

1 LEE SEHAM, Esq. *pro hac vice*
STANLEY J. SILVERSTONE, Esq. *pro hac vice*
2 LUCAS K. MIDDLEBROOK, Esq. *pro hac vice*
NICHOLAS P. GRANATH, Esq., *pro hac vice*
3 SEHAM, SEHAM, MELTZ & PETERSEN, LLP
445 Hamilton Avenue, Suite 1204
4 White Plains, NY 10601
Tel: 914 997-1346; Fax: 914 997-7125

5 STANLEY LUBIN, Esq., State Bar No. 003076
6 stan@lubinandenoch.com
LUBIN & ENOCH, PC
7 349 North 4th Avenue
Phoenix, AZ 85003-1505
8 Tel: 602 234-0008; Fax: 602 626 3586

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,

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

13 Plaintiffs,

14 vs.

DECLARATION OF
NICHOLAS P. GRANATH, ESQ.

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

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

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

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.

1 I, Nicholas Paul Granath, Esq., declare as follows:

2 1. I am attorney of record for defendant USAPA in this matter as well as for
3 all named defendants in the matter of Addington *et al* v. Bradford *et al*, Case No. 2:08-
4 cv-01728-NVW. I make this Declaration of my own free will and based on my personal,
5 first-hand knowledge, unless otherwise specifically indicated.

6 2. This Declaration is submitted in support of “Defendant’s Notice Of, And
7 Renewed Motion For, Judgment As A Matter Of Law Pursuant To Rule 50(b).”

8 3. Attached and marked as **Attachment 1**, is a true and correct copy of *Ramey*
9 *v. District 141, IAMAW*, 2002 U.S. Dist. LEXIS 26670, *22 (E.D.N.Y. Nov. 4, 2002).

10 4. Attached and marked as **Attachment 2**, is a true and correct copy of the
11 Memorandum And Order, May 12, 2009, issued by Judge Conrad in *Breeger vs. USAPA*,
12 Case No 3:08CV490-RJC-DSC (W.D.N.C.), Doc. # 25.

13 5. Attached and marked as **Attachment 3**, is a true and correct copy of a
14 newspaper article entitled “Meltdown 101: Will Airlines Go Bankrupt” published in the
15 Washington Post on June 12, 2009.

16 6. Attached and marked as **Attachment 4**, is a true and correct copy of a
17 newspaper article entitled “US Airways CEO Says Mergers Key To Profitability” published in
18 the Arizona Republic on June 11, 2009.

19 7. Attached and marked as **Attachment 5**, is a true and correct copy of a
20 newspaper article entitled “US Airways Seeks 400 Attendants For Voluntary Leaves”
21 published in the Arizona Republic on June 12, 2009.

22 8. Attached and marked as **Attachment 6**, is a true and correct copy of an e-
23

1 mail and letter from counsel for plaintiffs confirming voluntary withdrawal of the
2 grievance for the dismissed Counts I and II, dated June 19, 2009.

3 9. Attached and marked as **Attachment 7**, is a true and correct copy of *Brooks*
4 *vs. Air Line Pilots Association, International*, 2009 U.S. Dist. LEXIS 55210 (D.D.C. Jun.
5 30, 2009).

6 10. Attached and marked as **Attachment 8**, is a true and correct copy of
7 Defendant's Exhibits 1266, 1267, and 1079 and Plaintiffs' Exhibit 142.

8 Further your Declarant sayeth not.

9 Pursuant to 29 USC § 1746, I declare under penalty of perjury that the foregoing is
10 true and correct.
11

12 Executed on: July 9, 2009

/s/ NICHOLAS P. GRANATH