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9
10 **IN THE UNITED STATES DISTRICT COURT**
FOR THE DISTRICT OF ARIZONA

11
12 US Airways, Inc., a Delaware Corporation,

13 Plaintiff,

14 vs.

15 Don Addington, an individual, *et al*

16 and

17 US Airline Pilots Association,

18 Defendants.
19

Case No. 2:10-CV-01570-PHX-ROS

DEFENDANT USAPA'S
EMERGENCY
NOTICE OF MOTION AND MOTION
TO STAY ALL FURTHER
PROCEEDINGS

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

2 **NOTICE OF MOTION.**

3 PLEASE TAKE NOTICE that Defendant, the US Airline Pilots Association
4 (“USAPA” or Defendant), will move this Court to be heard as soon as possible on an
5 emergency basis for an order staying all further proceedings in the above-cited matter
6 until final disposition by the United States Supreme Court of *Addington et al v. US*
7 *Airline Pilots Ass’n, US Airways Inc.*, Case No. 2:08-cv-01633-PHX-NVW.

8 **MOTION TO STAY.**

9 COMES NOW defendant, the US Airline Pilots Association, and hereby moves
10 this Court on an emergency basis, and pursuant to this Court’s inherent authority, (*see*
11 *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *CMAX, Inc. v. Hall*, 300 F.2d 265, 268
12 (9th Cir. 1962)), for an order forthwith staying all further proceedings in the above-cited
13 matter until such time as final disposition by the United States Supreme Court of
14 *Addington et al v. US Airline Pilots Ass’n, US Airways Inc.*, 606 F.3d 1174 (9th Cir.
15 2010), *reh’g denied*, (July 14, 2010) (remanding to the district court with directions that
16 the action be dismissed).

17
18 *In the alternative*, USAPA moves for a stay until such time that the Addington
19 defendants (plaintiffs/Appellees in *Addington v. USAPA, US Airways*) affirmatively and
20 effectively waive their right to pursue any further petitions, appeals, or process from, or
21 in, *Addington et al v. US Airline Pilots Ass’n, US Airways Inc.*, Case No. 2:08-cv-01633-
22 PHX-NVW (consolidated with *Addington et al vs. Bradford, et al.*, Case No. 2:08-cv-
23 1728-PHX-NVW).

1 The particular grounds in support of its emergency motion are stated in USAPA's
2 "Memorandum of Law in Support of USAPA's Emergency Motion to Stay All Further
3 Proceedings."

4 This motion is based on the above-referenced Memorandum, the supporting
5 Declaration of Nicholas Paul Granath and its attachments, all pleadings, papers, and other
6 records on file, and any oral argument or evidence presented in any hearing pursuant to
7 this motion.

8 A proposed order is separately submitted.

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11 Respectfully Submitted,

12 Dated: July 30, 2010

By: /s/ Lucas K. Middlebrook

13 Lee Seham, Esq. (*pro hac vice pending*)
14 Lucas K. Middlebrook, Esq. (*pro hac vice*)
15 Stanley J. Silverstone, Esq. (*pro hac vice pending*)
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CERTIFICATE OF SERVICE

I hereby certify that on this day of 30 July, 2010, I electronically transmitted the foregoing document to the U.S District Court Clerk’s Office using the ECF System for filing and transmittal.

By: /s/ Lucas K. Middlebrook, Esq.

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