

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:14-cv-00577-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.** )

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**ORDER**

**EDDIE BOLLMEIER, BILL TRACEY** )  
**and, SIMON PARROTT,** )  
 )  
 ) **Plaintiffs,** )  
 )  
 ) **vs.** )  
 )  
 ) **GARY HUMMEL, STEPHEN** )  
 ) **BRADFORD, ROB STREBLE,** )  
 ) **STEVE SMYSER, ROBERT** )  
 ) **FREAR, COURTNEY BORMAN,** )  
 ) **and JANE DOE BORMAN,** )  
 ) **RONALD NELSON, PAUL DIORIO** )  
 ) **PAUL MUSIC, JOHN TAYLOR,** )  
 ) **JOE STEIN, PETE DUGSTAD,** )  
 ) **JAY MILKEY, and STEPHEN** )  
 ) **NATHAN,** )  
 )  
 ) **Defendants.** )

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**THIS MATTER** comes before the Court on Defendants Gary Hummel, Stephen Bradford, Rob Streble, John Taylor, Joe Stein, Pete Dugstad, and Stephen Nathan’s as well as Defendants Steve Smyser and Jay Milkey’s (collectively, “Defendants”) “Motion[s] to Vacate

the Order Dated March 5, 2015, or, in the Alternative, to Dismiss the Verified Complaint” (the “Motions to Vacate or Dismiss”), Supporting Memoranda, and Exhibits. (Doc. Nos. 49, 50).

The facts, in their briefest form, are summarized in the Court’s Order granting Preliminary Injunction (the “Preliminary Injunction Order”), which was entered on August 27, 2015. (Doc. No. 75). In the Preliminary Injunction Order, the Court found that it has subject matter jurisdiction over the claims in this case and that Plaintiffs have satisfied the procedural requirements under the Labor Management Reporting and Disclosure Act (“LMRDA”). Such a determination regarding the requirements of the LMRDA implicitly finds that Judge Max O. Cogburn, Jr.’s March 5, 2015 Order was proper. Furthermore, in analyzing and making a determination of whether Plaintiffs satisfied the elements for a preliminary injunction, the Court found that Plaintiffs are likely to succeed on the merits of their claims. Having already made these determinations, the Court finds that Defendants Motions to Vacate or Dismiss are **moot**.

**IT IS, THEREFORE, ORDERED** that Defendants Gary Hummel, Stephen Bradford, Rob Streble, John Taylor, Joe Stein, Pete Dugstad, and Stephen Nathan’s “Motion to Vacate the Order Dated March 5, 2015, or, in the Alternative, to Dismiss the Verified Complaint,” (Doc. No. 49), is **DISMISSED as moot**; and Defendants Steve Smyser and Jay Milkey’s “Motion to Vacate the Order Dated March 5, 2015, or, in the Alternative, to Dismiss the Verified Complaint,” (Doc. No. 50), is **DISMISSED as moot**.

Signed: September 30, 2015



Robert J. Conrad, Jr.  
United States District Judge

