

1 LEE SEHAM, Esq. *pro hac vice*
LUCAS K. MIDDLEBROOK, Esq. *pro hac vice*
2 NICHOLAS P. GRANATH, Esq., *pro hac vice*
STANLEY J. SILVERSTONE, Esq., *pro hac vice*
3 SEHAM, SEHAM, MELTZ & PETERSEN, LLP
445 Hamilton Avenue, Suite 1204
4 White Plains, NY 10601
Tel: 914 997-1346; Fax: 914 997-7125

5 NICHOLAS J. ENOCH, Esq., State Bar No. 016473
LUBIN & ENOCH, P.C.
6 349 North 4th Avenue
Phoenix, AZ 85003-1505
7 Tel: 602 234-0008; Fax: 602 626 3586

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

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

12 Plaintiffs,

13 vs.

14 US AIRLINE PILOTS ASSOCIATION,
US AIRWAYS, INC.,

15 Defendants,

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

**DEFENDANT USAPA'S
NOTICE OF OBJECTIONS TO
PLAINTIFFS' DESIGNATION OF
DEPOSITION TESTIMONY OF
BRADFORD AND COUNTER
DESIGNATIONS**

16 Don ADDINGTON; John BOSTIC; Mark
BURMAN; Afshin IRANPOUR; Roger
17 VELEZ; and Steve WARGOCKI,

18 Plaintiffs,

19 vs.

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

21 Defendants.

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

General Objections To Plaintiffs' Designation:

- i) Failure to timely designate in violation of certification. (Doc. # 356, at 42:5)
- ii) Unfair prejudice because of incompleteness. FRE 403. Not cured because Plaintiffs object to their own proffer (Doc. # 410)
- iii) Waiver. Plaintiffs have objected to their own proffer (Doc. # 410).

Specific Objections To Plaintiffs' Designation:

<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 10 1-20	No objection
20 18-25	foundation; legal opinion
11 21 1-25	foundation; legal opinion
22 1-25	foundation; legal opinion
12 23 1-25	foundation; legal opinion
24 1-25	foundation; legal opinion
13 25 1-25	foundation; legal opinion
26 1-26	foundation; legal opinion
14 27 1-16	foundation; legal opinion
29 11-19	foundation; legal opinion
15 30 14-25	foundation; legal opinion
31 1-23	foundation; legal opinion
16 41 15-25	No objection
42 1-24	No objection
17 59 8-25	foundation; legal opinion
60 1-25	foundation; legal opinion
18 61 1-11	No objection
62 9-25	foundation; legal opinion
19 63 1-9	unfair prejudice
66 18-25	foundation; legal opinion
20 67 1-19	foundation; legal opinion
71 13-25	foundation; legal opinion; relevance
21 72 1-25	foundation; legal opinion; relevance
73 1-25	foundation; legal opinion; relevance

1	74 1-25	foundation; legal opinion; relevance
	75 1-25	foundation; legal opinion; relevance
2	76 1-4	foundation; legal opinion; relevance
	83 4-25	foundation; legal opinion; relevance
3	84 1-25	foundation; legal opinion; relevance
	85 1-25	foundation; legal opinion; relevance
4	87 12-17	foundation; legal opinion; relevance
	91 1-25	foundation; legal opinion; hearsay
5	92 1-23	foundation; legal opinion; hearsay
	94 3-25	No objection
6	95 1-25	No objection
	96 1-16	No objection
7	98 3-24	foundation; legal opinion; relevance
	102 2-25	foundation; legal opinion; relevance
8	103 1-25	foundation; legal opinion; relevance
	104 1-25	foundation; legal opinion; relevance
9	105 1-25	foundation; legal opinion; relevance
	111 11-25	foundation; legal opinion
10	112 1-25	No objection
	113 1-25	No objection
11	114 1-25	foundation; legal opinion
	115 1-25	foundation; legal opinion
12	116 1-25	foundation; legal opinion
	118 7-25	No objection
13	119 1-25	No objection
	120 1-25	No objection
14	121 1-25	No objection
	122 1-25	No objection
15	123 1-25	No objection
	124 1-25	No objection
16	125 1-25	No objection
	126 1-25	No objection
17	127 1-25	No objection
	128 1-25	No objection
18	129 1-25	foundation; legal opinion
	130 1-25	relevance
19	131 1-25	relevance
	132 1-25	relevance
20	133 1-25	relevance
	134 4-25	No objection
21	135 1-25	No objection
	136 1-25	relevance; pre-cert

22

1 137 1-25 No objection
 138 1-25 best evidence (video)
 2 139 1-25 best evidence (video)
 140 1-25 best evidence (video)
 3 141 1-25 best evidence (video)
 146 13-25 foundation; relevance; best evidence (draft constitution)
 4 147 1-25 foundation; relevance; best evidence
 148 1-25 relevance
 5 153 24-25 relevance
 154 1-25 relevance
 6 155 1-25 relevance
 156 1-25 relevance
 7 159 2-18 relevance
 161 3-16 relevance; MIL (on attorneys)
 8 165 4-16 relevance; MIL (L. Seham letter)

9
 10 **Defendant's Counter Designation:**

Page	Line
4	24-25
5	1-8
7	22-25
8	1-25
9	1-19 24-25
10	1-13
20	24-25
21	1-2
25	12-20
27	11-20
35	14-25
36	1-12
38	14-16
39	7-15
41	15-25
42	1-25
43	1-5 20-25
44	1-2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

	11-14 24-25
45	1-15
52	20-25
53	1-2 6-23
54	4
56	18-25
57	1-11
60	4-25
61	1-25
62	1-25
63	1-1 13-25
64	1-25
65	1-25
66	1-10
67	12-24
68	1-9
69	25
70	1-25
71	1-2
72	9-25
73	1-17 25
74	1-7 9-11 16-25
85	11-21
86	25
87	1-7
88	18-25
89	1-7
93	6-17
98	16-19
102	2-17 22-25
103	1-2
104	5-7 24-25
105	1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

109	14-15
110	18-21
111	23-25
112	1 12-13 24-25
113	1
114	6-9
115	10-14
118	15 23-25
119	7-8 22-24
121	10-25
122	1-3 21-24
123	2-5 13-15
124	3-21
125	3-6
126	2-14
127	6-8 24-25
128	1-2 10-14
129	13-14
134	8-14
136	13-20
138	18-19
139	11-25
143	7-8
144	10-17
149	5-11
150	1-4

1 Respectfully Submitted,

2 Dated: April 29, 2009

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

3 Nicholas P. Granath, Esq. (*pro hac vice*)
4 ngranath@ssmplaw.com
5 SEHAM, SEHAM, MELTZ & PETERSEN, LLP
6 2915 Wayzata Blvd.
7 Minneapolis, MN 55405

8 Lee Seham, Esq. (*pro hac vice*)
9 Stanley J. Silverstone, Esq. (*pro hac vice*)
10 Lucas K. Middlebrook, Esq. (*pro hac vice*)
11 Theresa Murphy, Esq. (*pro hac vice*)
12 SEHAM, SEHAM, MELTZ & PETERSEN, LLP
13 445 Hamilton Avenue, Suite 1204
14 White Plains, NY 10601

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

19 Nicholas Enoch, Esq. State Bar No. 016473
20 stan@lubinandenoch.com
21 LUBIN & ENOCH, PC
22 349 North 4th Avenue
Phoenix, AZ 85003-1505

Attorneys for Defendant
US Airline Pilots Association

1 **CERTIFICATE OF SERVICE**

2 This is to certify that on the date indicated herein below true and accurate copies
3 of the foregoing documents and their attachments, *to wit*,

- 4 • Defendant USAPA’s Notice Of Objections To Plaintiffs’ Designation Of
5 Deposition Testimony Of Bradford And Counter Designations
6 • Certificate of Service

7 were electronically filed with the Clerk of Court using the CM/ECF system, which
8 will send notification of such filing to all admitted counsel who have registered with
9 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	

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

12 On April 29, 2009, by:

13 **/s/ Nicholas Paul Granath, Esq.**