased operations. The price of oil is above \$111 a barrel, and the Delta-Northwest merger talks are in full swing again. Our industry is entering another period of instability that management will somehow try to exploit, and it's another reason to hold on to an established—though not perfect—union, one that has some clout in the investment community. ALPA representation can provide us that foundation.

Your actions—whether you sent an authorization card into USAPA, or if you picketed with other pilots after May 3rd of last year, or if you talked to the MEC to provide them with your point of view during an MEC, LEC or ALPA Info meeting— all have provided your MEC with the direction we have ultimately taken. Your discontent has been a wake-up call to everyone involved. We listened, and we're changing things. Don't throw out the good with the bad. Your MEC's plan to keep you protected from the award is working today within ALPA's structure.

So, if you haven't voted yet, consider what your MEC has accomplished within ALPA since May 3rd. Ask the 400 pilots who have been able to upgrade if our plan to protect you from the award is working.

Seniority does matter and so does your vote. Please analyze all that is at stake here and what is important to you and what protections you are not willing to throw away. Please be sure to cast your vote by 2 p.m. on Thursday, April 17. **As I said before, an ALPA victory will mean that you will retain the protections and firewalls that this ALPA MEC has provided but it will not mean business as usual.** Your MEC plans to meet immediately after the election to continue building a new representational foundation for your future. That future can only be secured with ALPA representation.

Thanks for listening. Thanks for listening to all these messages during the election. Thanks for keeping an open mind. And no matter what, always fly safe and continue to look out for each other.

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# EXHIBIT E

November 13, 2007

## **USAPA Files to Represent US Airways Pilots**

### Independent Labor Union Submits NMB Application

CHARLOTTE, N.C.--(BUSINESS WIRE)—The US Airline Pilots Association (USAPA) announced today it has filed its request with the National Mediation Board ([NMB](#)) to conduct a representation election for the US Airways pilots.

“Today’s filing by USAPA begins the legal process to improve union quality for all US Airways pilots,” said Stephen Bradford, a US Airways pilot and USAPA’s President. “We provided more than 3,000 signed election requests to the NMB today, a powerful sign that our pilots intend to upgrade to first-class union representation.”

NMB rules require that requests from a majority of eligible pilots be submitted before a representation election may occur. During the election that will follow, a simple majority of voting US Airways pilots will determine their new collective bargaining agent. Although the exact voting date is dependent upon the NMB, USAPA expects to begin representing the US Airways pilots during the first quarter of 2008.

USAPA is the new union created to represent the interests of US Airways pilots “from the pilot up.” USAPA has been specifically designed to deliver competent, responsive, efficient and accountable representation for all US Airways pilots.

For additional information about USAPA, please visit [US Airline Pilots Association](#) or send an email to [media@USAirlinePilots.org](mailto:media@USAirlinePilots.org).

### Contacts

Captain Scott Theuer

877-678-7272

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October 8, 2007

## **USAPA to Establish National Headquarters in Charlotte**

### Pilots Union HQ site near center of national pilot population

Charlotte, NC--(BUSINESS WIRE)--The US Airline Pilots Association (USAPA) announced today it will locate its National headquarters in Charlotte, NC.



“USAPA’s decision to locate its headquarters in Charlotte is based upon several factors, the size of the local pilot population and favorable costs of operation were the dominant criteria,” said Stephen Bradford, USAPA’s President and a US Airways (NYSE: [LCC](#) - [News](#)) Airbus 320 pilot. “Other factors favoring Charlotte were its fair weather, ease of air access and its placement near the center of mass of our nationwide pilot population.”

USAPA intends to operate satellite offices in some of its other crew bases to support specific functions related to its representation of the US Airways pilots.

USAPA is in the midst of a campaign to represent the US Airways pilots as their new labor union. The National Mediation Board (NMB) requires that 50% of eligible pilots, plus one, sign forms requesting replacement of the existing bargaining agent. During the follow-on election a simple majority of voting pilots will determine whether the US Airways pilots will again be represented by a labor union. USAPA will file its application with the NMB later this month. USAPA expects to become the new collective bargaining agent for the US Airways pilots during the first quarter of 2008.

USAPA is the new union created to represent the interests of US Airways Pilots “from the pilot up.” USAPA has been specifically designed to deliver superior representation for all US Airways pilots. Because USAPA represents only US Airways pilots, the conflicts of interest associated with a large national association are avoided. American Airlines pilots, previously affiliated with ALPA, were assisted in their departure from the association by the same law firm assisting the US Airways pilots today.

For additional information about USAPA, please visit [US Airline Pilots Association](#) or contact us at [media@USAirlinePilots.org](mailto:media@USAirlinePilots.org).

USAPA  
Scott Theuer, 877-678-7272

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October 4, 2007

## **USAPA will file with NMB this month**

**Independent Labor Union seeks to Unseat Incumbent**

Charlotte, NC--(BUSINESS WIRE)--The US Airline Pilots Association (USAPA) announced today it has sufficient written pilot requests on hand to force a representation election for the US Airways pilots. USAPA intends to file an application with the National Mediation Board ([NMB](#)) by the end of October to force the removal of the existing bargaining agent.