

1 Pertaining to Defendants' Cross-Motions for Summary Judgment on Counts I and II of
2 the Complaint, (Doc. 156) are hereby stricken from the record:

3 1. Page 9:2-5 and pages 11:20 to 12:9 and references to the record thereto
4 regarding findings made by the District Court in *Addington v. USAPA*.

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6 **IT IS FURTHER ORDERED** that the following statements from US Airways
7 Inc.'s Statement of Undisputed Facts for Purposes of Plaintiff US Airways, Inc.'s
8 Memorandum of Points and Authorities Pertaining to Defendants' Summary Judgment
9 Briefing, (Doc. 156-1), are hereby stricken:

- 10 1. Plaintiff's Statement of Fact ¶16 and the Hollinger Declaration Exhibit D
11 (referenced in Plaintiff's Statement of Fact ¶16);
- 12 2. Plaintiff's Statement of Fact ¶27;
- 13 3. Plaintiff's Statement of Fact ¶ 36;
- 14 4. Plaintiff's Statement of Fact ¶ 41 regarding the jury and District Court
15 findings in *Addington v. USAPA* and Hollinger Declaration Exhibit E;
- 16 5. The term "mandated" in Plaintiff's Statement of Fact ¶4 and ¶6, 10;
- 17 6. The term "required" in Plaintiff's Statement of Fact ¶10
- 18 7. The portion of Plaintiff's Statement of Fact ¶14 that asserts the "seniority
19 integration arbitration pursuant to ALPA's Merger Policy [was] required by
20 their pre-merger CBAs as well as the Transition Agreement";
- 21 8. The language "as required by the Transition Agreement" in Plaintiff's
22 Statement of Fact ¶¶28, 29;
- 23 9. The term "the integrated seniority list" in Plaintiff's Statement of Fact ¶29;
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10. Plaintiff's conclusions regarding the purported requirements and prohibitions of the Transition Agreement" and the term "the integrated seniority list" in Plaintiff's Statement of Fact ¶30;
11. The portion of Plaintiff's Statement of Fact ¶24 that asserts what Arbitrator Nicolau "thought";
12. Contentions contained in Plaintiff's Statement of Fact ¶33 that speculate how so-called "East" and "West" pilots voted and the reasons pilots voted one way or another in the secret ballot election conducted by the NMB.