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

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

11 Plaintiffs,

12 vs.

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

14 Defendants,

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

**DEFENDANT'S
NOTICE AND MOTION
FOR RULE 56
SUMMARY JUDGMENT
ON PLAINTIFFS'
DAMAGE CLAIMS**

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

17 Plaintiffs,

18 vs.

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

21 Defendants.

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

1 TO : Plaintiffs, all parties, and their attorneys of record.

2 **NOTICE.**

3 PLEASE TAKE NOTICE that Defendant US Airline Pilots Association
4 (“USAPA”) will move this Court, to be heard without oral argument, for an order under
5 Rule 56 of the Federal Rules of Civil Procedure, granting summary judgment in favor of
6 Defendant on all of the Plaintiffs’ damage claims.

7 **MOTION.**

8 COMES NOW Defendant to move this Court pursuant to Rule 56, without oral
9 argument, for an order granting in favor of Defendant summary judgment on all of
10 Plaintiffs’ damage claims.

11 **GROUND.**

12 For its supporting grounds, Defendant hereby incorporates by reference the
13 FOLLOWING separately filed DOCUMENTS:

14 First, “Defendant’s Statement Of Material Facts Pursuant To LRCiv 56.1” that
15 sets forth each material fact upon which Defendant relies in support of its motion for
16 summary judgment, pursuant to LRCiv 56.1(a), together with any supporting affidavits,
17 declarations and attached exhibits;

18 Second, Defendant’s separately filed, “Defendant’s Memorandum Of Law In
19 Support Of Its Rule 56 Summary Judgment Motion On Plaintiffs’ Damage Claims”
20 together with any supporting affidavits, declarations and attached exhibits, and
21 Proposed Order.
22

1 Respectfully Submitted,

2 Dated: May 22, 2009

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

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20 *Attorneys for Defendant*
21 *US Airline Pilots Association*
22

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's Notice And Motion For Rule 56 Summary Judgment On Plaintiffs'
5 Damage Claims
- 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:

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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 May 22, 2009, by:

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