

**Declaration of Nicholas P. Granath In
Support of Order to Show Cause for Stay
of Proceedings Pending Appeal**

Exhibit B

ARMY OF LEONIDAS

LEONIDAS LLC

January 26 2009 0:

Leonidas Update for January 25th, 2009

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During the American Revolution, approximately twenty percent of the colonists were loyal to Britain, forty percent tried to remain neutral, and only about forty percent of the colonist were Revolutionaries who actively participated in the rebellion. In fact, up to fifty percent of New York alone was still loyal to the King of England during the war. It was this minority of "Patriots" that all Americans owe an eternal debt of gratitude. These individuals were fully committed to the idea of liberty and of an independent nation, free from the British Crown in North America. They did more than talk, but instead laid everything on the line for their just cause.

Even though the USAPA founders pompously likened their quest to represent the pilots of US Airways to the American Revolution, we at Leonidas would not dare to compare the importance of our mission with that of our Founding Fathers, and of the many citizen soldiers who sacrificed so deeply for the freedoms we now take for granted. Frankly, our dispute is so minor by contrast that it simply does not deserve comparison. However, it was those men and women who built the stage on which our drama presently unfolds. We are able to disagree and have our dispute settled by a third party through our justice system. The point of going to binding arbitration in the first place was to peaceably settle our dispute. Would the likes of John Adams, Thomas Jefferson and Ben Franklin have trouble defining final & binding arbitration?

We only want to use the above to illustrate an important parallel to our present conflict. We do not consider our fight to be as sacred as the birth of our Nation. After America won its independence, hardly a man or women could be found that wouldn't claim to have been a Revolutionary. No doubt there were many who claimed to have fought alongside General Washington, but in reality they were busy finding excuses not to participate, or worse, assisting the British. In the late 1700's, there were limited ways to distinguish those who fought, from those who sheepishly avoided the conflict, preferring instead to allow others to shed blood in their place. The reward for those cowards was the secret shame they hid for the remainder of their lives in the presence of those they knew were not impostors.

At some point, when the dust settles from our legal campaign, those who did more than talk of possible victory and truly supported our efforts will be recognized, as well as those who did not. We are no longer in the late eighteenth century. We say this because the voice of opposition to our campaign has been virtually non-existent, and the interest level extremely high, yet actual participation remains at about half. The reality is that running a project of this magnitude and importance takes tremendous time, effort and money. Failure is not an option for us or any West pilot.

We have heard that some are waiting for the outcome before lending their support. We would imagine that those sharing this attitude either simply lack any degree of fortitude, or simply haven't bothered to count the cost of the alternative offered by USAPA's date-of-hire list. Fortunately for them, there are others carrying more than their share of the burden, making the fight possible. Absent this effort, Bradford & Seeham's vision of

Case 2:08-cv-01633-NVW Document 262-3 Filed 03/17/2009 Page 2 of 5

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subverting their obligations would be a reality. Arbitration would then be rendered powerless as a means to settle disagreements in the US, and labor as a whole would unquestionably suffer as a result. Even today, our union is counting on arbitration as part of the grievance process to solve many of the ills that our pilot group presently faces, and it has long been this way. If Lee Seham's perverse idea prevails in the court, look for management teams around the country to gleefully shirk their obligations to labor and the little guy in a like manner.

This week, we were made aware that a handful of furloughed and/or downgraded individuals suddenly feel abandoned by our efforts as a result of the type of class certification being sought for our DFR. There were many strategic factors which led to this decision, including the time and expense necessary to seek an "opt-out" [Rule 23, B3] class certification. These decisions have been discussed at length in our prior updates, and are readily available at www.cactuspilot.com.

Under B2 class certification, the time to trial is measured in weeks. Had we sought money damages which would then force us to file under B3 class certification, then the time to trial would be measured in years instead of weeks. Furthermore, a B2 certification does not preclude future actions for monetary damages. Given the expediency in which we can achieve a result through a B2 which will effectively write Nicolau into a granite slab outside of the Tempe headquarters, and given the fact that no matter how we proceed money damages will take many many months (if not years) to fully litigate, then then this choice was pretty straightforward for our team. In the interest of all America West pilots, the proper course of action is to secure our legal rights (and hence our seniority rights) as soon as possible.

To reiterate the above, USAPA desperately wants our class to be forced to certify under the B3 class. This is because of the delay it would cause (which they have repeatedly sought), and the additional expense it would induce. At the end of the day, as a B3 class, we might be handed a massive judgment against USAPA, which they would be unable to afford, and based on past performance, would not pay anyway. It would be a very costly, yet hallow victory, whereas the B2 class gives us virtually the same result, but with a more efficient use of your voluntary contributions, while simultaneously NOT giving USAPA the delay it so desperately seeks. We would prefer not to have another fistful of worthless IOU's from the East. Also, there are numerous grievances currently being processed which stand a good chance of making those presently furloughed financially whole.

We have two critical arbitrations which will take place in May and those arbitrations were ordered by Judge Wake himself. If you recall from our previous updates, then you will know that one arbitration is against the company for furloughing out of seniority which includes the "Third List," and the other arbitration regards the failure to bargain in good faith and diligently pursue a joint contract which implements Nicolau. There are additional arbitrations which USAPA is arguing against the company. One has already taken place and that involves USAPA's version of the out of seniority furloughs. From what we have heard, there seems to be good reason for our pilots to be optimistic about the possible outcome. Another arbitration to be heard involves the company flying a fleet of regional jets beyond what the Transition Agreement allows. As for the RJ arbitration, the company is over the allowed number of "large-small jets," (LSJs) based on the current hulls in the mainline fleet by at least 15. A victory in this arbitration would clearly be good for all US Airways pilots, and especially the West furlougees. Therefore, a costly B3 class certification is not the only way to be made whole again.

We cannot help those who would choose to offer their uninformed opinions or criticism on the forum of their choice, and we will not spend time answering those complaints in such a forum. For the record, of the ten individuals controlling the litigation, two have already been furloughed, two are slated to be furloughed, and two have been, or are scheduled to be downgraded. These people, whom have a great personal stake (just like all of us) in the outcome of this litigation have made the difficult choices necessary to help lead us to the best possible outcome. It is called selfless commitment. They too have contributed more than their names, but also a hundreds of hours of their time as well as money. So for those who lack the emotional maturity to research the facts prior to blasting this effort (and who fantasize that the Nicolau would stand on it's own, absent this effort), we say that your anger is simply misdirected at those who are actually fighting for your job. The AWA pilots have never before seen an effort like this. We are on our own, and there is no safety net.

We saw an excellent quote this week, on a Starbucks Cup of all places, by customer Anne Morriss that seemed appropriate to the situation:

“The irony of commitment is that it's deeply liberating – in work, in play, in love. The act frees you from the tyranny of internal critic, from the fear that likes to dress itself up and parade around as rational hesitation. To commit is to remove your head as a barrier to your life.”

This week saw the first round of depositions take place in Charlotte. To accommodate this, two of our plaintiffs volunteered (without pay, of course) to travel with two of our attorneys and conduct seven transcribed interviews over a three-day period. This is a normal and necessary part of building any legal case. We feel that the depositions went well, and were accomplished with an all-around high level of professionalism and courtesy exhibited by all parties. This was only the first round of at least two, if not three, rounds of planned depositions. To put the expense of this endeavor in the proper perspective, the approximate cost for this week's legal activities (in CLT alone) should be around fifteen-thousand dollars. That represents ten “Gold” contributors, and ideally we plan to do this twice more. Not every week is nearly this expensive, but as we move toward and through trial, the expenses will remain high. Compared to the value of your job, or an indefinitely delayed upgrade, or to the priceless value of justice, it still remains the best bargain of your career. Truth is that you cannot afford not to participate.

Finally, we would like to commend Captain Brice La Carre for making the bold decision to seek appointment as an interim representative for the West pilots based in Phoenix. We know that Brice has taken a little grief for doing so, but we want to recognize his courage and willingness to serve. With reportedly as few as one-hundred West pilots in good standing, Brice is among the first to accept the facts as they are, and act (rather than merely talk) to better things for the West contingent of US Airways pilots. We look forward to the first round of elections under USAPA, which are beginning to appear such that they will include vigorous debate. We just ask that all West pilots rise above much of the pettiness which has marred prior contest, and realize that we all really are on the same team at the end of the day.

Sincerely,

Leonidas LLC

▶ Administrator on January 25 2009 · 

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