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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

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

Dear Judge Gold:

Pursuant to Section 1.D. of Your Honor's Individual Practices, I write on behalf of the Parties in the above-referenced matter to respectfully request an adjournment of the initial conference regarding certain discovery matters scheduled for September 21, 2011 at 11:00 a.m. I have conferred with Gary Silverman, counsel for US Airline Pilots Association ("Plaintiff"), who has given consent to make this second request.

Since the Parties' initial request for adjournment which was granted on August 10, (8.10.2011 Order), Judge Allyne Ross has granted US Airways Inc.'s ("US Airways") request to obtain leave to file a motion under Rules 12(b)(1) and 12(b)(6) to dismiss Plaintiff's Amended Complaint, (8.16.2011 Order). Additionally, Judge Ross has approved the Parties' proposed briefing schedule setting the deadlines for US Airways' Opening Brief on September 30, Plaintiff's Opposition Brief on November 4, and US Airways' Reply Brief on November 18. (Dkt. No. 17.) A hearing date has not yet been set.

In light of the circumstances, the Parties believe that it is appropriate to adjourn the conference until Judge Ross has ruled on US Airways' motion to dismiss, and to that end, suggest an adjournment until January 30, 2012. If the motion has not been resolved by that date, the Parties will so inform Magistrate Judge Steven Gold and request an additional adjournment. We believe that the interests of both the Parties and the Court in avoiding unnecessary work will be best served by delaying the initial conference until US Airways' Rule 12 motion is decided. 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

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and if the motions addressed to the complaint are decided before the preliminary injunction hearing is held.”). Thank you for your continued consideration of this matter.

Sincerely,

/s/ Robert A. Siegel

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