

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. )  
 \_\_\_\_\_ )

**RESPONSE OF PLAINTIFF USAPA AND DEFENDANTS GARY HUMMEL,  
STEPHEN BRADFORD, ROB STREBLE, STEVE SMYSER, JOHN TAYLOR,  
JOE STEIN, PETE DUGSTAD, JAY MILKEY, AND STEPHEN NATHAN TO  
PLAINTIFFS’ COMBINED REQUESTS FOR PRODUCTION  
AND NON-UNIFORM INTERROGATORIES**

Plaintiff US Airline Pilots Association (“USAPA”) and Defendants Gary Hummel, Stephen Bradford, Rob Streble, Steve Smyser, John Taylor, Joe Stein, Pete Dugstad, Jay Milkey, and Stephen Nathan (collectively “defendants”), by their attorneys, hereby interpose the following objections and responses to Plaintiffs’ Combined Requests for Production and Non-Uniform Interrogatories as Ordered by Hon. Robert J. Conrad, per Order dated June 23, 2015.

**GENERAL OBJECTIONS AND RESPONSES**

1. These responses are made without waiver of:
  - a. Any and all objections on the grounds of competency, relevancy, materiality, privilege, work product, admissibility as evidence, for any purpose of the subject matter thereof,

and the right to object to the use of any documents or information produced hereunder in any subsequent proceeding or in the trial of this or any other litigation or arbitration; and

b. The right to object on any ground at any time to a demand for further response to these or any other document requests or interrogatories in this litigation.

2. Plaintiff USAPA and defendants object generally to the requests to the extent they call for the production of information and/or documents or answers that are immune from disclosure under the attorney-client privilege, attorney work product doctrine, or other applicable privilege, protection or immunity.

3. Plaintiff USAPA and defendants object generally to the requests to the extent that they seek disclosure of matters that are not relevant to the subject matter of the pending action and are not reasonably calculated to lead to relevant evidence.

4. Defendants object generally to the requests to the extent they call for the production of documents that are not within defendants' possession, custody and/or control in that they have been sued individually herein. In view of the foregoing, these responses and answers to interrogatories are being made by USAPA, plaintiff in the consolidated action *USAPA v. Velez*, 14 CV-577-RJC-DCK. (Doc. 47)

5. Plaintiff USAPA and defendants object generally to the requests to the extent that they seek confidential or proprietary information, including, but not limited to salary and pay information of non-party US Airways pilots.

6. Plaintiff USAPA and defendants reserve their rights to amend or supplement their responses to the requests and interrogatories.

## SPECIFIC RESPONSES AND OBJECTIONS

1. Describe in detail the amount of dues that have been collected and deposited in the USAPA treasury pursuant to the merger assessment authorized by the BPR Resolution AI 13-017, dated March, 2013, for the period from April, 2013 through September 16, 2014.

Response to No. 1: Defendants object to this request in that the information required to respond is not within their possession, custody, and/or control and no individual defendant has sufficient information to be able to verify responsive information. USAPA and defendants further object to the terms “merger assessment”, in that BPR Resolution AI 13-017 authorized a dues increase as provided for in the USAPA Constitution and Bylaws.

Notwithstanding said objections, the sum of \$4,593,068 was collected (as and for dues and assessments) and deposited in the USAPA treasury pursuant to BPR Resolution AI 13-017 for the period April, 2013 through September 16, 2014.

2. Produce all documents reviewed, referred to and/or relevant to your answer to question 1.

Response to No. 2: Subject to the objections set forth in response to request no. 1 above, responsive documents are contained in pdf files titled “Dues 1” through “Dues 7”, inclusive. Note that columns in files titled “Dues 1” through “Dues 6”, inclusive containing pilots’ names and addresses have been removed from the data base(s) produced.

3. Describe in detail how all dues that have been collected pursuant to the merger assessment authorized by the BPR Resolution AI 13-017, dated March, 2013 have been accounted for separately pursuant to Section 5.F.3 of the USAPA Constitution.

Response to No. 3: Defendants object to this request in that the information required to respond is not within their possession, custody, and/or control and no individual defendant has

sufficient information to be able to verify responsive information. USAPA and defendants further object to the terms “merger assessment”, in that BPR Resolution AI 13-017 authorized a dues increase as provided for in the USAPA Constitution and Bylaws.

Notwithstanding said objections, dues and/or assessments collected pursuant to BPR Resolution AI 13-017 were deposited into a money market account held at Suntrust Bank.

4. Produce all documents reviewed, referred to and/or relevant to your answer to question 3.

Response to No. 4: Subject to the objections set forth in response to request no. 3 above, responsive documents are contained in the pdf file titled “Dues 1” through “Dues 6”, inclusive. Note that columns in “Dues 2” through “Dues 6” inclusive containing pilots’ names and addresses have been removed from the data bases produced. Documents reviewed also include the USAPA Constitution and Bylaws (Doc.1-2) and BPR Resolution AI 13-017 (provided herewith).

5. Describe in detail how much money has been spent from the merger assessment fund identified in question 1 and 2 above, for the period April, 2013 through September 16, 2014.

Response to No. 5: Defendants object to this request in that the information required to respond is not within their possession, custody, and/or control and no individual defendant has sufficient information to be able to verify responsive information. USAPA and defendants further object to the terms “merger assessment” and “merger assessment fund”, in that BPR Resolution AI 13-017 authorized a dues increase as provided for in the USAPA Constitution and Bylaws.

Notwithstanding said objections, the sum of \$2,108,946.55 has been spent from the USAPA treasury on direct costs of merger activities and/or pilot seniority integration for the period April 1, 2013 through September 16, 2014.

6. Produce all documents reviewed, referred to and/or relevant to your answer to question 5.

Response to No. 6: Subject to the objections set forth in response to request no. 5 above, responsive documents are contained in the pdf file titled “Dues 8”.

7. Describe in detail all expenditures relating to merger activities and/or pilot seniority integration from January 1, 2013 to the present, and provide the total expenses accrued from these activities in the following periods:

- (a) January 1, 2013 to September 16, 2014,
- (b) September 16, 2014 to January 9, 2015,
- (c) January 9, 2015 to present.

Response to No. 7: Defendants object to this request in that the information required to respond is not within their possession, custody, and/or control and no individual defendant has sufficient information to be able to verify responsive information. USAPA and defendants object to this request on the grounds that it is vague and ambiguous in its request for “expenses that have accrued from these activities”.

Notwithstanding said objections, upon information and belief, the sum of \$3,728,191.47 was expended by USAPA in relation to merger activities and/or pilot seniority integration from January 1, 2013 to the present.

(a) The sum of \$2,514,495.19 was expended by USAPA in relation to merger activities and/or pilot seniority integration from January 1, 2013 to September 16, 2014.

(b) The sum of \$638,083.61 was expended by USAPA in relation to merger activities and/or pilot seniority integration from September 16, 2014 to January 9, 2015.

(c) The sum of \$575,612.67 was expended by USAPA in relation to merger activities and/or pilot seniority integration from January 9, 2015 to the present.

8. Produce all documents reviewed, referred to and/or relevant to your answer to question 7.

Response to No. 8: Subject to the objections set forth in response to request no. 7 above, responsive documents are contained in pdf files titled “Expense 1” to “Expense 4”, inclusive.

9. Describe in detail the total amount of funds that were on hand and in the USAPA bank, checking and/or savings accounts (including the merger assessment fund) as of September 16, 2014.

Response to No. 9: Defendants object to this request in that the information required to respond is not within their possession, custody, and/or control and no individual defendant has sufficient information to be able to verify responsive information.

Notwithstanding said objections, upon information and belief, the sum of \$12,723,786.74 was on hand in USAPA accounts as of September 16, 2014.

10. Produce all documents reviewed, referred to and/or relevant to your answer to question 9.

Response to No. 10: Subject to the objections set forth in response to request no. 9 above, responsive documents are contained in the pdf file titled “Expense 5”.

11. Describe in detail the total amount of funds that were on hand and in the USAPA bank, checking and/or savings account (including the merger assessments fund) as of June 15, 2015.

Response to No. 11: Defendants object to this request in that the information required to respond is not within their possession, custody, and/or control and no individual defendant has sufficient information to be able to verify responsive information.

Notwithstanding said objections, upon information and belief, the sum of \$9,372,690.89 was on hand in USAPA accounts as of June 15, 2015.

12. Produce all documents reviewed, referred to and/or relevant to your answer to question 11.

Response to No. 12: Subject to the objections set forth in response to request no. 11 above, responsive documents are contained in the pdf file titled "Expense 6".

This the 25<sup>th</sup> day of June, 2015.

Respectfully submitted,

TIN FULTON WALKER & OWEN

s/ John Gresham

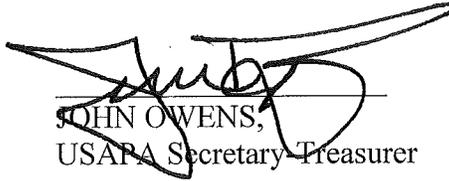
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VERIFICATION

I, John Owens, hereby verify that I am the Secretary-Treasurer of US Airline Pilots Association (“USAPA”) and am authorized to make this verification on behalf of USAPA. I have read the foregoing Response of Plaintiff USAPA and Defendants Gary Hummel, Stephen Bradford, Rob Streble, Steve Smyser, John Taylor, Joe Stein, Pete Dugstad, Jay Milkey, and Stephen Nathan to Plaintiffs’ Combined Requests For Production and Non-Uniform Interrogatories and know the contents thereof. The same are true of my personal knowledge that I gained in the performance of my duties as USAPA Secretary-Treasurer and a review of USAPA records, except as to those matters that are stated on information and belief, and as to those matters, I believe them to be true.

Dated this 25<sup>th</sup> day of June, 2015.

  
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JOHN OWENS,  
USAPA Secretary-Treasurer

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **RESPONSE OF PLAINTIFF USAPA and DEFENDANTS GARY HUMMEL, STEPHEN BRADFORD, ROB STREBLE, STEVE SMYSER, JOHN TAYLOR, JOE STEIN, PETE DUGSTAD, JAY MILKEY, AND STEPHEN NATHAN TO PLAINTIFFS' COMBINED REQUESTS FOR PRODUCTION AND NON-UNIFORM INTERROGATORIES** by email to the email addresses set forth below to:

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This the 25<sup>th</sup> day of June, 2015.

s/ Gary Silverman  
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