

1 MICHAEL J. CLEARY declares as follows under penalty of perjury pursuant to
2 28 U.S.C. § 1746:

3 1. I previously submitted a declaration in support of USAPA’s Motion for
4 Summary Judgment in this case (Doc. 153-3).

5 2. I make this declaration to supplement my previous declaration and, in
6 particular, the respond to certain so-called “statement of fact” submitted by US Airways
7 and the West Pilot Class.

8 3. I stated in paragraph 33 of my first declaration:

9 USAPA has never threatened to strike. We hope to reach a legitimate and
10 fair collective bargaining agreement with US Airways, one that includes a
11 fair and equitable seniority system that respects the legitimate interests of
all the pilots we represent and one that guarantees our pilots industry
standard wages and benefits.

12 4. At the time I read and signed the declaration I understood that US Airways
13 was alleging that USAPA had threatened to engage in a work stoppage if US Airways
14 refused to agree to a seniority proposal that differed from the Nicolau Award and my
15 statement in paragraph 33 was intend to indicate that USAPA had never threatened to
16 strike over the Nicolau Award, a statement which is true and correct.

17 5. I have read paragraph 44 of the Separate Statement of Undisputed Facts
18 submitted by US Airways which states:

19 If US Airways rejects USAPA’s demand, USAPA has made clear that it
20 will initiate a work stoppage at its “earliest opportunity,” exposing US
21 Airways to hundreds of millions of dollars in lost revenue and customer
goodwill.

22 6. The immediately previous paragraph (¶43) in the US Airways Separate
23 Statement of Undisputed Facts makes clear that by “USAPA’s demand” US Airways
24 means “USAPA’s seniority demand” and that therefore US Airways is stating that
25 USAPA “has made clear that it will initiate a work stoppage at its ‘earliest opportunity’”
26 if “US Airways rejects USAPA’s [seniority] demand.” That statement is not correct.
USAPA has not threatened to engage in a work stoppage over this one issue.


27 7. USAPA has been negotiating with US Airways since 2008 with very little
28 progress. In particular, US Airways has never addressed the seniority proposal USAPA

1 made in September 2008.

2 8. Although USAPA has not made any substantial progress in negotiations
3 with US Airways, USAPA continues to meet with US Airways in an attempt to reach
4 agreement. The last bargaining session was conducted in January 2012 and the next
5 bargaining session is scheduled for March 2012.

6 I declare under penalty of perjury that the foregoing is true and correct and that
7 this declaration is executed on February 21, 2012.

8 Dated: February 21, 2012
Durham, New Hampshire

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MICHAEL J. CLEARY

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