

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 STATUS
CONFERENCE AND EXPEDITED
SCHEDULING ORDER FOR PLAINTIFF’S
MOTION FOR PRELIMINARY
INJUNCTION**

Pursuant to Rules 7 and 16 of the Federal Rules of Civil Procedure and Local Rule 16.1, Plaintiff US Airways, Inc. (“US Airways”) hereby requests that this Court schedule a status conference as soon as possible and enter an order (i) setting an expedited schedule for US Airways’ Motion for Preliminary Injunction under the Railway Labor Act, 45 U.S.C. § 151 *et seq.*, against the US Airline Pilots Association and Michael J. Cleary (collectively, “Defendants”); (ii) establishing a briefing schedule and hearing date consistent with the expedited schedule; and (iii) establishing procedural rules to govern that hearing. In support of this Motion, US Airways respectfully shows the Court as follows:

1. Contemporaneously with the filing of this Motion, US Airways is filing a Motion for Preliminary Injunction seeking a Preliminary Injunction prohibiting Defendants from continuing an illegal slowdown campaign in order to put pressure on US Airways in its current collective bargaining negotiations with USAPA. This slowdown campaign is disrupting US Airways’ operations and the travel plans of thousands of customers, thereby causing irreparable harm to US Airways’ brand and recognition on a daily basis as well as to the public.

2. Given the serious consequences to US Airways and the public resulting from this

conduct, US Airways' need for injunctive relief is urgent. Accordingly, US Airways would like to have its Motion for Preliminary Injunction heard as soon as practicable. To this end, US Airways requests that this Court schedule a status conference as soon as possible and adopt the following expedited schedule for US Airways' Motion for Preliminary Injunction:

- a. Defendants must file their brief in opposition to US Airways' Motion for Preliminary Injunction along with any supporting declarations, within fourteen (14) days;
- b. US Airways must file any reply brief within five (5) days of the date on which Defendants' opposition brief is filed;
- c. US Airways requests that the Court schedule a hearing on the Motion for Preliminary Injunction to commence as soon as possible upon completion of the briefing;
- d. No later than three (3) business days before the hearing, each party shall file with the Court and serve on the other parties a list of all witnesses that the party intends to call at the hearing and a list of all exhibits that the party intends to introduce, other than witnesses or exhibits used solely for purposes of impeachment and rebuttal; and
- e. All declarations filed and served at least three (3) business days before the hearing may, at the party's option, be used at the hearing as that witness' direct testimony, subject to substantive objections and subject to cross-examination at the hearing.

3. Due to the emergency nature of this action, US Airways is filing this Motion contemporaneously with its Complaint. 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.

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

WHEREFORE, US Airways respectfully requests that the Court schedule a status conference as soon as possible and enter a scheduling order for US Airways' Motion for Preliminary Injunction adopting the schedule set forth above.

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 STATUS CONFERENCE AND EXPEDITED SCHEDULING ORDER FOR PLAINTIFF'S MOTION FOR 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 29th day of July, 2011.

/s/ Robert R. Marcus

Robert R. Marcus

Attorney for Plaintiff