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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  
LUCAS K. MIDDLEBROOK**

I, Lucas K. Middlebrook, declare as follows:

1. I am attorney of record for Defendant US Airline Pilots Association (“USAPA”) in this matter. I make this Declaration of my own free will, based on my personal, first-hand knowledge.

2. Together with USAPA attorneys Nicholas P. Granath, Esq. and Nick Enoch, Esq., I attended the Rule 26(f) conference in Plaintiffs’ counsel’s office in Phoenix on December 8. In the conference, the parties conferred over Plaintiffs’ demand for discovery of attorney-client communications and work product.

3. Counsel for USAPA made two requests of Plaintiffs in an effort to resolve the issue: i) that Plaintiffs narrow their request and, ii) that Plaintiffs provide a letter explaining the basis for an assertion that the privilege had been waived, similar to the letter Plaintiffs had earlier sent on December 3<sup>rd</sup> regarding their *Garner* argument.

