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8 **IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

9 Don ADDINGTON; John BOSTIC; Mark
BURMAN; Afshin IRANPOUR; Roger
10 VELEZ; and Steve WARGOCKI,

11 Plaintiffs,

12 vs.

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

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

**DEFENDANT’S NOTICE OF
AND MOTION TO
CHANGE VENUE AND
TRANSFER TO
ANOTHER DISTRICT,
PURSUANT TO 28 U.S.C. § 1404**

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

17 Plaintiffs,

18 vs.

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

21 Defendants.
22

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, before the Honorable Neil V. Wake,
5 United States District Judge, in the Sandra Day O'Connor U.S. Courthouse, 401 W.
6 Washington Street, SPC 52, Phoenix, AZ 85003, on the Fifth floor, in Courtroom 504,
7 to be heard as soon as may be, to dismiss this matter in order to change venue and
8 transfer it to another district court, pursuant to 28 U.S.C. § 1401.

9 **II. MOTION.**

10 COMES NOW the Defendant to hereby move the Court, pursuant 28 U.S.C. §
11 1401(a), and the doctrine of *forum non conveniens*, to dismiss this action in order to
12 change the venue of this action and transfer it to the United States District Court for the
13 District of Columbia, forthwith.

14 Defendant hereby states the following particular grounds in support of its motion
15 to dismiss:

16 First, transfer of the remainder of this action is now appropriate for the
17 convenience of the parties.

18 Second, transfer of the remainder of this action is now appropriate for the
19 convenience of the witnesses.

20 Third, transfer of the remainder of this action is now in the interest of justice.

21 In addition, Defendant’s motion is made without prejudice to, or in waiver of,
22

1 Defendant's motion to dismiss for improper venue under Rule 12(b)(3). (Doc. # 620).

2 This motion is based on the separately submitted "Memorandum Of Law In
3 Support Of Defendant's Motion To Change Venue And Transfer To Another District,
4 Pursuant To 28 U.S.C. § 1404," the supporting Declaration of Nicholas Paul Granath,
5 Esq., all pleadings, papers, and other records on file, the record at trial, and any oral
6 argument or evidence in any evidentiary hearing pursuant to this motion.

7 **III. RELIEF REQUESTED.**

8 WHEREFORE, Defendant USAPA respectfully moves that its motion to change
9 venue be granted, that this action be dismissed, and that the Court order the pending
10 action transferred to the United States District Court for the District of Columbia,
11 forthwith.

12 A proposed order is separately submitted.

13 Respectfully Submitted,

14 Dated: November 2, 2009

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

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