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

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

18 Plaintiffs,

19 vs.

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

22 Defendants.
23

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

**MOTION FOR
RECONSIDERATION
BY US AIRLINE PILOTS
ASSOCIATION**

SEHAM, SEHAM, MELTZ & PETERSEN LLP

1 TO : PLAINTIFFS, AND ALL PARTIES, AND THEIR ATTORNEYS OF
2 RECORD.

3 **NOTICE**

4 PLEASE TAKE NOTICE that Defendant US Airline Pilots Association
5 (“USAPA”) will move this Court, without oral argument, for reconsideration of the
6 November 20, 2008 Order issued by this Court (Docket No. 84), and for an order
7 dismissing Count III of Plaintiffs’ Original and Amended Complaint for lack of subject
8 matter jurisdiction.
9

10 **MOTION**

11 COMES NOW Defendant US Airline Pilots Association to move this Court,
12 pursuant to LRCiv 7.2(g), for reconsideration of the November 20, 2008 Order issued
13 by this Court (Docket No. 84), and for an order dismissing Count III of Plaintiffs’
14 Original and Amended Complaint for lack of subject matter jurisdiction.

15 In support of its motion USAPA states the following:

16 The grounds for this motion are stated in the separately filed Memorandum In
17 Support Of USAPA’s Motion For Reconsideration.
18

19 This motion is based on the aforesaid Memorandum, the Declaration of William
20 H. Turbett, III, the Declaration of Nicholas P. Granath, the pleadings, the undisputed
21 material facts in the record, as well as such other evidence, facts, or materials as the
22 Court may deem appropriate.
23

1 WHEREFORE, defendant USAPA respectfully moves that its motion for
2 reconsideration be GRANTED and that Count III of Plaintiffs' Original and Amended
3 Complaint be dismissed for lack of subject matter jurisdiction.

4 Respectfully Submitted,

5 Dated: December 1, 2008



6 By: /s/ Nicholas Paul Granath, Esq.

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18 vs.

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

21 Defendants.
22
23

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

CERTIFICATE OF SERVICE

SEHAM, SEHAM, MELTZ & PETERSEN LLP

1 **CERTIFICATE OF SERVICE**

2 This is to certify that on the date indicated herein below a true and accurate copy of
3 the foregoing pleading, *to wit*,

- 4 • Motion for Reconsideration
5 • Proposed Order
6 • Memorandum in Support of Motion for Reconsideration
7 • Declaration of William H. Turbett, III (with attachment)
8 • Declaration of Nicholas P. Granath (with attachment)
9 • Certificate of Service

were electronically filed with the Clerk of Court using the CM/ECF system, which will
7 send notification of such filing to the following:

8 Marty Harper
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Who are admitted counsel for the Plaintiffs in this matter, and,

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Karen Gillen
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Who are admitted counsel for Defendant US Airways, Inc. in this matter.

20
21 And further that paper hard copies were provided to The Honorable Neil V. Wake, District
22 Court Judge, 401 W. Washington Street, SPC 52, Phoenix, AZ 85003.
23

1 On December 1, 2008, by:



2
3 /s/ Nicholas P. Granath

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