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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

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

Plaintiffs,

vs.

US AIRLINE PILOTS ASSOCIATION, and  
US AIRWAYS, INC.,

Defendants.

Case No. 2:08-cv-1633-NVW

**DECLARATION OF RANDAL E.  
MOWREY**

I, RANDAL E. MOWREY, declare that the following is true and correct:

1. I make this Declaration of my own free will, based on my personal, first-hand knowledge, unless otherwise specifically indicated.
2. This Declaration is made in support of the motion to dismiss and opposition to plaintiffs' motion for preliminary injunction by the US Airline Pilots Association ("USAPA" or "Association").
3. I am currently a Captain and have been employed by US Airways as a Pilot since May 9, 1985.
4. I am currently the Chairman of the USAPA Merger Committee. My duties and responsibilities in this capacity include but are not limited to: managing the Merger Committee, development and implementation of all seniority related positions of USAPA

1 going forward, coordinating Merger Committee activities with the other key committees  
2 within the USAPA structure, interfacing with the Board of Pilot Representatives, and  
3 representing USAPA with US Airways management on all seniority related matters.

4 5. I am a former member of the Air Line Pilots Association ("ALPA"). When ALPA was  
5 the certified bargaining representative of the US Airways Pilots, I served in the following  
6 positions within the US Airways ALPA Master Executive Council ("MEC"): Route  
7 Committee Chairman; Committee Member on two different Merger Committees; and  
8 Committee Member on the Strategic Planning Committee.

9 6. Pursuant to my USAPA duties, and my past ALPA experience, I am familiar with the  
10 content and application of the current pre-merger US Airways ("East") and America West  
11 Airlines ("America West" or "West") pilot collective bargaining agreements ("CBA"). In  
12 addition, I am familiar with the content and application of the Transition Agreement which  
13 modified both the East and West Pilot collective bargaining agreements.

14 7. In fulfillment of my duties as Chairman of the USAPA Merger Committee relating to  
15 negotiation of seniority integration with US Airways, I am guided by the USAPA  
16 Constitution, which provides as an objective, "to maintain uniform principles of seniority  
17 based on date of hire and the perpetuation thereof, with reasonable conditions and  
18 restrictions to preserve each pilot's un-merged career expectations. (USAPA Constitution &  
19 Bylaws, Article I, Section 8(D), Dkt. No. 38, Cleary Decl., Ex. D).

20 8. Pursuant to this constitutional mandate, the USAPA Merger Committee has developed a  
21 seniority integration proposal that was presented and approved by the USAPA Board of  
22 Pilot Representatives, and thereafter submitted, during collective bargaining negotiations,  
23

1 to US Airways on September 30, 2008. To date, US Airways has not responded to  
2 USAPA's seniority integration proposal. Attached is a true and correct copy of the USAPA  
3 seniority integration proposal. This document is marked and labeled as Exhibit A to this  
4 Declaration.

5 9. Aside from Sections I and II of the USAPA seniority integration proposal, which  
6 provide for the integration of the pre-merger East and pre-merger West certified pilot  
7 seniority lists on a date-of-hire basis, virtually every other provision contained within the  
8 proposal is driven by USAPA's constitutional mandate to protect the career expectations of  
9 the West Pilots.

10 10. The resulting limitations on the strict applicability of the date-of-hire seniority  
11 integration are commonly referred to as conditions and restrictions. The conditions and  
12 restrictions contained in the USAPA seniority integration proposal provide protections for  
13 the West pilots, which include but are not limited to:

- 14 • The Pilot positions that existed in Las Vegas, Nevada (LAS) and Phoenix, Arizona  
15 (PHX) as of June 1, 2008, prior to recent system reductions, have been designated as  
16 West protected positions. These protected positions are preserved for West pilot  
17 bidding, and displaced West pilots have recapture rights back to LAS or PHX  
throughout the term of the Conditions and Restrictions with few exceptions.
- 18 • If the number of Pilot positions in LAS and PHX increases above the initial  
19 protected positions count, any additional future Captain vacancies in LAS and PHX  
20 will be available to East and West pilots on a one for one basis, and West attrition  
21 will be reserved for West pilots.
- 22 • System-wide date-of-hire bidding will be available to West pilots at any time  
23 following the contract signing date.

- 1 • West Pilots will be entitled to one-third of the Captain and one-third of the First  
2 Officer positions on the first 25 EMB190<sup>1</sup> aircraft delivered to US Airways -- on a  
3 vacancy basis only.
- 4 • Reductions of Captain Positions system-wide will be shared by East and West Pilots  
5 on a ratio basis. The ratios will be established upon contract signing and are aircraft  
6 and pay-group specific; the ratios will be based on the actual staffing levels that  
7 exist at that time.
- 8 • In the event that EMB190 flying replaces current flying in LAS or PHX, EMB190  
9 positions in LAS or PHX will be available to be designated as protected positions  
10 for West Pilots.

11 11. When USAPA's seniority integration proposal was ultimately submitted to US Airways  
12 on September 30, 2008, the USAPA Merger Committee presented a PowerPoint  
13 presentation as an overview of its seniority integration proposal. A true and correct copy of  
14 that PowerPoint presentation is attached to this Declaration to facilitate the Court's  
15 consideration of USAPA's efforts to consider the interests of West Pilots in relation to  
16 seniority integration. This document is marked and labeled as Exhibit B to this  
17 Declaration.

18 Further your Declarant sayeth not.

19 Pursuant to 29 USC § 1746, I declare under penalty of perjury that the foregoing is  
20 true and correct.

21 Executed on: October 26, 2008

22  
23  
  
Randal E. Mowrey

<sup>1</sup> EMB190 refers to the Embraer 190 series of aircraft.