

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 INTENT TO FILE
OPPOSITION TO DEFENDANTS'
MOTION TO ALTER OR AMEND
SEPTEMBER 28, 2011 DECISION
AND ORDER**

Plaintiff US Airways, Inc. ("US Airways") hereby gives notice to the Court of its intent to file an opposition to Defendants' "Notice of Motion to Alter or Amend September 28, 2011 Decision and Order" ("Notice of Motion") as follows:

1. In its Notice of Motion, Defendants appear to have attempted to schedule a hearing for November 4, 2011 on a motion to alter or amend the preliminary injunction issued by the Court in this matter on September 28, 2011.
2. To the extent that Defendants' Notice of Motion is treated as a motion, the deadline for US Airways to respond to such motion under Local Rule 7.1 and Rule 6 of the Federal Rules of Civil Procedure is November 7, 2011.
3. US Airways intends to oppose Defendants' Notice of Motion and will file its opposition on or before November 7, 2011.
4. US Airways recognizes that motions will ordinarily be ruled upon without oral argument, unless otherwise ordered by the Court. *See* Local Rule 7.1(A). Nonetheless, to the extent that the Court wishes to have a hearing on Defendants' motion, US Airways respectfully requests that it be allowed the time permitted by the Local Rules for the Western District of

North Carolina and the Federal Rules of Civil Procedure, until and including November 7, 2011,
to file a response before any hearing is held.

This the 21st day of October, 2011.

Respectfully submitted,

/s/ C. Bailey King, Jr.

Robert R. Marcus
N.C. State Bar No. 20041
Jonathan P. Heyl
N.C. State Bar No. 25559
C. Bailey King, Jr.
N.C. State Bar No. 34043
SMITH MOORE LEATHERWOOD LLP
525 N. Tryon Street, Suite 1400
Charlotte, North Carolina 28202
Telephone: (704) 384-2630
Facsimile: (704) 384-2800
E-mail: rob.marcus@smithmoorelaw.com
jon.hey@smithmoorelaw.com
bailey.king@smithmoorelaw.com

O'MELVENY & MYERS LLP:

Robert A. Siegel
Michael G. McGuinness
400 South Hope Street
Los Angeles, California 90071
Telephone: (213) 430-6000
Facsimile: (213) 430-6407
E-mail: rsiegel@omm.com
mmcguinness@omm.com

Mark W. Robertson
Times Square Tower
7 Times Square
New York, New York 10036
Telephone: (212) 326-2000
Facsimile: (212) 326-2061
E-mail: mrobertson@omm.com

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
301 East Park Avenue
Charlotte, NC 28203
Jgresham@tinfulton.com

Patrick J. Szymanski
Patrick J. Szymanski, PLLC
1900 L Street, NW, Suite 900
Washington, D.C. 20036
szymanski@msn.com

Brian O'Dwyer
Zachary R. Harkin
O'Dwyer & Bernstein, LLP
Paul O'Dwyer Way
52 Duane Street
New York, NY 10007
bodwyer@odblaw.com
zharkin@odblaw.com

This the 21st day of October, 2011.

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