

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.)

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.)

**MOTION TO WITHDRAW
AS COUNSEL IN THE
BOLLMEIER ACTION**

Pursuant to Local Rule 83.1F, O’Dwyer & Bernstien, LLP and counsel Brian O’Dwyer, Gary Silverman, Joy K. Mele, and Zachary Harkin (collectively “the Firm”), and Tin Fulton Walker & Owen, PLLC, and counsel John Gresham, (“the Charlotte Firm”) hereby request permission to withdraw as counsel for defendants GARY HUMMEL, STEPHEN BRADFORD,

ROB STREBLE, STEVE SMYSER, JOHN TAYLOR, JOE STEIN, PETE DUGSTAD, JAY MILKEY and STEPHEN NATHAN¹ (collectively the “defendants”) for the following reasons:

1. A potential conflict of interest between these defendants and USAPA, the plaintiff in *USAPA v. Velez*, necessitates the Firms’ withdrawal.

2. The law firm of Seham, Seham, Meltz & Petersen, LLP (“SSMP”) has represented that they are in the process of being retained by the individual defendants currently represented by this Firm in this action and will be able to file an answer to the *Bollmeier* complaint by December 31, 2015, on behalf of those individuals who retain SSMP. The current deadline to answer the complaint is November 13, 2015.

3. Counsel for *Bollmeier* plaintiffs consents to the Firms’ motion to withdraw as counsel and further consents to extend the deadline for filing the answers to the complaint as per the Court’s order of October 14, 2015 (text only) to December 31, 2015.

WHEREFORE, the Firms respectfully request that they be granted permission to withdraw as counsel for defendants and that the Court extend the time of defendants GARY HUMMEL, STEPHEN BRADFORD, ROB STREBLE, STEVE SMYSER, JOHN TAYLOR, JOE STEIN, PETE DUGSTAD, JAY MILKEY and STEPHEN NATHAN to answer the complaint to and including December 31, 2015.

Respectfully submitted this 13th day of November, 2015.

s/ Joy K. Mele
Gary Silverman (admitted *pro hac vice*)
Brian O’Dwyer (admitted *pro hac vice*)
Joy K. Mele (admitted *pro hac vice*)
Zachary Harkin (admitted *pro hac vice*)

¹ No appearances were entered in this action by this firm for defendants Robert Frear, Courtney Borman, Ronald Nelson, Paul DiOrio, and Paul Music as they had not been served.

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Attorney for defendants GARY HUMMEL,
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STEVE SMYSER, JOHN TAYLOR,
JOE STEIN, PETE DUGSTAD,
JAY MILKEY, and STEPHEN NATHAN

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing MOTION TO WITHDRAW AS COUNSEL IN THE *BOLLMEIER* ACTION with the Clerk of the Court using the CM/ECF system, with notification pursuant to the CM/ECF system sent to the following counsel for plaintiffs:

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This the 13th day of November, 2015.

s/ Joy K. Mele
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