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13 US Airways, Inc.

14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF ARIZONA**

16 US Airways, Inc., a Delaware
17 Corporation,

18 Plaintiff,

19 v.

20 Don Addington, an individual; John
21 Bostic, an individual; Mark Burman, an
22 individual; Afshin Iranpour, an
23 individual; Roger Velez, an individual;
24 and Steve Wargoeki, an individual, on
25 behalf of themselves and all other
26 similarly-situated individuals,

24 and

25 US Airline Pilots Association, an
26 unincorporated association,

27 Defendants.
28

Case No. CV-10-1570-PHX-ROS

**PLAINTIFF US AIRWAYS, INC.'S
NOTICE OF MOTION AND MOTION
TO DISMISS COUNTER-CLAIM OF
DEFENDANT US AIRLINE PILOTS
ASSOCIATION**

1 **NOTICE OF MOTION AND MOTION**

2 Plaintiff US Airways, Inc. (“US Airways”) hereby moves for dismissal of
3 Defendant US Airline Pilots Association’s (“USAPA’s”) Counterclaim against US
4 Airways (Doc. No. 88) in the above-titled action. The ground for this motion, which is set
5 forth more fully in the Memorandum of Points and Authorities in support of US Airways’
6 Motion to Dismiss filed concurrently herewith in accordance with LRCiv 7.2, is as
7 follows: USAPA’s Counterclaim should be dismissed pursuant to Federal Rule of Civil
8 Procedure 12(b)(7) because USAPA has failed to join a necessary party under Federal
9 Rule of Civil Procedure 19.

10 Dated: July 8, 2011.

11 O’Melveny & Myers LLP

12 By: Robert A. Siegel
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CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2011, the foregoing document was electronically transmitted to the United States District Court Clerk’s Office using the CM/ECF System for filing and transmittal.

/s/ Robert A. Siegel

Robert A. Siegel

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