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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,
US AIRWAYS, INC.,
16 Defendants,

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

**DEFENDANT'S MOTION FOR
ORDER TO SHOW CAUSE
REGARDING STAY OF
PROCEEDINGS PENDING APPEAL**

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

19 Plaintiffs,

20 vs.

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

Defendants.

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

1 TO : PLAINTIFFS, AND ALL PARTIES, AND THEIR ATTORNEYS OF
2 RECORD.

3 **NOTICE**

4 PLEASE TAKE NOTICE that Defendant US Airline Pilots Association
5 (“USAPA”) will move this Court for an Order that Plaintiffs show cause why an Order
6 should not be issued for a stay of proceedings pending appeal, pursuant to Fed. R. Civ. P.
7 23(f), of this Court’s Order granting Plaintiffs’ Motion for Class Certification (Dkt. No.
8 248).

9 **MOTION**

10 COMES NOW Defendant USAPA to move this Court, for an Order that Plaintiffs
11 show cause why an Order should not be issued for a stay of proceedings pending appeal,
12 pursuant to Fed. R. Civ. P. 23(f), of this Court’s Order granting Plaintiffs’ Motion for
13 Class Certification (Dkt. No. 248).

14 This Motion is supported by a Memorandum of Points and Authorities and the
15 Declaration of Nicholas P. Granath, Esq.

16 WHEREFORE, Defendant USAPA respectfully requests this Court enter an Order
17 that Plaintiffs show cause why an Order should not be issued for a stay of proceedings
18 pending appeal, pursuant to Fed. R. Civ. P. 23(f), of this Court’s Order granting
19 Plaintiffs’ Motion for Class Certification (Dkt. No. 248).
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21
22
23

1 Respectfully Submitted,

2 Dated: March 17, 2009

3 By: /s/ Lucas K. Middlebrook, Esq.

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1 **CERTIFICATE OF SERVICE**

2 This is to certify that on the date indicated herein below a true and accurate copy
3 of the foregoing pleading, *to wit*,

- 4 • Defendant USAPA’s Motion for an Order to Show Cause Regarding Stay of
5 Proceedings Pending Appeal;
• Certificate of Service

6 were electronically filed with the Clerk of Court using the CM/ECF system, which will
7 send notification of such filing to the following:

8 Marty Harper
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12 Who are admitted counsel for the Plaintiffs in this matter,

13 And further that paper hard copies were hand delivered via messenger to Plaintiffs’
14 counsel at the physical address set forth above; and

15 Robert A. Siegel
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16 O’Melveny & Meyers LLP
17 400 S. Hope St.
18 Ste 177
Los Angeles, CA 90071-2899, and,

19 Sarah A. Asta
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20 Who are admitted counsel for Defendant US Airways, Inc. in this matter.

21 And further that paper hard copies were provided to The Honorable Neil V. Wake,
22 District Court Judge, 401 W. Washington Street, SPC 52, Phoenix, AZ 85003.
23

1 On March 17, 2009, by:

2 /s/ Lucas K. Middlebrook

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