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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 AND
MOTION TO SUSPEND AND
STAY PERMANENT INJUNCTION,
STAY PROCEEDINGS TO ENFORCE
PARTIAL JUDGMENT, AND STAY
ALL OTHER PROCEEDINGS**

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

22 Defendants.

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

1 TO: PLAINTIFFS, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD.

2 **I. NOTICE.**

3 PLEASE TAKE NOTICE that Defendant US Airline Pilots Association
4 (“USAPA” or Defendant) will move this Court to be heard without oral argument, for
5 an order suspending and staying the permanent injunction and staying any proceedings
6 to enforce partial judgment, as ordered in the Court’s July 17, 2009 “Partial Judgment
7 And Permanent Injunction” (Doc. # 594). In addition, or in the alternative, USAPA will
8 move this Court to be heard without oral argument, for an order staying the litigation,
9 including discovery, of the named plaintiffs’ damage claims and any claims for
10 attorneys’ fees, without terms for bond, pending the outcome of USAPA’s expedited
11 appeal to the Ninth Circuit Court of Appeals.

12 **II. MOTION AND GROUNDS.**

13 COMES NOW Defendant to move this Court, pursuant to Fed. R. Civ. Proc.
14 62(c), for an order suspending and staying the permanent injunction and staying any
15 proceedings to enforce partial judgment, as ordered in the Court’s July 17, 2009 “Partial
16 Judgment And Permanent Injunction” (Doc. # 594). In addition, or in the alternative,
17 USAPA moves this Court for an order staying the litigation, including discovery, of the
18 named plaintiffs’ damage claims and any claims for attorneys’ fees, without terms for
19 bond, pending the outcome of USAPA’s expedited appeal to the Ninth Circuit Court of
20 Appeals.

21 This motion is based on this Notice of Motion and the Memorandum of Points
22

1 and Authorities in Support of USAPA's Motion to Stay, all pleadings, records and
2 papers on file in this action, and any evidentiary materials submitted herewith.

3 A proposed order is separately submitted.

4 Respectfully Submitted,

5 Dated: July 23, 2009

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

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15 *Attorneys for Defendant*
16 *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 • DEFENDANT USAPA’S NOTICE AND MOTION TO SUSPEND AND STAY
PERMANENT INJUNCTION, STAY PROCEEDINGS TO ENFORCE
PARTIAL JUDGMENT, ANDSTAY ALL OTHER PROCEEDINGS
- 5 • Memorandum of Points & Authorities in Support
- 6 • Proposed Order
- 7 • Certificate of Service

7 were electronically filed with the Clerk of Court using the CM/ECF system, which
8 will send notification of such filing to all admitted counsel who have registered with
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
10 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.*