

**IN 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,)
)
 v.)
)
 ROGER VELEZ 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 OF THE BOLLMEIER I DEFENDANTS,
THE BOLLMEIER PLAINTIFFS, USAPA, VELEZ
AND LEONIDAS LLC TO CONDUCT EARLY MEDIATION**

Pursuant to Local Rules 16.2 and 16.3, the Bollmeier I Defendants (Gary Hummel, Stephen Bradford, Rob Streble, Steve Smyser, John Taylor, Joe Stein, Pete Dugstad, Jay Milkey, Stephen Nathan, and Courtney Borman), the Bollmeier Plaintiffs, Plaintiff US Airline Pilots Association (“USAPA”), and Defendants Roger Velez and Leonidas LLC agree to immediately

commence alternative dispute resolution in the form of a mediated settlement conference, and respectfully request an order requiring all parties to participate in mediation. In support of this motion, counsel for all of the moving parties state as follows:

1. These consolidated actions arose from the decertification of USAPA as the collective bargaining representative of the US Airways pilots on September 16, 2014. After more than one year of litigation in this Court, and an expansion of the claims and counterclaims involving the parties (i.e. counterclaim and third-party complaint in the declaratory judgment action), the moving parties are now interested in trying to resolve all pending actions in good faith, including all issues relating to the dissolution of USAPA and distribution of its assets.

2. Accordingly, the moving parties have agreed to immediately commence the scheduling of a mediated settlement conference in advance of the Initial Attorney's Conference and the Court's entry of a Scheduling Order. The moving parties believe that mediation at this early juncture may provide an opportunity for this matter to be resolved before significant additional time and expense is incurred by the parties litigating this matter. Early mediation, if successful, may also serve to conserve judicial resources.

3. Only one group of four individual defendants does not support immediate mediation. The Bollmeier II Defendants (Robert Frear, Ronald Nelson, Paul Diorio, and Paul Music) take the position that mediation should not be held until after the Court addresses their pending Motions to Dismiss (Docs. # 87, 96) and Motion for Reconsideration (Doc. # 88). However, counsel for these four defendants advised that if the Court orders mediation, they will, of course, participate.

4. The moving parties do not believe that the mediation process should be delayed by the pending motions of the Bollmeier II Defendants.

5. Local Rule 16.2(A) requires “[a]ll parties to civil actions ... to attend a Mediated Settlement Conference, unless otherwise ordered by the Court.” The moving parties respectfully request that the Court order all parties to this consolidated action to commence mediation immediately.

6. The moving parties agree that the mediated settlement conference should be scheduled for two consecutive days during the week of January 25, 2016, in Charlotte, North Carolina.

7. The moving parties further agree that, on or before 5:00 PM EST on December 30, 2015, they shall designate a mediator who is available to conduct the settlement conference during the week of January 25, 2016. Upon failure of the parties to designate a mediator by 5:00 PM EST December 30, 2015, counsel for the Bollmeier I Defendants shall notify United States Magistrate Judge David C. Keesler, and a mediator shall be appointed by Judge Keesler.

8. Mediation will not affect other pending deadlines, including the December 31 Answering deadline for the Bollmeier I Defendants or the schedule for the Bollmeier II Defendants’ Motion to Dismiss and Motion for Reconsideration.

9. The moving parties are submitting a proposed order contemporaneous with the filing of this motion.

WHEREFORE, the moving parties respectfully request that the Court direct all parties to immediately commence the mediation process required by Local Rules 16.2 and 16.3.

Dated: December 21, 2015

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CERTIFICATE OF SERVICE

This is to certify that on this date a true and accurate copy of the foregoing Motion to Conduct Early Mediation was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record in this matter via e-mail through CM/ECF.

This the 21st day of December 2015.

s/Robert A. Blake, Jr.

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