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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Don Addington; John Bostic; Mark)  
Burman; Afshin Iranpour; Roger Velez;)  
9 Steve Wargoeki,

No. CV 08-1633-PHX-NVW  
(consolidated)

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Plaintiffs,

**ORDER**

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vs.

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US Airline Pilots Association; US)  
Airways, Inc.,

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Defendants.

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Don Addington; John Bostic; Mark)  
Burman; Afshin Iranpour; Roger Velez;)  
16 Steve Wargoeki, et al.,

CV08-1728-PHX-NVW

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Plaintiffs,

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vs.

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Steven Bradford; Paul Diorio; Robert)  
20 Frear; Mark King; Douglas Mowery; John)  
Stephan, et al.,

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Defendants.

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Before the Court is the Plaintiffs' Motion for Protective Order Directing Defendant's Counsel to Respect ER 4.2 and Abstain from Ex Parte Contact with Members of the West Pilot Class. (Doc. # 274.) The Court directed Defendant USAPA to file a response to this Motion by 5:00pm March 24, 2009, and USAPA has done so. (Doc. ## 276, 280.) On first examining Plaintiffs' motion, the Court concluded that it was in the nature of a charge of

1 ethical improprieties and did not require the parties to follow the Court's standard conferral  
2 procedure that applies to all discovery disputes. The Court now agrees with USAPA that  
3 Plaintiffs' motion is, in substance, a discovery dispute and conferral is required before any  
4 formal motion will be considered.

5 IT IS THEREFORE ORDERED that the parties shall confer forthwith by telephone  
6 or in person regarding the scope of class-member discovery and the procedures by which  
7 Plaintiffs will make appropriate class-members available for interview by USAPA's counsel.  
8 The parties shall also confer forthwith by telephone or in person regarding any appropriate  
9 disclosure of prior communications between USAPA's counsel and class members regarding  
10 the subject of the representation. The parties shall inform the Court of the status of this  
11 dispute by 4:00pm on Thursday, March 26, 2009.

12 DATED this 24th day of March, 2009.

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15 Neil V. Wake  
16 United States District Judge  
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