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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
11 VELEZ; and Steve WARGOCKI,

12 Plaintiffs,

13 vs.

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

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

**USAPA’S NOTICE OF FILING OF
SUPPLEMENT TO RULE 50 MOTION
(DOC. # 567)**

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

18 Plaintiffs,

19 vs.

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

22 Defendants.

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

1 On July 9, 2009, Defendant US Airline Pilots Association (USAPA) filed its
2 Motion for Judgment as a Matter of Law Pursuant to Rule 50. (Doc. # 567). USAPA
3 filed a Memorandum of Law and Declaration of Nicholas Granath (with attachments) in
4 support of same (Doc. # 568-569).

5 USAPA submitted documentary exhibits attached to the Granath Declaration to
6 support the position that “ALPA, and both the East and West MECs understood and
7 preserved” their rights under Section 6 of the Railway Labor Act to negotiate separate
8 contracts. (Doc. # 568 at 10) (*citing* Doc. # 569-9, Att. 8 to Granath Decl.).

9 In the interest of completeness, USAPA now supplements attachment eight (8) to
10 the Granath Declaration (doc. # 569-9) with a letter of agreement dated August 8, 2006
11 between ALPA National and US Airways relating to Section 6 negotiations and the
12 Transition Agreement. (Exhibit A).¹ This letter of agreement was quoted in the March
13 19, 2008 letter from John Prater to Doug Parker (doc. # 569-9 at 3) regarding Section 6
14 negotiations with respect to the America West collective bargaining agreement.

15 Respectfully Submitted,

16 Dated: July 16, 2009

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

18 Nicholas P. Granath, Esq. (*pro hac vice*)
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¹ In addition, USAPA also hereby supplements “Defendant’s Objections To The Court Proposed Injunction” (Doc. # 547).

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Attorneys for Defendant
US Airline Pilots Association

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 • USAPA’S NOTICE OF FILING OF SUPPLEMENT TO RULE 50 MOTION
(DOC. # 567).
5 • Certificate of Service

6 were electronically filed with the Clerk of Court using the CM/ECF system, which
7 will send notification of such filing to all admitted counsel who have registered with
8 the ECF system, including but not limited, to:

9 Marty Harper	Don Stevens	Andrew S. Jacob
MHarper@Polsinelli.com	DStevens@Polsinelli.com	AJacob@Polsinelli.com
Kelly J. Flood	Katie Brown	
KFlood@Polsinelli.com	KVBrown@Polsinelli.com	

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 July 16, 2009, by:

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