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Attorneys for Defendant US Airline Pilots Association

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

15 US Airways, Inc., a Delaware) Case No.: 2:10-cv-01570-ROS
16 Corporation,)
17 Plaintiff,)
18 v.) **DECLARATION IN OPPOSITION TO**
19) **WEST PILOTS' MOTION TO ADD**
20 Don Addington, an individual; John) **LANGUAGE TO THE ORDER ON**
21 Bostic, an individual; Mark Burman,) **THE PENDING MOTIONS FOR**
22 an individual; Afshin Iranpour, an) **SUMMARY JUDGMENT**
23 individual; Roger Velez, an individual;)
24 and Steve Wargoeki, an individual, on)
25 behalf of themselves and all other)
26 similarly-situated individuals,)
27 and)
28 US Airline Pilots Association, an)
unincorporated association,)
Defendants.)

1 GARY SILVERMAN declares as follows under penalty of perjury pursuant to 28
2 U.S.C. §1746:

3 1. I am an attorney for US Airline Pilots Association (“USAPA”) and am duly
4 authorized to make this declaration.

5 2. Annexed hereto as Exhibit “A” is a true copy of a communication for the
6 USAPA Communications Committee dated October 2, 2012.

7 I declare under penalty of perjury the foregoing is true and correct. Executed on
8 October 5, 2012 in New York, New York.

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10
11 s/Gary Silverman
12 Gary Silverman
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CERTIFICATE OF SERVICE

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I hereby certify that on October 5, 2012, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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EXHIBIT A



Communications Committee

October 2, 2012

PHX Declaratory Judgment Proposed Decision

Oral argument in the Phoenix Declaratory Judgment case was held earlier today (October 2, 2012) in Phoenix. Judge Silver distributed a proposed decision that, if it becomes final, will grant summary judgment to USAPA, holding that USAPA is free to pursue any seniority proposal, and need not advance the Nicolau award. The proposed decision is not appropriate for distribution until it becomes final because there may be changes.

The argument lasted for more than an hour and included counsel for US Airways, the West Pilot Class and USAPA. Counsel for US Airways and the West Pilot Class argued that the decision should be changed in various respects. Counsel for USAPA reiterated that USAPA was prepared to engage in serious, genuine discussions with the West Pilots over the seniority proposal, and was hopeful the parties would continue to work together to achieve a new comprehensive collective bargaining agreement.

The argument was attended by more than 100 pilots including President Gary Hummel, Secretary-Treasurer Rob Streble and Executive Vice President Steve Smyser. President Hummel stated, "USAPA stands ready to negotiate a contract for all of our 5000 pilots, whether through a merger or otherwise. We are long overdue a contract that brings us up to par with our peers at other airlines such as Delta and United. Now that this obstacle has been removed, we will immediately petition the National Mediation Board to resume section 6 contract negotiations.

The final Order and the transcript of the argument will be posted as soon as they become available.

USAPA Communications

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