

FILED

UNITED STATES COURT OF APPEALS

APR 10 2009

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

US AIRLINE PILOTS ASSOCIATION,
an unincorporated association representing
the pilots in the employment of US
Airways Inc., a Delaware corporation,

Petitioner,

v.

DON ADDINGTON, individual resident
of the State of Arizona formerly employed
by America West Airlines, Inc. and
presently employed by its successor after
merger, US Airways, Inc.; et al.,

Respondents.

No. 09-80051

D.C. No. 2:08-cv-01633-NVW
District of Arizona,
Phoenix

ORDER

Before: LEAVY and GRABER, Circuit Judges.

The court, in its discretion, denies the petition for permission to appeal the district court's March 10, 2009 order granting class action certification. *See* Fed. R. Civ. P. 23(f); *Chamberlan v. Ford Motor Co.*, 402 F.3d 952 (9th Cir. 2005) (per curiam).

Petitioner's emergency motion for stay pending appeal is denied as moot.