

1 LEE SEHAM, Esq. *pro hac vice*  
STANLEY J. SILVERSTONE, Esq. *pro hac vice*  
2 LUCAS K. MIDDLEBROOK, Esq. *pro hac vice*  
NICHOLAS P. GRANATH, Esq., *pro hac vice*  
3 SEHAM, SEHAM, MELTZ & PETERSEN, LLP  
445 Hamilton Avenue, Suite 1204  
4 White Plains, NY 10601  
Tel: 914 997-1346; Fax: 914 997-7125

5 STANLEY LUBIN, Esq., State Bar No. 003076  
6 stan@lubinandenoch.com  
LUBIN & ENOCH, PC  
7 349 North 4th Avenue  
Phoenix, AZ 85003-1505  
8 Tel: 602 234-0008; Fax: 602 626 3586

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)

**DECLARATION OF**  
**THERESA MURPHY, ESQ.**  
**IN SUPPORT OF USAPA'S**  
**OPPOSITION TO PLAINTIFFS'**  
**MOTION FOR A**  
**PROTECTIVE ORDER**

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 I, Theresa Murphy, Esq., declare as follows:

2 1. I am a member of Seham, Seham, Meltz & Petersen, LLP, a firm of record  
3 for defendant USAPA in this matter. I make this Declaration of my own free will and  
4 based on my personal, first-hand knowledge, unless otherwise specifically indicated.

5 2. This Declaration is submitted in support of Defendant USAPA's  
6 "Memorandum in Opposition to Plaintiffs' Motion for a Protective Order."

7 3. Our firm has been repeatedly contacted by a West pilot<sup>1</sup> who alleges that he  
8 has been subject to a barrage of verbal and physical threats of violence, assault and  
9 property damage due to his expressed interest in becoming active in USAPA as a  
10 representative.  
11

12 4. This West pilot has also asserted potential OSHA claims due to his ongoing  
13 concerns for his safety in the workplace stemming from other pilots threatening him due  
14 to his expressed interest in becoming active in USAPA as a representative.

15 5. This West pilot alleges a hostile work environment with log books and clip  
16 boards in his work area with writings on them referring to him as a "SCAB."

17 6. This West pilot advised me that on May 9<sup>th</sup>, West pilot, John McIlvenna  
18 phoned him and asked if he was considering being a USAPA representative and that  
19 when he responded in the affirmative, Mr. McIlvenna told him he had "better get another  
20 set of tires" and that "someone might burn my [the West pilot's] truck."  
21

22 7. This West pilot informed me that on May 10, 2009, West pilot, Mr.  
23

---

<sup>1</sup> The name of the West pilot referenced herein is purposely being omitted and has been redacted on all supporting exhibits to prevent retaliation.

1 Mitchell Vasin, posted the West pilot's cell phone number on the AWAPPA web site and  
2 invited everyone to call him about his decision to participate in USAPA whereupon he  
3 received an abundance of aggressive and threatening phone calls and voice-mail  
4 messages.

5 8. This West pilot advised me that West pilot, Ray Burkett phoned him the  
6 day after his cell number was posted on the internet and threatened to organize an  
7 economic boycott against this West pilot personally through the "no fly" program and  
8 then posted this threat on the AWAPPA website which stated "I also let [West pilot]  
9 know that he is on a tiny fleet that could have a huge no fly jump in a matter of days!!!"

10 9. This West pilot voiced his concerns for his safety, both verbally and in  
11 writing, to both the Company and the USAPA, including a web posting by West pilot Jeff  
12 Abbott posted on the AWAPPA website which invited fellow pilots to subject the West  
13 pilot to a "blanket party." That term typically refers to a practice of throwing a blanket  
14 over an individual and subjecting him to a beating by multiple persons.

15 10. Attached is a true and correct copy of an email dated May 16, 2008, 10:19  
16 AM, from the West pilot to U.S. Airways Human Resources Representative, Jennifer  
17 Tonge, detailing his concerns of economic threats and threats of physical violence and  
18 property damage, Exhibit "A."

19 11. Attached is a true and correct copy of an email dated May 16, 2008, 10:25  
20 AM, from the West pilot to U.S. Airways Human Resources Representative, Jennifer  
21 Tonge, detailing concerns of threats of physical violence, Exhibit "B."

22 12. Attached is a true and correct copy of AWAPPA web postings relating to  
23

1 various threats against the West pilot, Exhibit "C."

2 13. Attached is a true and correct copy of an email dated Friday, October 3,  
3 2008, the West pilot to Lee Seham, Esq., detailing his concerns of threats of physical  
4 violence, economic threats, threats of destruction of his personal property, and telephone  
5 harassment, Exhibit "D."

6 14. Attached is a true and correct copy of a letter dated October 20, 2008, from  
7 E. Allen Hemenway, Vice President, Labor Relations, to First Officer Stephen Bradford,  
8 President of USAPA, responding to a letter from First Officer Bradford informing the  
9 Company about the alleged harassment of the West pilot due to his consideration of  
10 becoming a USAPA representative, Exhibit "E."  
11

12 Further your Declarant sayeth not.

13 Pursuant to 29 USC § 1746, I declare under penalty of perjury that the foregoing is  
14 true and correct.

15 Executed on: March 24, 2009

16 /s/ THERESA A. MURPHY

17 Theresa A. Murphy  
18  
19  
20  
21  
22  
23