

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.)

PLAINTIFF'S MOTION
FOR JURISDICTIONAL DISCOVERY
AS TO DEFENDANTS VELEZ
AND LEONIDAS

Pursuant to Rules 12 and 26 of the Federal Rules of Civil Procedure and Local Rule 7.1, plaintiff US Airline Pilots Association (“USAPA”) hereby moves for an order directing discovery with respect to jurisdictional issues as to defendants Velez and Leonidas.

As set forth in the accompanying Memorandum of Law dated November 24, 2014, USAPA requires discovery for purposes of determining the extent of defendants’ contacts with North Carolina to enable it to oppose defendants’ motions to dismiss for lack of personal jurisdiction. Such discovery is required given that both Velez and Leonidas are in possession of facts necessary to decide the personal jurisdictional issue. The Court has broad authority to compel discovery to aid in the resolution of personal jurisdiction issues.

Plaintiff requests that the Court enter an order permitting jurisdictional discovery, and that any further briefing and/or decision on defendants’ motions to dismiss the complaint shall be stayed pending the completion of discovery, and that plaintiff be allowed to supplement its opposition to the motions to dismiss following said discovery and such other and different relief as the Court deems proper and just.

Respectfully submitted this 24th day of November, 2014

TIN FULTON WALKER & OWEN
s/ John Gresham

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing CROSS MOTION FOR JURISDICTIONAL DISCOVERY AS TO DEFENDANTS VELEZ AND LEONIDAS 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 defendants, I hereby certify that the foregoing document was duly served upon counsel for defendants by depositing a copy hereof in a first-class, postage-prepaid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service, addressed as follows:

C. Grainger Pierce, Jr.
NEXSEN PRUET, PLLC
227 West Trade Street, Suite 1550
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This the 24th day of November, 2014.

s/ John W. Gresham
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