

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 LEAVE TO AMEND THE
COMPLAINT, OR IN THE
ALTERNATIVE, TO SUPPLEMENT
THE COMPLAINT**

Pursuant to Rules 15(a)(2) and/or 15(d) of the Federal Rules of Civil Procedure and Local Rule 7.1, plaintiff US Airline Pilots Association (“USAPA”) hereby moves for an order granting it leave to amend the complaint, or in the alternative, to supplement the complaint. A copy of plaintiff’s proposed amended and/or supplemental complaint is attached hereto as Exhibit “A”.

As set forth in the accompanying Memorandum of Law dated February 6, 2015 (attached hereto as Exhibit “B”), USAPA seeks leave to amend and/or supplement its complaint to encompass events that have occurred since this action was initially filed on September 16, 2014. The subsequent events involve the same parties, and all relate to the validity of determinations made by USAPA and its National Officers concerning the dissolution of USAPA and the distribution and expenditure of its assets, and whether said determinations were proper, valid, and enforceable and consistent with the Constitution and Bylaws of USAPA. Amendment and/or supplementation of the complaint is appropriate at this time. No discovery has occurred, a pretrial order and case management plan has not been entered, and there is no prejudice to the defendants.

A redlined copy of the proposed amended and/or supplemented complaint was provided to counsel for defendants Pursuant to Local Rule 7.1(B) and Rule 15(a)(2) and/or 15(d) to determine if the defendants would consent to the filing of the amended complaint. On February 10 Defendants' counsel Marty Harper advised that the defendants would not consent.

Plaintiff requests that the Court enter an order granting it leave to file an amended complaint, or in the alternative, to supplement the complaint.

Respectfully submitted this 11th day of February, 2015.

TIN FULTON WALKER & OWEN
s/ John Gresham
John Gresham
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing MOTION FOR LEAVE TO AMEND THE COMPLAINT, OR IN THE ALTERNATIVE, TO SUPPLEMENT THE COMPLAINT with the Clerk of the Court using the CM/ECF system, and that notification pursuant to the CM/ECF system will be sent to:

C. Grainger Pierce, Jr.
NEXSEN PRUET, PLLC
227 West Trade Street, Suite 1550
Charlotte, NC 28202

Marty Harper
Kelly J. Flood
ASU ALUMNI LAW GROUP
2 N. Central Avenue Suite 1600
Phoenix, AZ 85004

This the 11th day of February, 2015.

s/ John W. Gresham
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