

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. \_\_\_\_\_

US AIRWAYS, INC.,

Plaintiff,

v.

US AIRLINE PILOTS ASSOCIATION and  
MICHAEL J. CLEARY,

Defendants.

**PLAINTIFF’S MOTION FOR A  
PRELIMINARY INJUNCTION**

Plaintiff US Airways, Inc. moves this Court for entry of a preliminary injunction against Defendants US Airline Pilots Association (“USAPA”) and Michael J. Cleary (“Cleary”) (collectively, “Defendants”), and in support of its Motion states the following:

1. Plaintiff has filed a Complaint for Injunctive Relief in this Court requesting the entry of a preliminary injunction prohibiting Defendant USAPA, which represents pilots at Plaintiff, Cleary, and all persons acting in concert therewith, including all its individual members, from calling, permitting, instigating, authorizing, encouraging, participating in, approving, or continuing any form of interference with Plaintiff’s airline operations, including, but not limited to, any slowdown, work stoppage, strike, sick-out, work to rule campaign, concerted refusal to accept voluntary or overtime flight assignments, or other concerted refusal to perform normal pilot operations in violation of the Railway Labor Act, 45 U.S.C. § 151 *et seq.* (the “RLA”).

2. Plaintiff is likely to succeed on the merits of its claims that Defendants are violating the RLA.

3. Unless this Court issues a preliminary injunction restraining Defendants from the actions described below, Plaintiff will suffer immediate and irreparable damage in the form of damage to its business reputation and customer goodwill, increased costs for measures designed to avoid flight delays and cancellations, and loss of revenue and associated costs caused by flight delays and cancellations, none of which may be recoverable from Defendants and much of which can never be recovered. It further appears that unless such activity is restrained, the travel plans of large numbers of Plaintiff's customers will be disrupted, and the public will be deprived of transportation services, causing serious and substantial damage to the public interest.

4. Defendants will suffer minimal, if any, injury from a preliminary injunction against unlawful job actions.

5. The interests of the public will be served by enjoining job actions that have the effect of impeding the public's right to travel and the expectation of timely travel.

6. Greater injury will be inflicted upon Plaintiff if a preliminary injunction is denied than will be inflicted upon Defendants by the granting thereof.

7. Due to the emergency nature of this action, US Airways is filing this Motion contemporaneously with its Complaint for Injunctive Relief. Although counsel for USAPA in this case has not yet made an appearance, counsel for US Airways will contact USAPA's counsel in other pending cases as soon as possible and will consult regarding the request made in this Motion.

8. In further support of this Motion, US Airways is filing a supporting brief in accordance with Local Rule 7.1(C).

WHEREFORE, Plaintiff requests that the Court issue a preliminary injunction against Defendants.

This the 29th of July, 2011.

/s/ Robert R. Marcus  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION** was served on Defendants United Airlines Pilots Association and Michael J. Cleary by depositing a copy with the United States Postal Service, certified mail, return receipt, postage prepaid, addressed to the following:

US Airline Pilots Association  
c/o Michael J. Cleary  
26-A Cedar Point Road  
Durham, NH 03824

Michael J. Cleary  
26-A Cedar Point Road  
Durham, NH 03824

and on Defendant United Airlines Pilots Association via hand delivery to the following address:

US Airline Pilots Association  
200 East Woodlawn Road, Suite 250  
Charlotte, North Carolina 28217-2207

This the 29<sup>th</sup> day of July, 2011.

/s/ Robert R. Marcus \_\_\_\_\_

Robert R. Marcus

*Attorney for Plaintiff*