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

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

CASE NOS.
2:08-CV-1633-PHX-NVW
2:08-CV-1728-PHX-NVW
(Consolidated)
**DECLARATION OF ANDREW
JACOB IN SUPPORT OF
PLAINTIFFS'
CONTROVERTING
STATEMENT OF FACTS**

15 Don ADDINGTON, *et al.*,
16 Plaintiffs,
17 vs.
18 Steven H. BRADFORD, *et al.*,
19 Defendants.
20

21 Andrew S. Jacob, counsel for Plaintiffs, hereby states and avows, based
22 upon my personal knowledge, as follows:

23 1. On January 29, 2009, Plaintiff Steven P. Wargocki was deposed in
24 this matter. True and correct copies of pages from the deposition transcript
25 are attached hereto as Exhibit Pages 1-2.
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1 2. E. Allen Hemenway's deposition was read into testimony in this
2 matter on May 1, 2009. True and correct copies of pages from the transcript
3 of that testimony are attached hereto as Exhibit Pages 3, 18-19.

4 3. True and correct copies of pages from an article entitled "Merger
5 Update," from the May 2001 edition of *US Airwaves*, a publication by the
6 former US Airways MEC and found by me on the Air Line Pilots
7 Association, International ("ALPA") website, are attached hereto as Exhibit
8 Pages 4-5.

9 4. A true and correct copy of page 1.10 of the America West Pilots'
10 2004 Collective Bargaining Agreement is attached hereto as Exhibit Page 6.

11 5. True and correct copies of pages from an article entitled
12 "Managing the Inevitable: What Every Pilot Needs to Know About
13 Mergers," from the May 2006 edition of *Air Line Pilot*, a publication by
14 ALPA and found by me on its website, are attached hereto as Exhibit Pages
15 7-8.

16 6. True and correct copies of pages from an article entitled "Merger
17 Update," from the Summer 2005 edition of *US Airwaves* and found by me on
18 the ALPA website, are attached hereto as Exhibit Pages 9-11.

19 7. A true and correct copy of a page from an article entitled
20 "Seniority Integration Rights of Furloughees," from the January/
21 February/March 2002 edition of *US Airwaves* and found by me on the ALPA
22 website is attached hereto as Exhibit Page 12.

23 8. A true and correct copy of a message from Jack Stephen, the
24 former Chairman of the East MEC, entitled "MEC Chairman's Message -
25 May 1, 2007" and found by me on the ALPA website at: [https://crewroom.alpa.
26 org/aaa/DesktopModules/ViewDocument.aspx?DocumentID=37722](https://crewroom.alpa.org/aaa/DesktopModules/ViewDocument.aspx?DocumentID=37722)>, is attached
27 hereto as Exhibit Page 13.

1 9. Douglas Dotter gave testimony in this matter on April 29, 2009.
2 True and correct copies of pages from the transcript of that testimony are
3 attached hereto as Exhibit Pages 14-17, 24, 60, 61, and 67.

4 10. True and correct copies of "MEC Chairman's Message Aug 15,
5 2007," with an attached East MEC Resolution withdrawing the East MEC
6 representatives to the Joint Negotiating Committee, are attached hereto as
7 Exhibit Pages 20-22.

8 11. On January 21, 2009, John A. Stephan was deposed in this matter.
9 A true and correct copy of the page of the transcript of Mr. Stephan's
10 deposition showing that he identified the East MEC Resolution is attached
11 hereto as Exhibit Page 23.

12 12. A true and correct copy of an October 4, 2007, USAPA press
13 release entitled, "USAPA will file with NMB this month Independent Labor
14 Union seeks to Unseat Incumbent," posted on and obtained by me from the
15 USAPA website, usairlinepilots.org, is attached hereto as Exhibit Pages 25-
16 26.

17 13. A true and correct copy of a message from Jack Stephen, the
18 former Chairman of the East MEC, beginning, "This is MEC Chairman Jack
19 Stephan with a Chairman's message to the pilots for Wednesday, August
20 1st, 2007" and found by me on the ALPA website at: <https://crewroom.alpa.org/aaa/DesktopModules/ViewDocument.aspx?DocumentID=39290>, is attached
21 hereto as Exhibit Pages 27-28.

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23 14. A true and correct copy of a message from Jack Stephen, the
24 former Chairman of the East MEC, beginning, "This is MEC Chairman Jack
25 Stephan with a Chairman's message to the pilots for Tuesday, April 15th"
26 and found by me on the ALPA website at: <https://crewroom.alpa.org/aaa>
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1 [/DesktopModules/ViewDocument.aspx?DocumentID=42716](#)>, is attached
2 hereto as Exhibit Pages 29-30.

3 15. A true and correct copy of a September 11, 2007, USAPA press
4 release entitled, "ALPA National to East US Airways Pilots-'Buzz Off';
5 National Association Abandons East Pilots, Seniority," posted on and
6 obtained by me from the USAPA website, usairlinepilots.org, is attached
7 hereto as Exhibit Pages 31-32.

8 16. True and correct copies of pages from the transcript of the ALPA
9 Executive Board Meeting held on March 28, 2008, are attached hereto as
10 Exhibit Pages 33-56, 63-65.

11 17. True and correct copies of pages posted on and obtained by me
12 from the USAPA website, usairlinepilots.org, entitled "USAPA Officer, BPR
13 and Committee Directory," is attached hereto as Exhibit Pages 57-59.

14 18. A true and correct copy of a webpage entitled "USAPA Leaders
15 and Volunteers," posted on an archived version of the USAPA website,
16 usairlinepilots.org, and obtained by me using an internet archiving site, is
17 attached hereto as Exhibit Pages 62.

18 19. A true and correct copy of a page from an article entitled "System
19 Board of Adjustment," from the May 2001 edition of US Airwaves, a
20 publication by the former US Airways MEC and found by me on the ALPA
21 website, is attached hereto as Exhibit Page 66.

22 20. On January 19, 2009, Douglas L. Mowery was deposed in this
23 matter. True and correct copies of pages from the transcript of that
24 deposition are attached hereto as Exhibit Pages 68-72.

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Dated this 1st day of June, 2009
POLSINELLI SHUGHART PC

By: /s/
Andrew S. Jacob
Security Title Plaza
3636 N. Central Ave., Suite 1200
Phoenix, AZ 85012

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 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/
Andrew S. Jacob