

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL ACTION NO.: 3:14-CV-577-RJC-DCK

US AIRLINE PILOTS ASSOCIATION,

Plaintiff,

vs.

ROGER VELEZ, on behalf of himself
and all similarly situated former America
West Pilots, and LEONIDAS, LLC,

Defendants.

**DEFENDANT ROGER VELEZ'S MOTION
TO DISMISS FOR LACK OF PERSONAL
JURISDICTION**

Pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, Defendant Roger Velez ("Mr. Velez") hereby moves this Court to dismiss the Complaint for lack of personal jurisdiction over Mr. Velez.

As set forth in the Memorandum in Support of Defendant Roger Velez's Motion to Dismiss, which is being filed contemporaneously pursuant to Local Rule 7.1(C), Mr. Velez, a resident of Arizona and a domiciliary of that State, lacks sufficient contacts with North Carolina to give rise either to specific or general jurisdiction. Further, the exercise of jurisdiction over Mr. Velez by this Court would offend traditional notions of fair play and substantial justice required by the Due Process Clause of the Fourteenth Amendment.

Respectfully submitted this 23rd day of October, 2014.

/s/ Kelly J. Flood

Marty Harper, admitted *pro hac vice*
Kelly J. Flood, admitted *pro hac vice*
ASU ALUMNI LAW GROUP
2 N. Central Avenue Suite 1600
Phoenix, AZ 85004
Telephone: (602) 251-3620
Facsimile: (602) 251-8055
Kelly.Flood@asualumniawgroup.org
Marty.Harper@asualumniawgroup.org.

and

C. Grainger Pierce, Jr.
Nexsen Pruet, PLLC
227 West Trade Street, Suite 1550
Charlotte, NC 28202
Telephone: (704) 338-5321
Fax: (704) 805-4712
E-mail: gpierce@nexsenpruet.com
N.C. State Bar No. 27305
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing DEFENDANT ROGER VELEZ'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION with the Clerk of the court using the CM/ECF system. In the event that notification pursuant to the CM/ECF system cannot be sent to counsel for the Plaintiff, John Gresham, I hereby certify that the foregoing document was duly served upon counsel for the Plaintiff in accordance with the provisions of Rule 5 of the Federal Rules of Civil Procedure by depositing it in the United States Mail, first-class postage prepaid, addressed as follows:

John Gresham
Tin Fulton Walker & Owen
301 East Park Avenue
Charlotte, NC 28203

This the 23rd day of October, 2014.

/s/ Kelly J. Flood

Marty Harper, admitted *pro hac vice*
Kelly J. Flood, admitted *pro hac vice*
ASU ALUMNI LAW GROUP
2 N. Central Avenue Suite 1600
Phoenix, AZ 85004
Telephone: (602) 251-3620
Facsimile: (602) 251-8055
Kelly.Flood@asualumniawgroup.org
Marty.Harper@asualumniawgroup.org