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

11 Don ADDINGTON, *et al.*,  
12 Plaintiffs,

13 vs.

14 US AIRLINE PILOTS ASS'N, *et al.*,  
15 Defendants.

Case No. 2:08-CV-1633-PHX-NVW  
Case No. 2:08-CV-1728-PHX-NVW  
(Consolidated)

**PLAINTIFFS' SUPPLEMENTAL  
DISCLOSURE RE AREAS OF  
EXPERT TESTIMONY AND  
DAMAGE CALCULATIONS**

16  
17 Don ADDINGTON, *et al.*,  
18 Plaintiffs,

19 vs.

20 STEPHEN H. BRADFORD, *et al.*,  
21 Defendants.

22  
23 Plaintiffs, through counsel undersigned, hereby provide the following  
24 supplemental information pursuant to Rule 26(a)(1), Fed. R. Civ.P.  
25 Plaintiffs supplement their Supplemental Disclosure Statement for the  
26 Damage Trial sent to Defendant's counsel on June 17, 2009 to include an  
27 additional area of expert testimony and to clarify the production of detailed  
28 damage calculations for the Plaintiffs.

1 Plaintiffs now supplement the Plaintiffs' Disclosure Statement to  
2 reserve the right to use expert testimony on the subject of the calculation of  
3 Plaintiffs' damages. This expert will testify to the methodology and the  
4 damage calculations that was previously described in Plaintiffs'  
5 Supplemental Disclosure Statement for the Damage Trial.

6 In addition, Plaintiffs indicated that they would supplement the  
7 Disclosure Statement with a specific calculation of the Plaintiffs' damages  
8 by June 29, 2009, the same date that the Defendants' Request for  
9 Production and Interrogatories that were compounded to the Plaintiffs  
10 stated they were due. In fact, Defendant's sent discovery requests to  
11 Plaintiffs' counsel on May 30, 2009 with a stated due date of June 29, 2009.  
12 This due date does not conform to the computation of time pursuant to  
13 Rules 6(a), 6(e), 33(b)(3), and 34(b), Fed. R. Civ.P. The parties did agree in  
14 the Parties' Joint Submission for the Schedule of Discovery for the Damages  
15 Trial [doc. 493] that all responses to document requests and interrogatories  
16 would be served by July 1. Therefore, even though the Federal Rules allow  
17 Plaintiffs additional time to respond to these discovery requests, Plaintiffs  
18 will provide a specific calculation of the Plaintiffs' damages to Defendants by  
19 July 1, 2009.

20  
21 Dated this 24<sup>th</sup> day of June, 2009

22  
23 POLSINELLI SHUGHART, PC

24 By: /s/ *Katherine V. Brown*

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 24, 2009 I electronically transmitted Plaintiffs Notice of Service of Plaintiffs' Supplemental Disclosure Statement Re Areas of Expert Testimony and Damage Calculations relating to 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 to the following CM/ECF registrant(s):

I further certify that I electronically transmitted Plaintiffs' Initial Disclosure Statement to all counsel of record on June 24, 2009.

I further certify that on June 24, 2009, I mailed a paper copy of the Notice of Electronic Filing to the assigned Judge:

s/ **Katherine V. Brown**