

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO.: 3:15-cv-00111-RJC-DCK

EDDIE BOLLMEIER, BILL TRACY and )  
SIMON PARROTT, )

Plaintiffs )

vs. )

**MOTION FOR EXPEDITED  
DISCOVERY**

GARY HUMMEL, STEPHEN BRADFORD,) )  
ROB STREBLE, STEVE SMYSER, ) )  
ROBERT FREAR, COURTNEY BORMAN,) )  
and Jane Doe Berman, RONALD NELSON,) )  
PAUL DIORIO, PAUL MUSIC, JOHN ) )  
TAYLOR, JOE STEIN, PETE DUGSTAD, ) )  
JAY MILKEY and STEPHEN NATHAN, ) )

Defendants, sued in their )  
individual capacity. )

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Defendants GARY HUMMEL, STEPHEN BRADFORD, ROB STREBLE, STEVE SMYSER, JOHN TAYLOR, JOE STEIN, PETE DUGSTAD, JAY MILKEY and STEPHEN NATHAN (collectively, the “defendants”) by and through their counsel, pursuant to Local Rules 16.1(F) and 7.1, hereby move this Court for an early and expedited discovery order consistent with Rules 16(b)(4) and 26(d)(1), Federal Rules of Civil Procedure. In support of this motion, defendants present the following:

1. Plaintiffs have moved for temporary restraining order and the Court has set the matter down for hearing on June 30, 2015.
2. An essential element of a motion for TRO is that movant prove it will suffer irreparable harm unless the TRO is granted.

3. Upon information and belief, one of plaintiffs' claims with respect to irreparable harm relates to the money that is available to and will be spent by USAPA in connection with the substantive seniority list integration process. *See e.g.* Doc. 49, at 1, ¶5.

4. In that regard, defendants submit the amount of money that is available to the West Pilots Merger Committee and has been spent by that Committee is crucial to an element of the relief sought by plaintiffs.

5. In addition, while defendants do not believe the information sought by plaintiffs in their expedited discovery is relevant to the proceedings, to the extent that the Court will consider financial information relating to the USAPA merger committee, similar information relating to the West Pilots Merger Committee should likewise be considered.

6. Attached hereto as Exhibit A is the limited discovery sought by defendants.

7. On this date defendants sought plaintiffs' consent to limited discovery. Plaintiffs did not so consent but offered to provide the amount of money Leonidas has spent supporting the West Merger Committee since the end of 2013 on the condition that defendants agree to provide responses to their demands by Wednesday, June 24, 2015. These conditions are unacceptable for numerous reasons, including that defendants are not in a position to agree to the discovery for the reasons set forth in their opposing papers and motion for reconsideration, and defendants cannot consent to waive any rights to object to discovery demands.

WHEREFORE, defendants respectfully request that the Court grant their motion for expedited discovery, in a form substantially similar to the requests annexed as Ex. A hereto, and that responses be provided not later than close of business on June 26, 2015.

Respectfully submitted this 18<sup>th</sup> day of June, 2015.

Respectfully submitted,

TIN FULTON WALKER & OWEN

s/ John Gresham

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PETE DUGSTAD, JAY MILKEY, and  
STEPHEN NATHAN

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing DEFENDANTS GARY HUMMEL, STEPHEN BRADFORD, ROB STREBLE, STEVE SMYSER, JOHN TAYLOR, JOE STEIN, PETE DUGSTAD, JAY MILKEY, and STEPHEN NATHAN'S MOTION FOR EXPEDITED DISCOVERY with the Clerk of the Court using the CM/ECF system, and that notification pursuant to the CM/ECF system will be sent to:

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This the 18<sup>th</sup> day of June, 2015.

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