

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF ARIZONA**

3 Don ADDINGTON; John BOSTIC; Mark
4 BURMAN; Afshin IRANPOUR; Roger
VELEZ; and Steve WARGOCKI,

5 Plaintiffs,

6 vs.

7 US AIRLINE PILOTS ASSOCIATION,
8 US AIRWAYS, INC.,
Defendants,

Case No. 2:08-cv-1633-PHX-NVW
(Consolidated)

**DEFENDANT USAPA'S PROPOSED
VOIR DIRE QUESTIONS**

9 Don ADDINGTON; John BOSTIC; Mark
10 BURMAN; Afshin IRANPOUR; Roger
VELEZ; and Steve WARGOCKI,

11 Plaintiffs,

12 vs.

13 Steven H. BRADFORD, Paul J. DIORIO,
14 Robert A. FREAR, Mark. W. KING,
Douglas L. MOWERY, and John A.
15 STEPHAN,

16 Defendants.

Case No. 2:08-cv-1728-PHX-NVW

1 Defendant, US Airline Pilots Association (“USAPA”), submits the following voir
2 dire questions to be asked in addition to those questions asked by the Court in its “Civil
3 Voir Dire Questions” form:

- 4 1. Is anyone a relative of, or a social or business acquaintance of, Don Addington,
5 John Bostic, Mark Burman, Afshin Iranpour, Roger Velez, or Steve Wargocki?
- 6 2. Has anyone been employed by America West Airlines?
- 7 3. Has anyone been a contractor to America West Airlines?
- 8 4. Does anyone have a family member, or relative, who was employed by America
9 West Airlines?
- 10 5. Does anyone have a family member, or relative, who was a contractor to America
11 West Airlines?
- 12 6. Does anyone have, or has anyone had, any sort of frequent flyer miles with
13 America West Airlines?
- 14 7. Does anyone consider, now or in the past, America West Airlines to be a ‘home
15 town’ airline?
- 16 8. Is anyone employed by US Airways?
- 17 9. In the past, was anyone employed by US Airways?
- 18 10. Is anyone a contractor to US Airways?
- 19 11. In the past, was anyone a contractor to US Airways?
- 20 12. Does anyone have a family member, or relative, who is employed by US Airways?
- 21 13. Does anyone have a family member, or relative, who is a contractor to US
22 Airways?
- 23 14. Does, or did, anyone hold stock in, or have any sort of financial investment with
America West Airlines?
15. Does, or did, anyone hold stock in, or have any sort of financial investment with
US Airways?
16. Does anyone feel that the merger of US Airways with America West Airlines was
a good development for any reason?

- 1 17. Does anyone feel that the merger of US Airways with America West Airlines was
2 a bad development for any reason?
- 3 18. Has anyone ever worked for, or invested in, any airline or aviation company, other
4 than US Airways or America West Airlines?
- 5 19. Does anyone have a spouse or relative who has invested in any airline or aviation
6 company, other an US Airways or America West Airlines?
- 7 20. Is anyone here a pilot?
- 8 21. Is anyone here married to, or related to, or a friend of, a pilot?
- 9 22. Has anyone here ever filed a civil lawsuit?
- 10 23. Does anybody believe that a defendant in a civil lawsuit is probably guilty of
11 wrongdoing, or else they would not have been sued in the first place?
- 12 24. Does anyone believe that because this case has come to trial that it is likely that
13 Plaintiffs' version of the facts is probably true?
- 14 25. Does anyone feel or believe that he/she may have difficulty in obeying and
15 sincerely applying the rules of law that the Court will later give the jury, even if
16 you personally don't think the law is right?
- 17 26. Is anyone here involved in any way with the legal profession and/or law
18 enforcement?
- 19 27. Has anyone here had any case, or been affected by any case, involving this Court,
20 or this judge?
- 21 28. Whether or not you have seen anything in the media, does anyone have any
22 knowledge about this lawsuit?
- 23 29. Has anyone seen any Internet web site, posting or e-mail about this lawsuit?
- 30 30. Has anyone seen any Internet web site, posting or e-mail about this lawsuit by
31 pilots who used to work for America West Airlines?
- 32 31. Is anyone here a member of a labor union?
- 33 32. Does anyone have a spouse or relative who is in a labor union?
- 34 33. Has anyone, or anyone you know, ever filed a lawsuit against a union?
- 35 34. Has anyone had a bad experience with a union?

- 1 35. Has anyone ever had a dispute with a union?
- 2 36. Has anyone heard of the duty of fair representation?
- 3 37. Does anyone here believe that he/she would be unable to view objectively the
4 legal position of a union defending against a lawsuit by its own members?
- 5 38. Is there anyone who believes that individuals and labor unions should not be
6 treated equally by the jury at trial?
- 7 39. Does anyone believe for any reason that he/she could not give a fair trial to a labor
8 union that is sued by some of its members?
- 9 40. Has anyone ever served on a jury in the past in a case involving a claim by union
10 member(s) against his/her own union?
- 11 41. Has anyone been a party to an arbitration before?
- 12 42. Does anyone have any political or religious reason why they should not be a juror
13 on this case?
- 14 43. Does anyone feel that it would be better if workers did not have unions?
- 15 44. Does anyone feel that in the workplace seniority should not matter?
- 16 45. Has anyone ever served on a jury before?
- 17 46. Has anyone ever been a witness before?
- 18 47. Does anyone feel that unions should not be democratic?
- 19 48. Does anyone feel that they would have trouble putting aside sympathy or personal
20 opinion and deciding this case based on the evidence and the facts?
- 21 49. Has anyone here had any legal education or training?
- 22 50. Does anyone here think they know how they would decide this case if they had to
23 decide it today?

1 Respectfully Submitted,

2 Dated: April 16, 2009

By: /s/ Nicholas P. Granath, Esq.

3
4 Nicholas P. Granath, Esq. (*pro hac vice*)
ngranath@ssmplaw.com
SEHAM, SEHAM, MELTZ & PETERSEN, LLP
2915 Wayzata Blvd.
5 Minneapolis, MN 55405

6 Lee Seham, Esq. (*pro hac vice*)
Stanley J. Silverstone, Esq. (*pro hac vice*)
7 Lucas K. Middlebrook, Esq. (*pro hac vice*)
Theresa Murphy (*pro hac vice*)
8 SEHAM, SEHAM, MELTZ & PETERSEN, LLP
445 Hamilton Avenue, Suite 1204
9 White Plains, NY 10601

10 James K. Brengle, Esq. (*pro hac vice*)
Duane Morris, LLP
30 South 17th Street
11 Philadelphia, PA 19103-4196

12 Nicholas Enoch, Esq. State Bar No. 016473
stan@lubinandenoach.com
13 LUBIN & ENOCH, PC
349 North 4th Avenue
14 Phoenix, AZ 85003-1505

15 *Attorneys for Defendant*
16 *US Airline Pilots Association*
17
18
19
20
21
22
23

CERTIFICATE OF SERVICE

This is to certify that on the date indicated herein below true and accurate copies of the foregoing documents and their attachments, were electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all admitted counsel who have registered with the ECF system, including but not limited, to:

Marty Harper	Don Stevens	Andrew S. Jacob
MHarper@Polsinelli.com	DStevens@Polsinelli.com	AJacob@Polsinelli.com
Kelly J. Flood	Katie Brown	
KFlood@Polsinelli.com	KVBrown@Polsinelli.com	

Further, I certify that paper hard copies shall be provided to The Honorable Neil V. Wake, District Court Judge, 401 W. Washington Street, SPC 52, Phoenix, AZ 85003.

On April 16, 2009, by:

/s/ Nicholas Paul Granath, Esq.