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

<p>10 Don ADDINGTON, <i>et al.</i>,          Plaintiffs,          11 vs.          12 US AIRLINE PILOTS ASSN., <i>et al.</i>,          13 Defendants.</p>	<p>CASE NO. 2:08-CV-1633-PHX-NVW          (Consolidated)  <b>PLAINTIFFS' REPLY IN SUPPORT OF          MOTION FOR LEAVE TO CONDUCT          DISCOVERY RELATED TO THE          DAMAGES PHASE          EXPEDITED CONSIDERATION          REQUESTED</b></p>
<p>14 Don ADDINGTON, <i>et al.</i>,          15 Plaintiffs,          16 vs.          17 Steven H. BRADFORD, <i>et al.</i>,          18 Defendants.</p>	<p>Case No. 2:08-CV-1728-PHX-NVW</p>

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 20 Plaintiffs hereby file their reply in support of motion for leave to  
 21 conduct focused discovery relevant to the next phase of these proceedings.

22 USAPA objects mainly on the grounds that Plaintiffs did not present  
 23 their motion as a Rule 56(f) motion. Because no Rule 56 motion has yet  
 24 been filed, however, no formal Rule 56(f) motion is necessitated.  
 25 Additionally, Plaintiffs do not seek deposition testimony: they seek  
 26 documents from non-parties.

27 Indeed, in the interests of continuing to expedite the next phase of  
 28 these proceedings, Plaintiffs seek leave to propound limited, focused

1 subpoenas for documents on non-parties. Plaintiffs have a good faith basis  
2 to believe that evidence exists that will support their claims in the next  
3 phase, and that such evidence will be used to oppose USAPA's impending  
4 motion for summary judgment. Plaintiffs did not learn about the evidence  
5 until late in the trial, notwithstanding the fact that USAPA was aware of  
6 relevant information and failed to disclose it.

7 Specifically, but not exclusively, Plaintiffs have learned of documents  
8 that likely directly contradict the testimony of one of USAPA's key  
9 witnesses, Jack Stephen. Plaintiffs intend to direct subpoenas to ALPA and  
10 one of its vendors to produce documents that Plaintiffs believe will directly  
11 contradict the testimony of Mr. Stephen and other USAPA witnesses  
12 concerning what USAPA has referred to as an "impasse of indefinite  
13 duration."

14 Plaintiffs respectfully request that this Court allow them to propound  
15 their limited, focused discovery as soon as possible to allow them to continue  
16 to pursue their claims expeditiously.

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20 Respectfully submitted this 19th 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 19, 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

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