

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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

Plaintiffs,

vs.

US Airline Pilots Association; US
Airways, Inc.,

Defendants.

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

ORDER

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

Plaintiffs,

vs.

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

Defendants.

CV08-1728-PHX-NVW

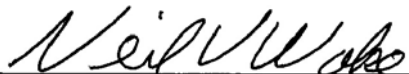
The Court has concluded that it ruled prematurely (doc. # 393) in denying the Motion for Order Compelling USAPA Officers to Appear at Trial. (Doc. # 345.) While the subpoena power under Fed. R. Civ. P. 45 does not extend to the out-of-state witnesses in question, the Court may well have power under Rule 16(c)(2)(L) and (P) over USAPA as a party to require persons who are or were at the relevant times its officers to attend the trial

1 for testimony in Plaintiffs' case. At a minimum the Court could permit Plaintiffs to examine
2 those witnesses first when called by Defendant.

3 IT IS THEREFORE ORDERED that order of April 24, 2009 (doc. # 393) is vacated.
4 Plaintiffs may file a response to the Motion (doc. # 345) by 5:00 p.m. April 27, 2009.

5 Dated: April 24, 2009.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Neil V. Wake
United States District Judge