

1 LEE SEHAM, Esq. *pro hac vice*
NICHOLAS PAUL GRANATH, Esq., *pro hac vice*
2 LUCAS K. MIDDLEBROOK, Esq. *pro hac vice*
SEHAM, SEHAM, MELTZ & PETERSEN, LLP
3 445 Hamilton Avenue, Suite 1204
White Plains, NY 10601
4 Tel: 914 997-1346
Fax: 914 997-7125

5 STANLEY LUBIN, Esq., State Bar No. 003076
6 NICHOLAS ENOCH, Esq., State Bar No. 016473
LUBIN & ENOCH, PC
7 349 North 4th Avenue
Phoenix, AZ 85003-1505
8 Tel: 602 234-0008
9 Fax: 602 626 3586

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

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

Plaintiff,

13 v.

14 Don ADDINGTON, an individual; John
15 BOSTIC, an individual; Mark BURMAN,
16 an individual; Afshin IRANPOUR, an
17 individual; Roger VELEZ, an individual;
and Steve WARGOCKI, an individual, on
18 behalf of themselves and all other similarly-
situated individuals

19 and

20 US AIRLINE PILOTS ASSOCIATION, an
21 Unincorporated association,

22 Defendants.
23

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

**DECLARATION OF
ROBERT DAVISON**

1 I, ROBERT DAVISON, declare that the following is true and correct:

2
3 1. I make this declaration of my own free will, based on my personal, first-hand
4 knowledge, unless otherwise specifically indicated.

5 2. This declaration is made in support of USAPA's opposition to the Addington
6 defendants' motion for class certification.

7 3. I am currently in training to become a Captain on or around August of this year, and
8 have been employed by US Airways as a Pilot since June 1, 1987. I am currently a
9 member in good standing with USAPA.

10 4. I was formerly a member and thereafter the Chairman of the USAPA Merger
11 Committee. I am presently on leave from that position. My duties and responsibilities
12 when I served on the USAPA Merger Committee included, but were not limited to, the
13 following: contributing to and supporting the development and implementation of all
14 seniority-related positions of USAPA going forward, Coordinating Merger Committee
15 activities with the other key committees within the USAPA structure, interfacing with
16 the Board of Pilot Representatives, and representing USAPA with US Airways
17 management on all seniority-related matters.
18

19 5. Attached as Exhibit A is a graph depicting the relative seniority position of the six
20 proposed class representatives within the West pilot group. I personally developed the
21 graph by extracting the six pilots from the existing West pilot seniority list of pilots who
22 were active prior to the 2008 furlough. I then calculated each pilot's percentage
23

1 standing relative to the entire list. The graph is a visual depiction of these percentage
2 calculations.

3 6. As indicated in Exhibit A, three of the Addington defendants – Iranpour, Wargocki
4 and Bostic – are junior first officers in the lowest tenth percentile of seniority at 92.4,
5 96.6, and 98.2 percent respectively. Among other reasons, they are clearly atypical of
6 the larger West pilot group in that it is only this lowest percentile that had any
7 vulnerability to the furloughs announced by the Company in June, 2008.

8 7. The remaining three Addington defendants – Velez, Addington, and Burman – are
9 junior captains whose seniority was 39.5, 51.3, and 57.4 percent respectively. The latter
10 two fall into a relatively narrow range of junior captains who were subject to demotion
11 to first officer as a result of the furloughs announced in June, 2008.

12 8. With the exception of Velez, all of the Addington defendants fall into the bottom
13 half of the West pilots' seniority list. Even with the inclusion of Velez, who appears to
14 be an outlier, West pilots in the top 40 percent of the seniority list are unrepresented by
15 the proposed class representatives.

16 9. The senior forty percent of the West pilot list have divergent interests from the
17 proposed class representatives. This section of the West pilot list, containing pilots who
18 are nearly all captains, does not face imminent loss of employment or even loss of their
19 captaincies. Moreover, under USAPA's current seniority integration proposal, their
20 Phoenix-based captains' positions are secured both against more senior East pilots and
21 the more senior pilots of possible future merger partners, e.g., United Airlines. These
22
23

1 West captains also have position preservation rights in the event of a disproportionate
2 west staffing reduction through the reduction ratio provisions of USAPA's proposal,
3 further separating the interests of this group from those of the proposed class
4 representatives.

5 10. With respect to all furloughed West pilots, the bump/displace prohibition contained
6 in the Transition Agreement would prevent them from obtaining any immediate benefit
7 from the implementation of the Nicolau list. (Trans.Agmt. § IV.A.2 ("furloughed pilots
8 may not bump/displace active pilots")).
9

10 Further your Declarant sayeth not.

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

13 Executed on: June 27, 2011

14
15 ***s/Robert Davison*** _____

16 Robert Davison
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West Pilot List

