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

14 US AIRWAYS, INC., a Delaware
15 corporation, *et al.*,

16 *Plaintiff,*

17 vs.

18 Don ADDINGTON; John BOSTIC;
19 Mark BURMAN; Afshin IRANPOUR;
20 Roger VELEZ; and Steve
21 WARGOCKI, on behalf of
22 themselves and all other similarly-
23 situated individuals,

24 and

25 US AIRLINE PILOTS ASS'N, an
26 unincorporated association,

27 *Defendants.*

CASE NO.

2:10-cv-01570-PHX-ROS

**ADDINGTON DEFENDANTS'
JOINER IN SUPPORT OF
US AIRWAYS' MOTION FOR CLASS
CERTIFICATION (Doc. 105)**

28 Plaintiffs Don ADDINGTON, John BOSTIC, Mark BURMAN, Afshin
IRANPOUR, Roger VELEZ; and Steve WARGOCKI (the "Addington Pilots"),
join in support of US Airways' *Motion for Class Certification* (doc. # 105).
The Addington Pilots previously moved to certify the West Pilots as a Rule
23(b)(1)(A) class. (Doc. 86.) The Addington Pilots agree that the Court can
and should also certify the West Pilots as a (b)(2) class.

1 The Addington Pilots agree with US Airways that it is irrelevant to
2 (b)(2) certification that some West Pilots might not be harmed (in the
3 context of seniority list position) by a Non-Nicolau CBA. A leading treatise
4 explains this as follows:

5 [T]he defendant's conduct described in the complaint need not
6 be directed or damaging to every member of the class. Thus, for
7 example, in a constitutional challenge to a sexually segregated
8 public school, the policy is generally applicable to the entire
9 excluded class, though it may be repugnant to a small part of
the class and the vast majority of class members may be
opposed to any change in policy.

10 NEWBERG ON CLASS ACTIONS § 4:11 & n.2 (4th ed. 2002).

11 Finally, in joining US Airways motion for class certification, the
12 Addington Pilots do not waive their motion (doc. 103) for expedited
13 consideration of their own fully briefed motion for class certification (doc.
14 86). The Addington Pilots, therefore, respectfully ask the Court to not
15 delay consideration of their certification motion on account of the motion
16 filed by US Airways.

17 Dated this 22d day of August, 2011.

18 **POLSINELLI SHUGHART, PC**

19 /s/ Andrew S. Jacob

20 By _____

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25 **CERTIFICATE OF SERVICE**

26 I hereby certify that on this 22d day of August 2011, I electronically
27 transmitted the foregoing document to the U.S. District Court Clerk's
Office by using the ECF System for filing and transmittal.

28 /s/Andrew S. Jacob

By _____