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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

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

13 Plaintiffs,

14 vs.

15 US AIRLINE PILOTS ASSOCIATION,
16 US AIRWAYS, INC.,
Defendants,

Case No. 2:08-cv-1633-PHX-NVW
(Consolidated)

As PROPOSED to Plaintiffs
March 16, 2009

**JOINT WRITTEN
SUMMARY OF
DISCOVERY DISPUTE**

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

19 Plaintiffs,

20 vs.

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

Defendants.

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

1 **ISSUE:**

2 Whether the scope of the depositions of USAPA witnesses Tracy Parrella and
3 Mark King should be limited?

4 **MOVANT'S POSITION:**

5 USAPA seeks an order limiting the scope of the depositions of USAPA witnesses
6 Tracy Parrella and Mark King, which are scheduled for March 17. USAPA submits that
7 Plaintiffs should not be permitted to question USAPA Grievance Chairperson Tracy
8 Parrella with respect to dismissed Counts 1 & 2 because those claims are subject to
arbitration before the System Board of Adjustment. USAPA further submits that
9 Plaintiffs should not be permitted to question USAPA Treasurer Mark King with respect
to whether the union security clause (CBA Section 29) has been violated because that
10 issue is subject to arbitration on April 1st.

11 **RESPONDING PARTY'S POSITION:**

12 In its continuing effort to avoid or delay the trial, and before the first question is
13 asked, USAPA wants to cancel or limit deposition questioning of USAPA witnesses
14 Tracy Parrella (the USAPA grievance chair) and USAPA's prior president Mark
15 King (who has personal knowledge about formation and election of USAPA).
16 USAPA has waited until the day before the depositions to raise another frivolous
17 objection to a discovery deposition. Plaintiffs' counsel are in Charlotte NC ready to
18 proceed.

19 Plaintiffs are entitled to find out how the grievance process is handled regarding
20 seniority matters involving East and West Pilots. USAPA requested the Company
21 to allow 6 East Pilots who had accepted a transfer to the West Pilot List to go back
22 to their positions on the East Pilot List, thus avoiding the eventual furloughs. Mr.
23 King was involved in the organization of USAPA and has knowledge about the
organization formation and election of USAPA. Ms. Parrella was identified as the
most knowledgeable person by Dave Ciabattoni, a current vice president of USAPA
(Ciabattoni p.120, line 16). USAPA's counsel Jim Brengle cut off further questions
by directing counsel to ask Ms. Parrella (p. 122, line 1-4). Likewise, Paul Diorio, the
current chair of the USAPA negotiating committee identified Ms. Parrella as the
most knowledgeable witness (Diorio, p. 136, line 19; 137, line 8-9).

24 The Court is requested to enter an order limiting Mr. Seham's objections to "Form"
25 and/or "Foundation" as required by Rule 30.c.2, FRCP. Mr. Seham should not be
26 permitted to "impede, delay or frustrate the fair examination of the deponent", nor
27 should there be any further FRCP, Rule 32(d)(2). There is no legitimate or good
28 faith basis for USAPA to limit the discovery depositions that Plaintiffs will take.
29 The existence of pending administrative procedures is not a bar to the discovery
30 requested.

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JOINT CERTIFICATION

Pursuant to LRCiv 7.29(j), the parties jointly agree and state that both have made sincere efforts through consultation to resolve this dispute and have now reached impasse.

Respectfully Submitted,

Dated: March 16, 2009

For Moving Party:

/s/ Stanley J. Silverstone

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For Responding Party:

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ATTORNEYS FOR
PLAINTIFFS

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CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2009, I electronically transmitted the foregoing document to the U.S. District Court Clerk's Office by using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

