

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

CIVIL ACTION NO.: 3:14-CV-577-RJC-DCK
CIVIL ACTION NO.: 3:15-CV-00111-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.)

**CONSENT MOTION FOR
EXTENSION OF TIME TO ANSWER
THE *BOLLMEIER* PLAINTIFFS'
VERIFIED COMPLAINT**

EDDIE BOLLMEIER, BILL TRACEY and,)
SIMON PARROTT,)

Plaintiffs,)

v.)

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.)

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 7.1,
defendants GARY HUMMEL, STEPHEN BRADFORD, ROB STREBLE, STEVE SMYSER,
JOHN TAYLOR, JOE STEIN, PETE DUGSTAD, JAY MILKEY and STEPHEN NATHAN
(collectively the “defendants”), by and through their attorneys, respectfully move this Court for a

30-day extension of time until November 13, 2015 in which to answer the Verified Complaint.

In support of this application, defendants present the following:

1. On February 23, 2015, *Bollmeier* plaintiffs filed an Application for Leave to Bring Verified Complaint Under Title V of the Labor Management Reporting and Disclosure Act. Case 3:15-mc-00035-MOC-DCK, Doc. 1.
2. The application was granted by order dated March 5, 2015. Case 3:15-mc-00035-MOC-DCK, Doc. 2.
3. The verified complaint was filed on February 23, 2015, *nunc pro tunc*. 3:15-cv-00111-RJC-DCK, Doc. 1.
4. On April 15, 2015, defendants Hummel, Bradford, Streble, Taylor, Stein, Dugstad, and Nathan filed a Motion to Vacate the Order Dated March 5, 2015, or, in the Alternative, to Dismiss the Verified Complaint. Doc. 49.
5. Defendants Smyser and Milkey joined in the above motion on April 28, 2015. Doc. 50.
6. Upon a joint motion, the *Bollmeier* action was consolidated into US Airline Pilots Association v. Velez, Case 3:14-cv-577-RJC-DCK, pursuant to the Court's Order Granting Consolidation of Cases on June 25, 2015. Doc. 47.
7. By order dated September 30, 2015, the Court dismissed defendants' Motions to Vacate the Order Dated March 5, 2015, or, in the Alternative, to Dismiss the Verified Complaint, as moot. Doc. 76.
8. Pursuant to Federal Rules of Civil Procedure Rule 12(a)(4), defendants' time to serve a responsive pleading is October 14, 2015.
9. Defendants request a 30-day extension of time to respond to the verified complaint.

10. Pursuant to Local Rule 7.1, defendants' counsel has consulted with plaintiffs' counsel, and plaintiffs' counsel consents to the instant request for an extension of time.

11. This application is made in good faith, for good cause, and not for the purpose of undue delay.

WHEREFORE, defendants respectfully request that this Court grant an extension of time, through and including November 13, 2015, for them to answer the verified complaint in this case.

Respectfully submitted this 13th day of October, 2015.

s/ John Gresham

John Gresham
Attorney for defendants GARY HUMMEL,
STEPHEN BRADFORD, ROB STREBLE,
STEVE SMYSER, JOHN TAYLOR,
JOE STEIN, PETE DUGSTAD,
JAY MILKEY, and STEPHEN NATHAN
Tin Fulton Walker & Owen, PLLC
N.C. State Bar No. 6647
301 East Park Avenue
Charlotte, NC 28203
(704) 338-1220

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing CONSENT MOTION FOR EXTENSION OF TIME FOR DEFENDANTS GARY HUMMEL, STEPHEN BRADFORD, ROB STREBLE, JOHN TAYLOR, STEVE SMYSER, JOE STEIN, JAY MILKEY and STEPHEN NATHAN TO ANSWER THE VERIFIED COMPLAINT 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 plaintiffs, 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:

Jeffrey Freund
Zachary Ista
BREDHOFF & KAISER, PLLC
805 15 Street N.W.
Washington, DC 20005

This the 13th day of October, 2015.

s/ John W. Gresham
John W. Gresham, N.C. Bar No. 6647
301 East Park Avenue
Charlotte, NC 28203
(704) 338-1220