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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**  
**NICHOLAS P. GRANATH, ESQ.**

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, 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 Motion For, New Trial, Pursuant To Rule 59(a)(1)(A)”

8 3. Attached and marked and labeled as **Attachment 1**, is a true and correct  
9 copy of the Court’s draft jury instructions dated April 27, 2009, provided to the parties.

10 4. Attached and marked and labeled as **Attachment 2**, is a true and correct  
11 copy of the Court’s draft jury instructions dated May 4, 2009, provided to the parties.

12 5. Attached and marked and labeled as **Attachment 3**, is a true and correct  
13 copy of Court’s draft jury instructions dated May 7, 2009, provided to the parties.

14 6. Attached and marked and labeled as **Attachment 4**, is a true and correct  
15 copy of Defendant’s First Demand For Production of Documents, which was served upon  
16 Plaintiffs prior to the liability trial.

17 7. Attached and marked and labeled as **Attachment 5**, is a true and correct  
18 copy of documents produced by Plaintiffs on June 15, 2009, bates-stamped  
19 ADD00004975-4977. Defendant did not possess this document until Plaintiffs produced it *after*  
20 the liability trial.

21 8. Attached and marked and labeled as **Attachment 6**, is a true and correct  
22 copy of documents produced by Plaintiffs on June 15, 2009, bates-stamped  
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1 ADD00005365-5366. Defendant did not possess this document until Plaintiffs produced it *after*  
2 the liability trial.

3 9. Attached and marked and labeled as **Attachment 7**, is a true and correct  
4 copy of documents produced by Plaintiffs on June 15, 2009, bates-stamped  
5 ADD00005367-5369. Defendant did not possess this document until Plaintiffs produced it *after*  
6 the liability trial.

7 Further your Declarant sayeth not.

8 Pursuant to 29 U.S.C. § 1746, I declare under penalty of perjury that the foregoing  
9 is true and correct.

10 Executed on: July 17, 2009

11 /s/ NICHOLAS P. GRANATH

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