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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 PAUL 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 Motion To Change
7 Venue And Transfer To Another District, Pursuant To 28 U.S.C. § 1404.

8 3. Attached hereto, and marked and labeled **Attachment A**, is a list of persons
9 who, at this time, would be relied upon by Defendant for their testimony at trial in the
10 present action, who reside as given, and are relevant and material for the reasons stated
11 therein. (Street addresses and phone numbers have in almost all cases been verified but
12 are withheld for privacy and confidentiality of those listed on this motion).

13 4. I am reliably advised by Dave Ciabattoni, currently a USAPA officer and
14 formerly a voting East MEC member that the vote taken by the East MEC in August of
15 2007 regarding contract negotiations took place in a hotel in Washington, D.C. and that
16 he personally participated and will so testify under oath in this matter.
17

18 5. Attached and marked and labeled as **Attachment B** is a true and correct
19 print-out of a publicly accessible web page at URL <http://www.uscourts.gov> illustrating
20 the judicial case load for the District of Arizona for the year 2008.
21

22 6. Attached and marked and labeled **Attachment C** is a true and correct print-
23 out of a publicly accessible web page at URL <http://www.uscourts.gov> illustrating the
judicial case load of the District of District of Columbia for the year 2008.

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Further your Declarant sayeth not.

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

Executed on: November 2, 2009

/s/ NICHOLAS P. GRANATH

	NAME	CITY	STATE	ZIP	Relevance	Materiality
1	Baier, Donald	Alexandria	VA	22306-1314	ALPA East MEC member	Reason for, purpose of, and circumstance of his vote on East MEC in August 2007 concerning negotiations; support for ALPA.
2	Bradford, Stepen	McMurray	PA	15317-3231	pre-cert USAPA supporter	His involvement in pre-certification formation, organization and function of USAPA; lack of involvement in contract negotiations or with ALPA in same period.
3	Brookman, John	Sewickley	PA	15143-1118	ALPA East MEC member	Reason for, purpose of, and circumstance of his vote on East MEC in August 2007 concerning negotiations; support for ALPA.
4	Ciabattoni, David	Wallingford	PA	19086-6821	ALPA East MEC member	Reason for, purpose of, and circumstance of his vote on East MEC in August 2007 concerning negotiations; role in ALPA.
5	Cleary, Mike	Durham	NH	03824-3305	ALPA- Cmt (Griev Cmt)	Lack of involvement in negotiations by ALPA; role in ALPA; history with USAPA.
6	D'Angelo, Michael	Northfield	NH	03276-4703	ALPA East MEC officer	His understanding of the reason for, purpose of, and circumstance of the East MEC vote on in August 2007 concerning negotiations.
7	Davison, Robert	Essington	PA	19029	pre-cert USAPA supporter	His involvement in pre-certification formation, organization and function of USAPA; lack of involvement in contract negotiations or with ALPA in same period.

8	DeCubas, Jorge	Sherrills Ford	NC	28673-9754	pre-cert USAPA supporter	His involvement in pre-certification formation, organization and function of USAPA; lack of involvement in contract negotiations or with ALPA in same period.
9	Fernandez, Sergio	Miami Beach	FL	33140-4768	ALPA East MEC member	Reason for, purpose of, and circumstance of his vote on East MEC in August 2007 concerning negotiations.
10	Iorio, Donald	Fort Mill	SC	29708-7909	ALPA East MEC member	Reason for, purpose of, and circumstance of his vote on East MEC in August 2007 concerning negotiations.
11	Javurek, James	China Grove	NC	28023-1085	pre-cert USAPA supporter	His involvement in pre-certification formation, organization and function of USAPA; lack of involvement in contract negotiations or with ALPA in same period.
12	Jones, Garland	Bradford	NH	03221-6511	ALPA East MEC member	Reason for East MEC vote in August 2007 concerning negotiations was unrelated to USAPA or its supporters
13	King, Mark	Pittsburgh	PA	15228-1540	pre-cert USAPA supporter	His involvement in pre-certification formation, organization and function of USAPA; lack of involvement in contract negotiations or with ALPA in same period.
14	Martin, Michael	Parkland	FL	33076-2927	pre-cert USAPA supporter	His involvement in pre-certification formation, organization and function of USAPA; lack of involvement in contract negotiations or with ALPA in same period.
15	Mowery, Douglas	Fernandina Beach	FL	32034-3929	ALPA- Cmt (Chair Neg Cmt)	Role in ALPA; history with USAPA.

16	Parrella, Tracy	Sewickley	PA	15143-1118	ALPA- Cmt (Griev)	Lack of involvement in negotiations by ALPA; role in ALPA; history with USAPA.
17	Portale, James	Waretown	NJ	08758-2103	ALPA - LEC 41	Role in ALPA.
18	Rogers, Mrshall	Rock Hill	SC	29730-4008	ALPA East MEC member	Reason for, purpose of, and circumstance of his vote on East MEC in August 2007 concerning negotiations.
19	Rowe, Eric	Strafford	NH	03884-0298	ALPA East MEC member	Reason for, purpose of, and circumstance of his vote on East MEC in August 2007 concerning negotiations; role in ALPA.
20	Sauer, Robert	Leesburg	VA	20176-6654	ALPA East MEC member	Reason for, purpose of, and circumstance of his vote on East MEC in August 2007 concerning negotiations.
21	Snider, Kim	Newark	DE	19702-8507	ALPA East MEC officer	His understanding of the reason for, purpose of, and circumstance of the East MEC vote on in August 2007 concerning negotiations.
22	Spartano, Rocco	Wexford	PA	15090-7566	ALPA East MEC member	Reason for, purpose of, and circumstance of his vote on East MEC in August 2007 concerning negotiations.
23	Stephan, Jack	Annapolis	MD		ALPA East MEC officer	His understanding of the reason for, purpose of, and circumstance of the East MEC vote on in August 2007 concerning negotiations; his opposition to USAPA.
24	Svendsen, Lance	Mt Pleasant	SC	29466-7053	ALPA East MEC member	Reason for, purpose of, and circumstance of his vote on East MEC in August 2007 concerning negotiations.

25	Swiatkowski, Mike				ALPA East MEC member	Reason for, purpose of, and circumstance of his vote on East MEC in August 2007 concerning negotiations.
26	Szpyrka, Steven	Cape Coral	FL	33915	pre-cert USAPA supporter	His involvement in pre-certification formation, organization and function of USAPA; lack of involvement in contract negotiations or with ALPA in same period.
27	Theuer, Scott	Cranberry Twp	PA	16066-6813	pre-cert USAPA supporter	His involvement in pre-certification formation, organization and function of USAPA; lack of involvement in contract negotiations or with ALPA in same period.
28	Thomas, Jed	Midlothian	VA	23112	pre-cert USAPA supporter	His involvement in pre-certification formation, organization and function of USAPA; lack of involvement in contract negotiations or with ALPA in same period.
29	Thorpe, Mark	Annapolis	MD	21401-1052	pre-cert USAPA supporter	His involvement in pre-certification formation, organization and function of USAPA; lack of involvement in contract negotiations or with ALPA in same period.
30	Vasconcelos, Antonio	Lake Worth	FL	33463-6548	pre-cert USAPA supporter	His involvement in pre-certification formation, organization and function of USAPA; lack of involvement in contract negotiations or with ALPA in same period.

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

			12-MONTH PERIOD ENDING SEPTEMBER 30								
ARIZONA			2008	2007	2006	2005	2004	2003	Numerical Standing		
OVERALL CASELOAD STATISTICS	Filings*		7,930	8,293	8,959	9,886	8,810	8,412	U.S.	Circuit	
	Terminations		8,492	8,804	10,091	8,976	8,132	8,439			
	Pending		4,923	5,548	6,161	7,139	6,262	5,637			
	% Change in Total Filings	Over Last Year			-4.4					64	10
		Over Earlier Years				-11.5	-19.8	-10.0	-5.7	48	9
Number of Judgeships			13	13	13	13	13	13			
Vacant Judgeship Months**			8.8	.0	.0	.0	4.4	.5			
ACTIONS PER JUDGESHIP	FILINGS	Total	610	637	689	760	678	647	11	2	
		Civil	272	267	336	376	272	256	57	8	
		Criminal Felony	231	272	252	278	309	294	6	2	
		Supervised Release Hearings**	107	98	101	106	97	97	3	2	
	Pending Cases		379	427	474	549	482	434	43	7	
	Weighted Filings**		487	529	568	651	615	585	29	6	
	Terminations		653	677	776	690	626	649	7	2	
	Trials Completed		16	16	18	16	18	15	62	9	
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	6.2	6.6	6.4	6.1	5.2	4.8	11	3	
		Civil**	9.0	9.9	11.8	10.2	10.4	10.0	51	6	
	From Filing to Trial** (Civil Only)		26.0	30.5	32.0	31.0	30.7	34.0	47	6	
OTHER	Civil Cases Over 3 Years Old**	Number	184	188	245	231	202	196			
		Percentage	6.4	6.1	6.7	5.1	5.5	5.7	58	7	
	Average Number of Felony Defendants Filed Per Case		1.2	1.2	1.3	1.3	1.2	1.2			
	Jurors	Avg. Present for Jury Selection	59.90	52.70	68.94	63.35	51.19	60.58			
		Percent Not Selected or Challenged	32.9	32.7	48.5	35.4	34.6	41.1			

2008 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE

Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	3539	125	41	1389	33	172	100	356	200	165	482	4	472
Criminal*	2995	285	189	1896	175	93	136	47	4	70	49	15	36

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

** See ["Explanation of Selected Terms."](#)

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

			12-MONTH PERIOD ENDING SEPTEMBER 30							
DISTRICT OF COLUMBIA			2008	2007	2006	2005	2004	2003	Numerical Standing	
OVERALL CASELOAD STATISTICS	Filings*		2,980	2,870	2,947	3,383	3,121	3,461	U.S.	Circuit
	Terminations		2,886	3,016	3,458	3,305	3,365	3,101		
	Pending		4,061	3,936	4,114	4,634	4,422	4,656		
	% Change in Total Filings	Over Last Year		3.8					31	-
		Over Earlier Years		1.1		-11.9	-4.5	-13.9	65	-
Number of Judgeships			15	15	15	15	15			
Vacant Judgeship Months**			17.0	8.2	.0	.0	.0	3.1		
ACTIONS PER JUDGESHIP	FILINGS	Total	200	191	197	226	208	231	90	-
		Civil	163	161	159	180	163	184	84	-
		Criminal Felony	27	21	25	30	32	35	91	-
		Supervised Release Hearings**	10	9	13	16	13	12	81	-
	Pending Cases		271	262	274	309	295	310	77	-
	Weighted Filings**		247	245	239	272	261	280	89	-
	Terminations		192	201	231	220	224	207	89	-
	Trials Completed		13	13	7	10	15	15	76	-
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	18.4	15.3	14.4	12.9	12.8	10.2	93	-
		Civil**	8.5	9.0	10.2	10.8	10.3	10.3	36	-
	From Filing to Trial** (Civil Only)		38.7	44.0	37.0	35.0	27.4	25.0	76	-
OTHER	Civil Cases Over 3 Years Old**	Number	473	408	433	468	408	445		
		Percentage	16.7	14.8	15.1	14.1	12.8	12.7	88	-
	Average Number of Felony Defendants Filed Per Case		1.4	1.4	1.4	1.5	1.5	1.3		
	Jurors	Avg. Present for Jury Selection	90.61	105.57	70.60	86.63	75.49	85.69		
		Percent Not Selected or Challenged	56.0	63.2	47.2	53.6	50.4	56.6		

2008 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE

Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	2438	23	94	522	46	36	144	176	143	64	542	48	600
Criminal*	397	3	139	5	40	82	19	16	6	13	6	37	31

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

** See ["Explanation of Selected Terms."](#)