

**IN 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,)
)
 v.)
)
 ROGER VELEZ, and LEONIDAS, LLC,)
)
 Defendants.)
)
 _____)

JOINT MOTION FOR AN ORDER GRANTING CONDITIONAL CERTIFICATION OF CLASS ACTION FOR SETTLEMENT PURPOSES ONLY, PRELIMINARY APPROVAL OF THE SETTLEMENT AGREEMENT AND RELEASE, AND APPROVAL OF THE CONTENT AND METHOD OF DISTRIBUTION OF THE NOTICE TO CLASS MEMBERS

The parties to the consolidated actions *USAPA v. Velez, et al.*, 3:14-cv-00577-RJC-DCK (□USAPA DJ Action□), *Bollmeier v. Hummel, et al.*, 3:15-cv-00111 (□LMRDA action I□), and *Bollmeier v. Frear, et al.*, 3:15-cv-00480 (□LMRDA action II□) hereby jointly move, pursuant to Rules 23(e), 23.1(c) and 23.2 of the Federal Rules of Civil Procedure for an Order:

1. Preliminarily finding that with respect to the proposed Settlement Agreement and Release (□Settlement Agreement□) among the parties, the applicable requirements of Rules 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure are satisfied, and these consolidated actions are conditionally certified, for settlement purposes only, as a class action pursuant to Rules 23 and 23.1 and 23.2 of the Federal Rules of Civil Procedure on behalf of the followed proposed Settlement Classes:

The East Pilot Settlement Class is defined as:

All pilots who were employed by US Airlines/American Airlines as of September 16, 2014 and who were listed on the US Airways East Pilot Seniority List.

The West Pilot Settlement Class is defined as:

All pilots who were employed by US Airlines/American Airlines as of September 16, 2014 and who were listed on the US Airways West Pilot Seniority List.

2. Preliminarily finding that with respect to the proposed Settlement Agreement among the parties, Rules 23(e), 23.1(c), and 23.2 of the Federal Rules of Civil Procedure are satisfied and this Settlement Agreement is preliminarily determined to be fair, reasonable, and adequate and is preliminarily approved.
3. Finding that the form, content and method of the Notice of Settlement Agreement and Fairness Hearing (□Notice□) comports with Rules 23(c)(A) and 23.1(c) of the Federal Rules of Civil Procedure and due process of law, and ordering dissemination of the Notice as provided for in the Settlement Agreement and the joint brief.
4. Preliminarily determining that John Owens, Bob Burdick and Mark King are adequate representatives for the proposed East Pilot Settlement Class and are so appointed.
5. Preliminarily determining that Eddie Bollmeier, Bill Tracey, and Simon Parrott are adequate representatives for the proposed West Pilot Settlement Class and are so appointed.
6. Determining pursuant to Rule 23(g) that Lee Seham and Stanley J. Silverstone to be adequate Class Counsel for the East Pilot Settlement Class and are so appointed.
7. Determining pursuant to Rule 23(g) that Marty Harper and Kelly J. Flood to be adequate Class Counsel for the West Pilot Settlement Class and are so appointed.
8. Directing any members of the conditionally certified Settlement Classes who elect to object to or comment on the fairness of the Settlement Agreement to do so no later than

thirty (30) days after dissemination of the approved Notice by following the procedures set forth in the Notice.

9. Directing any members of the conditionally certified Settlement Classes who wish to speak at the Fairness Hearing to submit a written request no later than thirty (30) days after dissemination of the approved Notice by following the procedures set forth in the Notice.

10. Directing any parties who elect to respond to any objection or comment on the fairness of the Settlement Agreement to do so no later than seven (7) business days prior to the scheduled date of the Fairness Hearing.

11. Directing the parties to jointly move for final approval of the proposed Settlement Agreement, seven (7) days prior to the scheduled date of the Fairness Hearing.

12. Scheduling a Fairness Hearing to consider final approval of the Settlement Agreement and final certification of the Settlement Classes.

13. Staying the consolidated actions pending the outcome of the Fairness Hearing.

14. Pending the Fairness Hearing, enjoining the Parties and any and all Class Members, from commencing or prosecuting, either directly or indirectly, any action in any forum (state or federal) asserting any of the Released Claims in the Settlement Agreement.

Dated: April 11, 2016

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*Counsel for Defendants Robert Frear, Paul Music,
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CERTIFICATE OF SERVICE

This is to certify that on this date, a true and accurate copy of the foregoing Joint Motion for an Order Granting Conditional Certification of Class Action for Settlement Purposes Only, Preliminary Approval of Proposed Class Action Settlement and Release, and Approval of the Content and Method of Distribution of the Notice of Class Members was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record in this matter via e-mail through CM/ECF.

This the 11 day of April, 2016.

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