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

10 Don ADDINGTON, <i>et al.</i> ,	CASE NO. 2:08-CV-1633-PHX-NVW
11 Plaintiffs,	(Consolidated)
12 vs.	PROPOSED FORMS OF ORDER FOR
13 US AIRLINE PILOTS ASSN., <i>et al.</i> ,	PLAINTIFFS MOTIONS IN LIMINE
14 Defendants.	
15 Don ADDINGTON, <i>et al.</i> ,	Case No. 2:08-CV-1728-PHX-NVW
16 Plaintiffs,	
17 vs.	
18 Steven H. BRADFORD, <i>et al.</i> ,	
19 Defendants.	

20 Plaintiff submit the following proposed forms of Order for consideration
21 by the Court if it grants Plaintiffs' Motions in Limine Nos. 1-9.
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23 1. "Plaintiffs' First Motion in Limine is granted. USAPA is precluded
24 from offering any evidence, testimony or argument that the Nicolau
25 Arbitration was unfair, unreasonable or contrary to ALPA Merger Policy.
26 USAPA is further precluded from introducing any evidence, testimony or
27 argument that is offered to challenge whether or not the Nicolau Award was
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1 fair and equitable. Plaintiffs' objections to USAPA's exhibits, as set forth in
2 Exhibit A to Plaintiffs' First Motion in Limine are sustained, and may not
3 be used at trial or referred to directly or indirectly by any witness."

4 2. "Plaintiffs' Second Motion in Limine is granted. USAPA is
5 precluded from offering any evidence, testimony or argument that date-of-
6 hire seniority principles are used by any other trade or craft. Plaintiffs'
7 objections to USAPA's exhibits, as set forth in Exhibit A to Plaintiffs' Second
8 Motion in Limine are sustained, and may not be used at trial or referred to
9 directly or indirectly by any witness."

10 3. "Plaintiffs' Third Motion in Limine is granted. USAPA is
11 precluded from offering any evidence, testimony or argument regarding
12 ALPA merger policy, or whether or not ALPA committed a DFR or was
13 responsible for Plaintiffs' current liability claims. Plaintiffs' objections to
14 USAPA's exhibits, as set forth in Exhibit A to Plaintiffs' Third Motion in
15 Limine are sustained, and may not be used at trial or referred to directly or
16 indirectly by any witness."

17 4. "Plaintiffs' Fourth Motion in Limine is granted. USAPA is
18 precluded from offering any evidence, testimony or argument that USAPA
19 acted rationally or reasonably after it determined that it would disregard
20 the Nicolau Award. Plaintiffs' objections to USAPA's exhibits, as set forth
21 in Exhibit A to Plaintiffs' Fourth Motion in Limine are sustained, and may
22 not be used at trial or referred to directly or indirectly by any witness."
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24 5. "Plaintiffs Fifth Motion in Limine is granted. USAPA is precluded
25 from offering any evidence, testimony or argument that USAPA complied
26 with its Constitutional principles as a defense to Plaintiffs' DFR claims.
27 Plaintiffs' objections to USAPA's Constitution, Exhibit 1006, are sustained,
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1 and may not be used at trial or referred to directly or indirectly by any
2 witness.”

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4 6. “Plaintiffs’ Sixth Motion in Limine is granted. USAPA is
5 precluded from offering any evidence, testimony or argument in defense of
6 the DFR claims, that West Pilots, individually or as a group, committed
7 “bad acts” that either caused USAPA to commit a DFR, or excused USAPA’s
8 duty of fair representation. Plaintiffs’ objections to USAPA’s exhibits, as set
9 forth in Exhibit A to Plaintiffs’ Sixth Motion in Limine are sustained, and
10 may not be used at trial or referred to directly or indirectly by any witness.”

11 7. “Plaintiffs’ Seventh Motion in Limine is granted. USAPA is
12 precluded from offering any evidence, testimony or argument relating to
13 analysis performed by experts or other persons regarding a comparison of
14 the relative merits or benefits of seniority proposals including Nicolau
15 Award, date-of-dire with conditions and restrictions, separate operations,
16 captain position projections or gains or losses to pilot employment.
17 Plaintiffs’ objections to USAPA’s exhibits, as set forth in Exhibit A to
18 Plaintiffs’ Seventh Motion in Limine are sustained, and may not be used at
19 trial or referred to directly or indirectly by any witness. The Court finds no
20 good cause to excuse USAPA from having disclosed experts or other analysts
21 in a reasonable or timely fashion. Plaintiffs’ objections to expert or
22 analytical testimony from Bob Davison, Rikk Salamat, Richard Hurd,
23 Daniel Kasper, and James Harris are sustained and those witnesses may
24 not be called by USAPA for any purpose.”

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26 8. “Plaintiffs’ Eighth Motion in Limine is granted. USAPA is
27 precluded from offering any evidence, testimony or argument about any
28 grievances pending, heard, decided, or scheduled to be heard before the

1 System Board of Adjustment. Plaintiffs' objections to USAPA's exhibits, as
2 set forth in Exhibit A to Plaintiffs' Eighth Motion in Limine are sustained,
3 and may not be used at trial or referred to directly or indirectly by any
4 witness."

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6 9. "Plaintiffs' Ninth Motion in Limine is granted. USAPA is
7 precluded from offering any evidence, testimony or argument relating to the
8 proposals currently under negotiation with US Airways for sections of the
9 single collective bargaining agreement. Plaintiff's objections to USAPA's
10 exhibits, as set forth in Exhibit A to Plaintiffs' Ninth Motion in Limine are
11 sustained, and may not be used at trial or referred to directly or indirectly
12 by any witness."

13 Dated this 7th day of April, 2009

14
15 POLSINELLI SHUGHART PC

16
17 By: *Don Stevens*

18 Don Stevens
19 Security Title Plaza
20 3636 N. Central Ave., Suite 1200
21 Phoenix, AZ 85012

22 **CERTIFICATE OF SERVICE**

23 I hereby certify that on April 7, 2009, I electronically transmitted the
24 foregoing document to the U.S. District Court Clerk's Office by using the
25 CM/ECF System for filing and transmittal of a Notice of Electronic Filing to
26 the following CM/ECF registrant(s).

27 I further certify that on April 7, 2009, I served a paper copy of the
28 foregoing document by (insert service method: mail, courier service, in-
person delivery) on the following, who is (are) not registered participant(s) of
the CM/ECF System:

1 I further certify that on April 7, 2009, I (**insert service method: mail or**
2 **delivery**) a paper courtesy copy of the foregoing document and the Notice of
Electronic Filing to the assigned Judge:

3 s/ *Don Stevens*
4 _____
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