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

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

CASE NO. 2:08-CV-1633-PHX-NVW
 (Consolidated)

**PLAINTIFFS' MOTION FOR LEAVE TO
 CONDUCT DISCOVERY RELATED TO
 THE DAMAGES PHASE
EXPEDITED CONSIDERATION
REQUESTED**

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

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

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 20 Plaintiffs hereby move for leave to conduct focused discovery relevant
 21 to the next phase of these proceedings. This matter was trifurcated into
 22 phases relating to (1) liability, (2) injunctive remedy, and (3) damages. The
 23 Court and the parties focused their activities first on the liability phase, for
 24 which discovery was expedited.

25 At a conference held with the Court on Wednesday May 13, 2009, the
 26 Court tentatively scheduled a trial on the damages phase for August 18,
 27 2009. Additionally, Defendant will file a Motion for Summary Judgment on
 28 causation by May 22, 2009.

1 Plaintiffs have good reason to believe that evidence exists that will
2 support their claims for causation and damages, and that such evidence will
3 need to be obtained through formal discovery methods. Plaintiffs intend to
4 issue a limited number of subpoenas and focused document requests as soon
5 as practicable and in anticipation of Defendant's Motion for Summary
6 Judgment.

7 Because Plaintiffs firmly believe that admissible evidence exists to
8 address Defendant's imminent motion that Plaintiffs were unable to obtain
9 during the liability phase, Plaintiffs seek leave to propound discovery at this
10 time, rather than to wait to file a Rule 56(f) Motion for Continuance to
11 conduct discovery. Plaintiffs believe that allowing focused discovery to
12 proceed at this time will allow this matter to continue to proceed in an
13 expedited fashion.

14 Plaintiffs therefore request that this Court grant leave pursuant to
15 Rule 26(d), to allow Plaintiffs to conduct discovery directed to the final
16 phase of this matter at this time.

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20 Respectfully submitted this 18th day of May, 2009

21 POLSINELLI SHUGHART PC

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23 By: /s/ Kelly J. Flood

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CERTIFICATE OF SERVICE

I hereby certify that on May 18, 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
