

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:11-CV-00371-RJC-DCK

US AIRWAYS, INC.,

Plaintiff,

v.

US AIRLINE PILOTS ASSOCIATION
and MICHAEL J. CLEARY,

Defendants.

NOTICE OF POSTING OF BOND

Pursuant to Rule 65(c) of the Federal Rules of Civil Procedure, the Memorandum Opinion and Order granting Plaintiff's Motion for Preliminary Injunction and the Supplemental Order entered by the Court on September 30, 2011, Plaintiff hereby provides notice that it has posted a Preliminary Injunction Bond in the amount of Twenty-Five Thousand and 00/100 dollars (\$25,000.00), a copy of which is attached hereto as Exhibit A.

This the 3rd day of October, 2011.

Respectfully submitted,

/s/ C. Bailey King, Jr.

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been duly served on Defendants US Airlines Pilots Association and Michael J. Cleary electronically by utilizing the Case Management/Electronic Case Filing System, which will send notice to the following counsel of record:

John W. Gresham
Tin Fulton Walker & Owen, PLLC
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Brian O'Dwyer
Zachary R. Harkin
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Paul O'Dwyer Way
52 Duane Street
New York, NY 10007

This the 3rd day of October, 2011.

/s/ C. Bailey King, Jr.
C. Bailey King, Jr.
Attorney for Plaintiff

EXHIBIT A

UNITED STATES DISTRICT COURT
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Plaintiff,

v.

US AIRLINE PILOTS ASSOCIATION
and MICHAEL J. CLEARY,

Defendants.

**PRELIMINARY INJUNCTION
BOND**

KNOW ALL MEN BY THESE PRESENTS, that we, US Airways, Inc. (“US Airways”), as Principal, and Liberty Mutual Insurance Company, as Surety, are held and firmly bound unto Defendants US Airline Pilots Association and Michael J. Cleary (collectively, “Defendants”) in the above-captioned action, in the sum of \$25,000.00 to be paid to Defendants upon proof of injury or damage to Defendants by reason of the Preliminary Injunction if it shall be finally determined that such Preliminary Injunction was wrongfully granted, which payment we bind ourselves, our successors and assignees, jointly and severally.

WHEREAS, US Airways has obtained from the United States District Court for the Western District of North Carolina a Preliminary Injunction against Defendants, enjoining and restraining them from the commission of certain acts as set forth in the Memorandum Opinion and Order entered by the Honorable Judge Conrad on September 28, 2011, upon the condition that US Airways execute and file a good and sufficient bond for the payment of such damages as Defendants sustain by reason of said Preliminary Injunction, if it shall be finally determined that such Preliminary Injunction was wrongfully granted.

NOW, THEREFORE, the condition of this obligation is such that US Airways, Inc. shall pay Defendants such damages as they sustain by reason of the Preliminary Injunction, not to exceed \$25,000.00, if it shall be finally determined that such Preliminary Injunction was wrongfully granted.

SIGNED, SEALED, and DATED this the 30th day of September, 2011.



US AIRWAYS, INC. (Principal)

By: Stephen L. Johnson

Executive Vice President, Corporate
and Government Affairs

LIBERTY MUTUAL INSURANCE
COMPANY (Surety)

By: Richard J. Christie

ATTORNEY-IN-FACT

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint RICHARD J. CHRISTIAN, ELIZABETH C. CHRISTIAN, ALL OF THE CITY OF HUNTERSVILLE, STATE OF NORTH CAROLINA.

, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding TEN MILLION AND 00/100 DOLLARS (\$ 10,000,000.00) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 27th day of May, 2010.

LIBERTY MUTUAL INSURANCE COMPANY

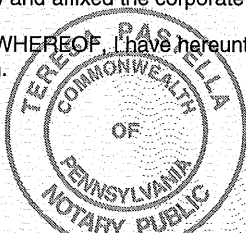


By Garnet W. Elliott, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 27th day of May, 2010, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2013
Member, Pennsylvania Association of Notaries

By Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, shall be valid and binding upon the company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this 3RD day of OCTOBER, 2011.



By David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.