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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-PHX-NVW
(Consolidated)

**DECLARATION OF LEE SEHAM
IN OPPOSITION TO
PLAINTIFFS' MOTION TO
COMPEL (DOCKET 106)**

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

Plaintiffs,

vs.

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

Defendants.

Case No. 2:08-cv-1728-PHX-NVW

1 I, Lee Seham, Esq., declare as follows:

2 1. I am a member of the law firm of Seham, Seham, Meltz & Petersen,
3 LLP (“SSMP”), counsel for defendant US Airline Pilots Association (“USAPA”)
4 in this matter. I make this declaration of my own free will and based on my
5 personal, first-hand knowledge, unless otherwise specifically indicated.

6 2. This declaration is submitted in support of USAPA’s Opposition to
7 Plaintiffs’ Motion to Compel (Docket 106).

8 3. Plaintiffs’ Motion to Compel seeks the extraordinary relief of
9 piercing the attorney-client privilege between USAPA and its attorneys, and of
10 gaining access to the work product of SSMP on faulty factual and legal grounds.

11 4. This declaration sets forth the relevant facts relating to the Plaintiffs’
12 claim that the attorney-client privilege has been waived as a result of the
13 publication of a letter that I wrote to USAPA Interim President Stephen Bradford
14 on January 23, 2008.¹

15 5. On November 13, 2007, USAPA applied to the National Mediation
16 Board (“NMB”) to become the representative of the craft or class of Pilots at US
17 Airways, then represented by the Air Line Pilots Association (“ALPA”).

18 6. SSMP represented USAPA during the entire representation dispute
19 process before the NMB.

20 7. The representation dispute process at the NMB culminated in
21 USAPA being democratically elected by the pilots of US Airways on April 17,
22

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¹ The January 23, 2008 letter is attached as Exhibit D to the Rule 37 Declaration of Andrew S. Jacob; Docket No. 107, pages 28-30.

1 2008. On April 18, 2008, USAPA was certified by the NMB as the exclusive
2 collective bargaining representative of the US Airways pilots.²

3 8. During the representation election campaign, USAPA Interim
4 President Stephen Bradford asked me to prepare a written response to a letter from
5 ALPA's law firm, which attempted to cast doubt on the legal right of US Airways
6 pilots to negotiate and implement a seniority-based pilot integration agreement. In
7 response to Mr. Bradford's request, I wrote a letter dated January 23, 2008, which
8 responded to ALPA counsel's letter.

9 9. My January 23, 2008 letter was not a confidential communication.
10 Instead, it was created as a public document for the express purpose of being made
11 public by posting it for public viewing on USAPA's website.

12 10. This non-confidential January 23rd letter was prepared for USAPA
13 as part of the public discourse that occurred amongst the pilots at US Airways
14 during the election campaign, and was intended to assist USAPA in obtaining the
15 support of a majority of the pilots.

16 Further your Declarant sayeth not.

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

19 Executed on: January 29, 2009

/s/ Lee Seham
Lee Seham

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² *US Airways*, 35 NMB 135 (2008).