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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Don Addington; John Bostic; Mark)
Burman; Afshin Iranpour; Roger Velez;)
9 Steve Wargoeki,

No. CV 08-1633-PHX-NVW
(consolidated)

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Plaintiffs,

ORDER

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vs.

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US Airline Pilots Association; US)
Airways, Inc.,

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Defendants.

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Don Addington; John Bostic; Mark)
Burman; Afshin Iranpour; Roger Velez;)
16 Steve Wargoeki, et al.,

CV08-1728-PHX-NVW

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Plaintiffs,

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vs.

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Steven Bradford; Paul Diorio; Robert)
Frear; Mark King; Douglas Mowery; John)
Stephan, et al.,

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Defendants.

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Before the Court is Defendant USAPA’s Motion to Strike Plaintiffs’ Reply in Support of Their Motion for Class Certification (doc. # 217), which contends that the reply was filed late on February 27, 2009. The Court previously granted USAPA’s contested motion for extension of time to file its response. (Doc. # 155.) USAPA now contends that because its extension was granted and the order said nothing about extending Plaintiffs’ time for reply,

1 Plaintiffs were required to file a reply in accordance with the original briefing schedule, as
2 though USAPA had not been granted an extension on its response. This is a wholly
3 unreasonable view of the extension order, which did not purport to override the terms of
4 Fed. R. Civ. P. 6(d) and LRCiv 7.2(d), giving a moving party five days—plus three days for
5 service other than personal delivery—to reply to a response brief. The Court’s mistaken
6 reference in passing in doc. # 210 to February 26 as the close of briefing, rather than the
7 correct date of February 27, 2009, does not shorten Plaintiff’s time. That subsequent order
8 relating to the possibility of an evidentiary hearing grants no such relief (doc. # 210 at p. 2,
9 lines 3-20).

10 IT IS THEREFORE ORDERED that Defendant USAPA’s Motion to Strike Plaintiffs’
11 Reply in Support of Their Motion for Class Certification (doc. # 217) is denied.

12 DATED this 2nd day of March, 2009.

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Neil V. Wake
United States District Judge