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

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

13 Plaintiffs,

14 vs.

15 US AIRLINE PILOTS ASSOCIATION,
16 US AIRWAYS, INC.,
Defendants,

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

DECLARATION OF
THERESA MURPHY, ESQ.
IN SUPPORT OF DEFENDANT'S
MOTION FOR
SUMMARY JUDGMENT

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

19 Plaintiffs,

20 vs.

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

Defendants.

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

1 I, Theresa Murphy, Esq., declare as follows:

2 1. I am counsel with Seham, Seham, Meltz & Petersen, LLP. I make this
3 Declaration of my own free will and based on my personal, first-hand knowledge, unless
4 otherwise specifically indicated. This Declaration is submitted in support of Defendant's
5 Summary Judgment motion.

6 2. I represent the US Airline Pilots Association in the arbitration matter
7 concerning the Addington-Plaintiffs' grievance over their Count I and II claims, to be
8 heard before arbitrator Richard Bloch.

9 3. On May 14, Plaintiffs counsel emailed Arbitrator Bloch confirming a
10 schedule change from May 27 to May 28 (as requested by Arbitrator Bloch). Four days
11 later, on May 18, Plaintiffs' counsel requested a postponement in order to review the
12 record in another arbitration. On May 20, Plaintiffs requested 30 days to decide whether
13 to re-schedule a hearing or not.

14 4. On May 26, Arbitrator Bloch granted the postponement and gave Plaintiffs
15 until June 19, 2009 to advise whether or not Plaintiffs would proceed with an arbitration
16 hearing. Attached is a true and correct copy of that ruling.

17 Further your Declarant sayeth not.

18 Pursuant to 29 USC § 1746, I declare under penalty of perjury that the foregoing is
19 true and correct.
20

21 Executed on: June 9, 2009

22 /s/ Theresa Murphy

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May 26, 2009

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Re: U.S. Airways, Inc./USAPA/Addington Grievants

Dear Counsel:

Pursuant to my recent e-mails, this will confirm that I have granted the Addington Plaintiffs' request to postpone the hearing scheduled for May 28 and 29, 2009. By this letter, I am also confirming my order that the cancellation fees for the hearings scheduled this week be divided equally between the Company and the Addington Plaintiffs. USAPA and the Company are to assume responsibility for the fees attributable to the earlier interim ruling.

I am also granting the Addington Plaintiffs' request for a 30-day period of time to make a determination as to whether they wish to move forward with their grievance. Accordingly, the Plaintiffs are to notify me, the Company and USAPA

Kelly Flood, Esq.
Theresa Murphy, Esq.
Robert Siegel, Esq.
May 26, 2009
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on or before the Close of Business on Friday, June 19, 2009, as to whether they wish to schedule additional hearing dates.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard I. Bloch".

Richard I. Bloch, Esq.

RIB:mlp