

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF ARIZONA

3
4 US Airways, Inc., a Delaware
Corporation,

5 Plaintiff,

6 v.

7 Don Addington, an individual; John
8 Bostic, an individual; Mark Burman, an
individual; Afshin Iranpour, an
9 individual; Roger Velez, an individual;
and Steve Wargocki, an individual, on
10 behalf of themselves and all other
similarly-situated individuals,

11 and

12 US Airline Pilots Association, an
unincorporated association,

13 Defendants.
14
15

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

**[PROPOSED] ORDER GRANTING
PLAINTIFF US AIRWAYS, INC.'S
MOTION FOR CLASS
CERTIFICATION**

16 This matter is before the Court on Plaintiff US Airways, Inc's ("US Airways")
17 Motion for Class Certification.
18

19 After full consideration of all the materials presented, as well as the pleadings and
20 records on file in this action, this Court finds that class certification of the proposed
21 defendant class of West Pilots (the "West Pilot Class") is warranted for the following
22 reasons:
23

24 1. The proposed West Pilot Class is comprised of approximately 1,900
25 members, and is therefore sufficiently numerous. The named defendants (Don Addington,
26 John Bostic, Mark Burman, Afshin Iranpour, Roger Velez, and Steve Wargocki) and
27 counsel for the named defendants (Polsinelli Shughart, P.C., by Marty Harper, Andrew
28

1 Jacob, Kelly Flood, and Katherine Brown) satisfy all the requirements of adequacy, in that
2 this Court is satisfied that they desire to represent the interest of the proposed West Pilot
3 Class and have been demonstrated to be fully capable of doing so effectively. The three
4 requests for declaratory relief set out in the Complaint in this action raise common
5 questions that are susceptible to common resolution without resort to individualized
6 discovery or inquiry, and the named defendants' claims are reasonably coextensive with
7 the claims of the proposed West Pilot Class. Accordingly, all the requirements of Federal
8 Rule of Civil Procedure 23(a) are met. *See Hanlon v. Chrysler Corp.*, 150 F.3d 1011,
9 1019 (9th Cir. 1998); *see also Wal-Mart Stores, Inc. v. Dukes*, 131 S. Ct. 2541 (2011).

10
11 2. In addition, certification is appropriate under both Rule 23(b)(1)(A) and
12 (b)(2). Rule 23(b)(1)(A) is satisfied because unless all West Pilots are bound by the same
13 declaratory judgment US Airways would be subject to potentially inconsistent judgments
14 obtained by individual pilots in individual actions – thereby resulting in the danger of
15 incompatible standards of conduct contemplated by the rule. Certification under Rule
16 23(b)(2) is also proper in this instance because (b)(2) certification was specifically
17 designed for situations like the one presented here, in which declaratory relief is sought
18 against a group as a whole.

19
20 3. Accordingly, Plaintiff US Airways' motion is **GRANTED**, and the West
21 Pilot Class is certified as a class action pursuant to Federal Rule of Civil Procedure, Rule
22 23, and is defined as follows:

23 All pilots employed by the airline US Airways in September 2008 who were
24 on the America West seniority list on September 20, 2005.

25
26 4. Don Addington, John Bostic, Mark Burman, Afshin Iranpour, Roger Velez,
27 and Steve Wargocki are certified as Class Representatives. The law firm of Polsinelli
28 Shughart, P.C., by Marty Harper, Andrew Jacob, Kelly Flood, and Katherine Brown, is

1 certified as Class Counsel.

2

3

4

825690

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28