

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 11-CV-371 (RJC)(DCK)

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US AIRWAYS, INC.

Plaintiff,

**DEFENDANTS' MOTION FOR LEAVE
TO EXCEED THE PAGE LIMITS FOR
THE BRIEF IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS
THE COMPLAINT**

v.

US AIRLINE PILOTS ASSOCIATION
and MICHAEL J. CLEARY,

Defendants.
-----X

Pursuant to Rule 7 of the Federal Rules of Civil Procedure, defendants US Airline Pilots Association (“USAPA”) and Michael J. Cleary (“Cleary”) (collectively “defendants”) hereby move this Court for leave to exceed the page limits for their Brief in Support of Defendants’ Motion to Dismiss the Complaint. In support of this Motion, defendants respectfully show the Court as follows:

1. Contemporaneously with the filing of this Motion, and in accordance with Local Rule 7.1(C), USAPA is also filing a Motion to Dismiss the Complaint and a Brief in Support of that Motion. The Brief is 28 pages.

2. Under Local Rule 7.1(D), briefs are limited to 25 pages. However, because of the complexity of the issues presented in this case, defendants cannot fully explain the factual and legal bases of their Motion to Dismiss within the 25-page limit. Accordingly, defendants respectfully request that this Court grant them leave to exceed the page limits and ask that the

Court consider their Brief in Support of Defendants' Motion to Dismiss the Complaint in its entirety.

3. Under normal circumstances, defendants would have filed this Motion in advance of the filing of its Brief in Support of the Motion to Dismiss the Complaint. In this case, however, defendants are filing this Motion contemporaneously with the Motion to Dismiss the Complaint because of the hearing that has been scheduled for August 12, 2011 in response to Plaintiff's Motion for a Temporary Restraining Order, which was received by defendants on August 8, 2011.

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

WHEREFORE, defendants respectfully request that the Court grant them leave to exceed the page limits set forth in Local Rule 7.1(D), and ask that the Court consider defendants' Brief in Support of Defendants' Motion to Dismiss the Complaint in its entirety.

Dated: August 11, 2011
Charlotte, North Carolina

Respectfully submitted,

TIN FULTON WALKER & OWEN
/s John Gresham

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CERTIFICATE OF SERVICE

I certify that I have this day served the foregoing **Defendants' Motion for Leave to Exceed the Page Limits** on all of the parties to this cause by:

- _____ Hand delivering a copy hereof to the attorney for each said party addressed as follows:
- _____ Depositing a copy hereof with a nationally recognized overnight courier service, for overnight delivery, addressed to the attorney for each said party as follows:
- _____ Transmitting via facsimile transmission a copy hereof to the attorney for each said party as follows:
- X Electronic transmission (e-mail) to the attorney for each said party as follows:
- _____ Depositing a copy hereof in a first-class, postage-prepaid, properly-addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service, addressed to the attorney for each said party as follows:

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This, the 11th day of August, 2011.

/s/ John W. Gresham
Attorney for Defendants