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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)

**DEFENDANT USAPA'S
NOTICE OF APPEAL**

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,
Douglas L. MOWERY, and John A.
STEPHAN,
21 Defendants.

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

1 NOTICE IS HEREBY GIVEN that Defendant US AIRLINE PILOTS
2 ASSOCIATION (“USAPA” or “Defendant”), hereby appeals to the United States Court
3 of Appeals For The Ninth Circuit from:

4 1) The “Partial Judgment And Permanent Injunction” of the District Court For
5 The District Of Arizona dated July 17, 2009, Doc. # 594 in the above-captioned case,
6 Addington *et al* vs. US Airline Pilots Association, *et al*, Case No. 2:08-cv-01633-NVW,
7 including any preceding interlocutory orders or rulings of the District Court, and jury
8 verdict, that gave rise to the partial judgment, and including, but not limited to the order
9 for Permanent Injunction, attached hereto as Exhibit A;

10 2) The entry of partial judgment and permanent injunction dated July 17, 2009,
11 attached hereto as Exhibit B;

12 3) The “Findings Of Fact And Conclusions Of Law And Order” dated July 17,
13 2009, Doc. # 593, in the above-captioned case, including denial of Defendant’s
14 Renewed Motion For Judgment As a Matter Of Law and denial of motion for New
15 Trial, and to include any preceding interlocutory orders or rulings of the District Court,
16 and jury verdict, that gave rise to the Findings Of Fact And Conclusions Of Law And
17 Order, attached hereto as Exhibit C.

18 Pursuant to Ninth Circuit Rule 3-2, attached is a Representation Statement that
19 identifies all parties to the action, along with the names, addresses, and telephone
20 numbers of their respective counsel. The parties to the appeal are Defendant-Appellant
21 US Airline Pilots Association and Plaintiffs-Appellees who are all named plaintiffs,
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1 Don Addington, John Bostic, Mark Burman, Afshin Iranpour, Roger Velez, and Steve
2 Wargocki, in their individual capacities and as certified class representatives, all others
3 similarly situated and the certified class.

4 Pursuant to Ninth Circuit Rule 3-4, a Civil Appeals Docketing Statement is being
5 concurrently filed.

6 Pursuant to Ninth Circuit Rule 34-3, Defendant will seek an expedited hearing.

7 Dated: July 23, 2009

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

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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 • DEFENDANT USAPA’S NOTICE OF APPEAL (with exhibits)
- 5 • Civil Appeals Docketing Statement
- 6 • Representation Statement
- 7 • Certificate of Service

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

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

11 Further, I certify that paper hard copies shall be provided to The Honorable Neil
12 V. Wake, District Court Judge, 401 W. Washington Street, SPC 52, Phoenix, AZ 85003.

13 On July 23, 2009, by:

14 */s/ Nicholas P. Granath, Esq.*

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