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20 **UNITED STATES DISTRICT COURT**
21 **DISTRICT OF ARIZONA**

22 US Airways, Inc., a Delaware
23 Corporation,

24 Plaintiff,

25 v.

26 Don Addington, an individual; John
27 Bostic, an individual; Mark Burman,
28 an individual; Afshin Iranpour, an
individual; Roger Velez, an individual;
and Steve Wargocki, an individual, on
behalf of themselves and all other
similarly-situated individuals,

and

US Airline Pilots Association, an
unincorporated association,

Defendants.

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

**SUPPLEMENTAL SEPARATE
STATEMENT OF UNDISPUTED
FACTS FOR PURPOSES OF
PLAINTIFF US AIRWAYS, INC.'S
RESPONSE TO DEFENDANTS'
CROSS-MOTIONS FOR SUMMARY
JUDGMENT ON COUNTS 1 AND 2 OF
THE COMPLAINT**

Pursuant to Civil L.R. 56.1 and this Court's December 1, 2011 Order, Plaintiff US Airways, Inc. ("US Airways") submits the following Supplemental Separate Statement of Undisputed Facts for purposes of Plaintiff US Airways' Response to Defendants' Cross-Motions for Summary Judgment on Counts 1 and 2 of the Complaint.

UNDISPUTED FACTS	SUPPORTING EVIDENCE
<p>1. The Transition Agreement provides that it is an agreement "made and entered into in accordance with the provisions of the Railway Labor Act, as amended (the "Act"), by and between AMERICA WEST HOLDINGS CORPORATION ("AWHC"), AMERICA WEST AIRLINES, INC. ("AMERICA WEST"), US AIRWAYS GROUP, INC. ("US AIRWAYS GROUP"), US AIRWAYS, INC. ("US AIRWAYS"), and the AIR LINE PILOTS in the service of AMERICA WEST and US AIRWAYS, respectively, as represented by the AIR LINE PILOTS ASSOCIATION (hereinafter referred to as "the Association") by and through the Master Executive Councils of the America West and US Airways pilots ("America West MEC" and "US Airways" respectively) (collectively referred to as the "Parties")."</p>	<p>Transition Agreement at p. 1.¹</p>
<p>2. The Transition Agreement states that it "[m]ay be modified by written agreement of the Association and the Airline Parties collectively."</p>	<p>Transition Agreement § XII.B at p. 14.</p>
<p>3. The Transition Agreement specifies the criteria an integrated seniority list must satisfy before US Airways</p>	<p>Transition Agreement § IV.A at p. 6.</p>

¹ References to the Transition Agreement are to the Transition Agreement executed September 23, 2005. [Doc. No. 156-3, Exhibit C].

UNDISPUTED FACTS	SUPPORTING EVIDENCE
was obligated to accept the list.	
<p>4. USAPA and ALPA collectively submitted fourteen disputes that have been resolved under the Transition Agreement, including seven since USAPA was certified as the pilots' representative.</p>	Supplemental Declaration of Beth Holdren at ¶¶ 3-4. ²
<p>5. US Airways has complied with USAPA's demand for use of the Transition Agreement's dispute-resolution procedures.</p>	Supplemental Declaration of Beth Holdren at ¶¶ 3-4.
<p>6. US Airways was engaged in active collective bargaining negotiations with ALPA before the Nicolau Award was issued, and it proposed a comprehensive CBA almost five years ago, in May 2007.</p>	Declaration of E. Allen Hemenway at ¶ 6. ³

² A true and correct copy of the Supplemental Declaration of Beth Holdren executed December 9, 2011, in *U.S. Airline Pilots Association v. US Airways, Inc.* (E.D.N.Y.), Case No. 1:11-CV-02579 (ARR) (SMG) [Doc. No. 41], is attached as Exhibit A to the Declaration of Chris A. Hollinger filed concurrently herewith.

³ References to the "Declaration of E. Allen Hemenway" are to the Declaration of E. Allen Hemenway In Support of Plaintiff US Airways, Inc.'s Opposition to Defendant USAPA's Rule 12 Motion to Dismiss, dated October 21, 2010, [Doc. No. 61-3].

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Dated: February 21, 2012.

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