



O'MELVENY & MYERS LLP

BEIJING
BRUSSELS
CENTURY CITY
HONG KONG
LONDON
NEWPORT BEACH
NEW YORK

400 South Hope Street
Los Angeles, California 90071-2899
TELEPHONE (213) 430-6000
FACSIMILE (213) 430-6407
www.omm.com

SAN FRANCISCO
SHANGHAI
SILICON VALLEY
SINGAPORE
TOKYO
WASHINGTON, D.C.

August 8, 2011

OUR FILE NUMBER
882604-00075

VIA ELECTRONIC FILING

WRITER'S DIRECT DIAL
(213) 430-6005

Chief Magistrate Judge Steven M. Gold
United States District Court
Eastern District of New York
225 Cadman Plaza East
Chambers 1217, Courtroom 13-D
Brooklyn, New York 11201

WRITER'S E-MAIL ADDRESS
rsiegel@omm.com

Re: **USAPA v. US Airways, Inc., et al. No. CV-11-2579**

Dear Judge Gold:

I represent US Airways, Inc. ("US Airways") in the above-referenced matter. The Parties are currently scheduled to appear for an initial conference on September 7, 2011 at 4:00 p.m. to discuss certain discovery matters, including, but not limited to, electronic discovery and expert witnesses. I write to respectfully request an adjournment of this conference, because I will be unavailable due to an arbitration I have scheduled for the same day in Seattle, Washington. In addition, I note that US Airways has filed a letter requesting a pre-motion conference to obtain leave to file a motion under Rules 12(b)(1) and 12(b)(6) to dismiss US Airline Pilots Association's ("Plaintiff") Amended Complaint, which is currently pending before Judge Allyne Ross. No previous requests for adjournment have been made and I have conferred with Gary Silverman, counsel for Plaintiff, who has given consent to make this request.

Under the circumstances presented, I propose that the initial conference be adjourned until September 21 or a later date more convenient to the Court, provided, however, that the Parties agree that if Judge Ross authorizes a Rule 12 motion or has not yet ruled on US Airways' request to file a Rule 12 motion as of September 21 or another date set for this conference, the Parties will request another adjournment until after the Rule 12 issue is resolved by Judge Ross (motion permitted and ruled upon, or motion not permitted). I believe that the interests of both the Parties and the Court in efficient use of their time and resources will be best served by delaying the initial conference until the scope of the Amended Complaint is resolved. See *U.S. v. Bonanno Organized Crime Family of La Cosa Nostra*, No. CV-87-2974, 1987 WL 18172, at *4 (E.D.N.Y. Sept. 22, 1987) ("This action . . . can most efficiently and fairly be adjudicated if discovery is stayed pending a decision of defendants' planned motions to dismiss and if the

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motions addressed to the complaint are decided before the preliminary injunction hearing is held.”).

Sincerely,

/s/ Robert A. Siegel

Robert A. Siegel (SBN 2205284)
Attorney for US Airways