

1 Marty Harper (#003416)
 mharper@polsinelli.com
 2 Kelly J. Flood (#019772)
 kflood@polsinelli.com
 3 Andrew S. Jacob (#022516)
 ajacob@polsinelli.com
 4 **POLSINELLI SHUGHART PC**
 3636 N. Central Ave., Suite 1200
 5 Phoenix, AZ 85012
 Phone: (602) 650-2000
 6 Fax: (602) 264-7033
Attorneys for Plaintiffs

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

9 Don ADDINGTON, *et al.*,
 10 Plaintiffs,
 11 vs.
 12 US AIRLINE PILOTS ASSN., *et al.*,
 13 Defendants.

CASE NOS.
 2:08-CV-1633-PHX-NVW
 2:08-CV-1728-PHX-NVW
 (Consolidated)

**PLAINTIFFS' DEPOSITION
 DESIGNATIONS AND OBJECTIONS
 TO USAPA'S DEPOSITION
 DESIGNATIONS**

14 Don ADDINGTON, *et al.*,
 15 Plaintiffs,
 16 vs.
 17 Steven H. BRADFORD, *et al.*,
 18 Defendants.

19 Plaintiffs hereby submit their objections and stipulations to
 20 Defendant's deposition designations for witnesses Allen Hemenway and
 21 Stephen Bradford. Plaintiffs attach hereto a list of Plaintiffs' page-and-
 22 line deposition designations with Defendant's objections and stipulations
 23 thereto, as well as Defendant's page-and-line designations and Plaintiffs'
 24 objections and stipulations thereto.
 25
 26
 27
 28

1 Plaintiffs object to certain of Defendant's designations for Mr.
2 Hemenway because they:

3 (1) Violate orders in limine (Plaintiffs' #8, USAPA's #s 3-5, 9),
4 regarding the claims against the company that have been referred to
5 arbitration, and grievances related thereto;

6 (2) Attempt to re-litigate the Nicolau award by, e.g., arguing
7 relative financial health of the companies;

8 (3) Violate order in limine on Plaintiffs' MIL #2 regarding evidence
9 of DOH integration of other trades, with no other purpose;

10 (4) Call for legal conclusions regarding, e.g., who can terminate the
11 TA, who are parties to the agreements, and the like;

12 (5) Include legal arguments among counsel in some portions;

13 (6) Include various irrelevant and prejudicial information designed
14 to confuse and mislead the jury.

15 Plaintiffs object to certain of Defendant's designations for Mr.
16 Bradford because they:

17 (1) Include hearsay and call for legal conclusions regarding, e.g.,
18 whether the merger between the two airlines actually occurred;

19 (2) Lack foundation; and

20 (3) Include various irrelevant and prejudicial information designed
21 to confuse and mislead the jury.

22 The Court should, in its discretion, preclude the testimony of Mssrs.
23 Hemenway and Bradford for which Plaintiffs have made the page and
24 line objections attached hereto.

25
26
27
28

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

Dated this 29th day of April, 2009

POLSINELLI SHUGHART PC

By: /s/
Kelly J. Flood
Security Title Plaza
3636 N. Central Ave., Suite 1200
Phoenix, AZ 85012

CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2009, I electronically transmitted the foregoing document to the U.S. District Court Clerk's Office by using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

s/ Kelly J. Flood

Plaintiffs' designations, and
 Defendants' Objections, Stipulations, And Counter Designations
 AND PLAINTIFFS' Objections and Stipulations to Defendant's Counter-designations

Allen **Hemenway** Deposition taken April 3, 2009

Defendants' General Objections:

Unfair prejudice because incompleteness, 403.

Defendant's Specific Objections:

Page	Line #	Defendants Objection
21	12-25	Relevance; Misleading; Confusing
22	1-24	Relevance
24	8-19	Relevance; Misleading; Confusing
48	10-25	Relevance; Misleading; Confusing
49	1-24	Relevance; Misleading; Confusing
54	18-25	Relevance; Misleading; Confusing
55	1-23	Relevance
57	15-25	Relevance; Misleading; Confusing
58	5-25	Relevance; Misleading; Confusing
59	1-25	Relevance; Misleading; Confusing
64	14-26	Relevance; Misleading; Confusing
110	11-19	Relevance; Misleading; Confusing
126	11-25	Relevance; Misleading; Confusing
127	1-25	Relevance
128	1-24	Relevance

Defendant's Counter Designations and Plaintiffs' objections:

Page	Line #	Defendants Objection
9	3-25	Foundation, irrelevant, prejudicial, goes to relative financial health of companies prior to merger
10	1-25	and it attempts to re-litigate Nicolau award
11	1-3	same objection
16	13-25	same objection
17-18	All	same objection
19	1-8	same objection
21	12-25	No objection
22-28	All	No objection
29	1-11	No objection
30	15-25	Irrelevant, prejudicial, violatates Plaintiff's MIL #8 and USAPA's own MILs # 3-5 because add company that were referred to arbitration and asks about the complaint filed.
31-34	All	same objection until page 32, line 1.
35	1-4	Irrelevant, waste of time
36	8-16	Asks for a legal conclusion
37	12-25	Irrelevant and waste of time because no question is actually asked - just Seham testifying
38-47	All	Calls for a legal conclusion about whether parties have right to terminate the TA; violates USA MILs #-3-5 because addresses specific info in the counts against the company; violates P's MIL # 8 and USAPA's MILs #3-5, 9 regarding grievances
48	1-9	same objections, and irrelevant and prejudicial
69	9-25	same objections, and irrelevant and prejudicial
70-82	All	Objection starting at page 72 - 78 violates Ps' MIL # 2 becasue it addresses only integration of ot trades on DOH basis; pages 78-82 attempts to re-litigate the Nicolau award
83	1-16	Same objection - discusses relative financial health of companies
133	4-25	No objection

- 134-135 All No objection
- 136 1-6 No objection
- 148 24-25 Irrelevant and prejudicial because violates Plaintiff's MIL # 8, USAPA's MILs #-35 about the claims against the company and, e.g., what equipment each side could fly during separate operation
- 149 1-5 same objection
- 151 7-25 Same objection
- 152 1-8 same objection
- 171 22-25 Prejudicial and confusing because includes legal objections and arguments of counsel
- 172 1-25 Same objection
- 173 1-21 Same objection and calls for legal conclusion by witness

Stephen Bradford Deposition taken April 3, 2009

General Objections:

- i) Failure to timely designate in violation of certification (Doc. # 356, at 42:5)
- ii) Unfair prejudice because of incompleteness, 403.

Specific Objections:

<i>Page /Line #</i>	<i>Objection:</i>
4 8-25	No objection
5 1-8, 20-25	No objection
8 6-25	No objection
9 1-25	No objection
10 1-20	No objection
20 18-25	foundation; legal opinion
21 1-25	foundation; legal opinion
22 1-25	foundation; legal opinion
23 1-25	foundation; legal opinion
24 1-25	foundation; legal opinion
25 1-25	foundation; legal opinion
26 1-26	foundation; legal opinion
27 1-16	foundation; legal opinion
29 11-19	foundation; legal opinion
30 14-25	foundation; legal opinion
31 1-23	foundation; legal opinion
41 15-25	No objection
42 1-24	No objection
59 8-25	foundation; legal opinion
60 1-25	foundation; legal opinion
61 1-11	No objection
62 9-25	foundation; legal opinion
63 1-9	unfair prejudice
66 18-25	foundation; legal opinion
67 1-19	foundation; legal opinion
71 13-25	foundation; legal opinion; relevance

Defendants' Objections, Stipulations, And Counter Designations
To Plaintiffs Proposed Deposition Testimony, 28 April 2009

72 1-25	foundation; legal opinion; relevance
73 1-25	foundation; legal opinion; relevance
74 1-25	foundation; legal opinion; relevance
75 1-25	foundation; legal opinion; relevance
76 1-4	foundation; legal opinion; relevance
83 4-25	foundation; legal opinion; relevance
84 1-25	foundation; legal opinion; relevance
85 1-25	foundation; legal opinion; relevance
87 12-17	foundation; legal opinion; relevance
91 1-25	foundation; legal opinion; hearsay
92 1-23	foundation; legal opinion; hearsay
94 3-25	No objection
95 1-25	No objection
96 1-16	No objection
98 3-24	foundation; legal opinion; relevance
102 2-25	foundation; legal opinion; relevance
103 1-25	foundation; legal opinion; relevance
104 1-25	foundation; legal opinion; relevance
105 1-25	foundation; legal opinion; relevance
111 11-25	foundation; legal opinion
112 1-25	No objection
113 1-25	No objection
114 1-25	foundation; legal opinion
115 1-25	foundation; legal opinion
116 1-25	foundation; legal opinion
118 7-25	No objection
119 1-25	No objection
120 1-25	No objection
121 1-25	No objection
122 1-25	No objection
123 1-25	No objection
124 1-25	No objection
125 1-25	No objection
126 1-25	No objection
127 1-25	No objection
128 1-25	No objection
129 1-25	foundation; legal opinion
130 1-25	relevance
131 1-25	relevance
132 1-25	relevance
133 1-25	relevance
134 4-25	No objection
135 1-25	No objection
136 1-25	relevance; pre-cert
137 1-25	No objection
138 1-25	best evidence (video)

Defendants' Objections, Stipulations, And Counter Designations
 To Plaintiffs Proposed Deposition Testimony, 28 April 2009

139 1-25 best evidence (video)
 140 1-25 best evidence (video)
 141 1-25 best evidence (video)
 146 13-25 foundation; relevance; best evidence (draft constitution)
 147 1-25 foundation; relevance; best evidence
 148 1-25 relevance
 153 24-25 relevance
 154 1-25 relevance
 155 1-25 relevance
 156 1-25 relevance
 159 2-18 relevance
 161 3-16 relevance; MIL (on attorneys)
 165 4-16 relevance; MIL (L. Seham letter)

Defendant's Counter Designations and Plaintiffs' Objections:

<u>Page</u>	<u>Line</u>
4	24-25 no objections
5	1-8 no objection
7	22-25 no objection
8	1-25 no objection
9	1-19 no objection 24-25
10	1-13 no objection if read with plaintiffs' additional lines
20	24-25 no objection
21	1-2 no objection
25	12-20 no objection
27	11-20 no objection
35	14-25 no objection
36	1-12 no objection
38	14-16 no objection
39	7-15 no objection
41	15-25 no objection
42	1-25 no objection
43	1-5 irrelevant and prejudicial 20-25
44	1-2 Irrelevant and contradicted by other docs from USAPA 11-14 24-25
45	1-15 irrelevant
52	20-25 no objection
53	1-2 6-23 no objection
54	4 no objection

Defendants' Objections, Stipulations, And Counter Designations
 To Plaintiffs Proposed Deposition Testimony, 28 April 2009

56	18-25 Irrelevant and prejudicial
57	1-11 Irrelevant and prejudicial
60	4-25 No objection
61	1-25 no objection
62	1-25 no objection
63	1-1 13-25 Irrelevant and prejudicial
64	1-25 Irrelevant and prejudicial
65	1-25 Hearsay - calls for a legal conclusion, prejudicial
66	claims he heard that the merger still isn't "done" yet via Par
67	maybe in crew rooms - will confuse the jury
68	1-10 Hearsay - calls for a legal conclusion, prejudicial -
69	same objection as above
70	12-24 no objection if complete with Plaintiffs' designations
71	1-9 no objection if complete with Plaintiffs' designations
72	25 no objection if complete with Plaintiffs' designations
73	1-25 no objection if complete with Plaintiffs' designations 1-2
74	9-25 1-17 no objection if complete with Plaintiffs' designations 25
85	1-7 no objection if complete with Plaintiffs' designations
86	9-11 no objection
87	16-25 no objection
88	11-21 foundation regarding what impact company felt
89	25 no objection
93	1-7 no objection
98	18-25 no objection
102	1-7 6-17 no objection
103	16-19 no objection
104	2-17 22-25 no objection
105	1-2 no objection
109	5-7 no objection
110	24-25 no objection
111	1 no objection
112	14-15 18-21 no objection 23-25
113	1 no objection
114	12-13 no objection
115	24-25 no objection
118	1 6-9 no objection

10-14

15

Defendants' Objections, Stipulations, And Counter Designations
 To Plaintiffs Proposed Deposition Testimony, 28 April 2009

119	7-8 22-24 no objection
121	10-25 no objection
122	1-3 21-24 no objection
123	2-5 13-15 no objection
124	3-21 no objection
125	3-6 no objection
126	2-14 no objection
127	6-8 24-25 no objection
128	1-2 10-14 no objection
129	13-14 no objection
134	8-14 no objection
136	13-20 no objection
138	18-19 no objection
139	11-25 no objection
143	7-8 Irrelevant
144	10-17 no objection
149	5-11 no objection
150	1-4 no objection