

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

Phoenix Division

CV08-1633-PHX-NVW    DATE: March 3, 2009

Year    Case No.    Dft #

HON: NEIL V. WAKE                      Judge # 7032

Caption: Addington, et. al. v. US Airline Pilots Association, et. al.

Deputy Clerk: Sandi Fredlund    Crt Rptr/ECR: Laurie Adams

Plaintiffs' counsel: Kelly Flood and Marty Harper (telephonic)

Defendant US Airline Pilots Association's ("USAPA") counsel: Nicholas Granath and Lucas Middlebrook (telephonic)

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This is the time set for telephonic conference re discovery dispute [doc. 222] and other issues as set forth in the Court's order of 3/3/09 [doc. 223].

THE COURT FINDS no right or need for evidentiary hearing on the issue of class certification. Therefore, IT IS ORDERED that the Order previously entered, doc. 210, requiring counsel to submit a statement of matters to present for an evidentiary hearing is vacated.

The Court will be granting the motion for class certification and will issue a written order very shortly.

Scheduling matters and issues for trial are discussed. The Court discusses bifurcating the issue of lost wages from the jury trial. The Court also discusses bifurcating the issue of the quantification of the union fees issue and remedy from the first jury trial.

IT IS ORDERED setting trial to a jury on the issue of liability on **April 28, 2009 at 9:00 a.m.** Counsel are to be present at 8:30 a.m., 8 day trial.

IT IS FURTHER ORDERED that there will be bifurcation and later proceedings on the claims for lost wages for the individual plaintiffs, the claims concerning union fees and disgorgement for the class, and any specific disputed facts concerning injunctive remedy.

The Court wishes to have a continued conference this week and counsel are to confer with each regarding a pretrial schedule and notify the court what date/time works with lead counsel's schedule.

Discovery dispute [doc. 222] is discussed. The joint written summary is treated as a defense motion and is denied because plaintiffs state they have produced the documents.

Time in Court: 1 hr, 13 mins.