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

US Airways, Inc., a Delaware Corporation,

Plaintiff,

vs.

Don Addington, an individual, *et al*

and

US Airline Pilots Association,

Defendants.

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

**DECLARATION OF  
NICHOLAS PAUL GRANATH  
IN SUPPORT OF USAPA’S  
AMENDED MOTION FOR  
SANCTIONS, RULE 11**

I, Nicholas Paul Granath, Esq., declare as follows:

1. I make this Declaration of my own free will and based on my personal, first-hand knowledge, unless otherwise specifically indicated. I am counsel of record for the US Airline Pilots Association (“USAPA”) in the above cited matter, and in all related litigation.

2. This Declaration is in support of “Defendant USAPA’s Notice Of Amended Motion And Amended Motion For Rule 11 Sanctions Against The Addington Defendants And Counsel.”

3. Attached, marked, and labeled Exhibit A is a true and correct copy of “Petition For Clarification FRAP 40” filed and served in Ninth Circuit appeal Case No. 09-16564, June 11, 2010.

1 4. Attached, marked, and labeled Exhibit B is a true and correct copy of a  
2 “Leonidas update for Thursday, September 9, 2010” posted publicly at  
3 <http://www.armyofleonidas.org>.

4 5. Attached, marked, and labeled Exhibit C is a true and correct copy of a  
5 letter dated September 8, 2010, from your Declarant to Andrew S. Jacob and its enclosed  
6 “Defendant USAPA’s Rule 11 Motion For Sanctions Against the Addington Defendants  
7 For Failure To Withdraw Cross Claim” and its Exhibit A.

8 6. Attached, marked, and labeled Exhibit D is a true and correct copy of a  
9 letter dated September 9, 2010, from the *Addington* defendants’ lead counsel, Marty  
10 Harper, to your Declarant.

11 7. Attached, marked, and labeled Exhibit E is a true and correct copy of a  
12 letter dated October 29, 2010, from your Declarant to Marty Harper, with the attached  
13 Defendant USAPA’s *Amended* Rule 11 Motion for Sanctions Against the *Addington*  
14 Defendants for Failure to Withdraw Their Cross Claim, the Declaration of Nicholas Paul  
15 Granath In Support of Motion For Sanctions, Rule 11 (with all its attachments), and  
16 Proposed Order.

17 8. Attached marked, and labeled Exhibit F is a true and correct copy of is  
18 United States Postal Service “Track & Confirm” print-out that confirms delivery, on  
19 November 1, 2010, to Marty Harper Esq., (mharper@polsinelli.com; Tel. 602 650-2080)  
20 of Polsinelli Shughart, P.C., at CityScape, One East Washington Street, Suite 1200,  
21 Phoenix, AZ 85004-2568, of Defendant USAPA’s *Amended* Rule 11 Motion for  
22 Sanctions Against the *Addington* Defendants for Failure to Withdraw Their Cross Claim,  
23

1 the Declaration of Nicholas Paul Granath In support of Motion For Sanctions, Rule 11  
2 (with all its attachments), Proposed Order, and cover letter.

3 Further your Declarant sayeth not.

4 Pursuant to 29 U.S.C. § 1746, I declare under penalty of perjury that the foregoing  
5 is true and correct.

6 Executed on: November 24, 2010

7  
8 */s/ Nicholas Paul Granath*

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10 Nicholas Paul Granath  
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