

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.

**DECLARATION OF SLOANE GIDDON IN
SUPPORT OF PLAINTIFF'S BRIEF IN
OPPOSITION TO DEFENDANTS'
MOTION TO ALTER OR AMEND
SEPTEMBER 28, 2011
DECISION AND ORDER**

I, SLOANE GIDDON, declare and state as follows:

1. I am an associate at the law firm of O'Melveny & Myers LLP, Times Square Tower, 7 Times Square, New York, New York 10036. I am a member in good standing of the Bar of the State of New York. O'Melveny & Myers LLP is counsel to Plaintiff US Airways, Inc. ("US Airways") in this matter.

2. Attached as Exhibit 1 is a true and correct copy of the letter, dated October 25, 2011, from US Airways' counsel to counsel for Defendants US Airline Pilots Association and Michael J. Cleary (collectively, "Defendants").

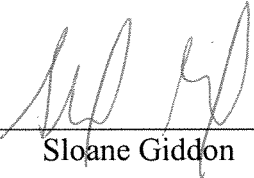
3. Attached as Exhibit 2 is a true and correct copy of the letter, dated October 26, 2011, from Defendants' counsel to US Airways' counsel.

4. Attached as Exhibit 3 is a true and correct copy of the Preliminary Injunction Order issued by the United States District Court for the Northern District of Illinois, Eastern Division, on November 18, 2008, in *United Air Lines, Inc. v. Air Line Pilots Ass'n, Int'l et al.*, Civil Action No. 08-4317.

5. Attached as Exhibit 4 is a true and correct copy of the Preliminary Injunction issued by the United States District Court for the Northern District of Illinois, on March 22, 2001, in *United Air Lines, Inc. v. Int'l Ass'n of Machinist & Aerospace Workers*, Civil Action No. 00-7265.

I declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct.

Executed this 31st day of October, 2011, at New York, New York.



Sloane Giddon

CERTIFICATE OF SERVICE

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

John W. Gresham
Tin Fulton Walker & Owen, PLLC
301 East Park Avenue
Charlotte, NC 28203

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

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

This the 1st day of November, 2011.

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

EXHIBIT 1



SMITH MOORE LEATHERWOOD

October 25, 2011

VIA U.S. MAIL & E-MAIL

John Gresham
Tin Fulton Walker & Owen
301 East Park Avenue
Charlotte, North Carolina 28203

Re: *US Airways, Inc. v. US Airline Pilots Association, No. 11-CV-00371*

Dear Mr. Gresham:

We write to inform you of illegal slowdown activity by US Airways' pilots that violates the Court's Memorandum Opinion and Order issued on September 28, 2011 in the above-referenced matter.

First, on October 10, 2011, the enclosed handwritten note was left in Captain Jon Longair's mailbox in the Charlotte crew room. As you can see, the note chastises Captain Longair for making up time in the air by arriving only seven minutes late after taking off 43 minutes late. The note goes on to encourage slowdown behavior: "There is no excuse for this[.] We need everyone on board[.] [T]o learn more go to angrypilot.org[.] GET ON BOARD[.] Your [*sic*] not fair to your brothers who are working for a [standard] contract[.]" US Airways notes that the Court held that USAPA encouraged the slowdown through the use of the phrase "on board."

Second, on October 18, 2011, the following text message was sent to US Airways' pilots encouraging slowdown behavior: "No judge can order you to compromise safety. Tempe will find out that this is the new norm. Do not be intimidated. Be strong." US Airways notes that this text message was sent out the day after pilots were notified of USAPA's plan to file its Motion to Alter or Amend September 28, 2011 Decision and Order in the "President's Update — Injunction Q and A," dated October 17, 2011.

Pursuant to the Court's Order, USAPA is required to take all reasonable steps to stop this illegal slowdown activity, and US Airways hereby requests that USAPA do so immediately. Specifically, US Airways requests that USAPA satisfy its obligation to communicate to all pilots a clear and complete condemnation of these messages and to make all efforts to identify who is involved.

Direct 704.384.2630 | Fax 704.384.2910 | rob.marcus@smithmoorelaw.com

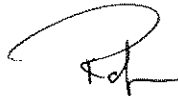
Smith Moore Leatherwood ■ Attorneys at Law ■ www.smithmoorelaw.com

525 N. Tryon Street Suite 1400 Charlotte, NC 28202 ■ 704.384.2600

Atlanta, GA ■ Charleston, SC ■ Charlotte, NC ■ Greensboro, NC ■ Greenville, SC ■ Raleigh, NC ■ Wilmington, NC

October 25, 2011
Page 2

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Marcus', with a large, stylized initial 'R' that loops back.

Robert R. Marcus

Enclosure

cc: Brian O'Dwyer (via electronic mail)
Patrick J. Szymanski (via electronic mail)
Robert A. Siegel (via electronic mail)
Michael G. McGuinness (via electronic mail)
Mark W. Robertson (via electronic mail)
Jonathan P. Heyl (via electronic mail)
C. Bailey King, Jr. (via electronic mail)

EXHIBIT 2

TIN FULTON WALKER & OWEN
ATTORNEYS

October 26, 2011

Via E-Mail

Robert R. Marcus
Smith Moore Leatherwood, LLP
Attorneys at Law
525 North Tryon Street, Suite 1400
Charlotte, North Carolina 28202

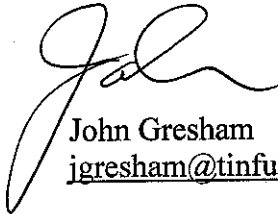
**RE: US Airways, Inc. v. US Airline Pilots Association
11-CV-00371**

Dear Rob:

Earlier today, USAPA posted notices on both the public and the password-protected portions of its website concerning the matters you raised in your letter of yesterday.

USAPA posted the notices despite the less than complete information provided in your letter. Please provide us with all additional information US Airways has concerning the two messages including (1) a hard copy of the message to Captain Longair, (2) any additional information US Airways has concerning the message and how and when it came to be in the Captain's mailbox in the Charlotte crew room, (3) any additional information US Airways has concerning the text message, including who received it, exactly when it was received, the address of the originator and the accompanying metadata. All such information should be preserved.

Sincerely yours,



John Gresham
jgresham@tinfulton.com

JG/ltg

Attachments

301 EAST PARK AVENUE
CHARLOTTE
NORTH CAROLINA 28203

TEL 704/338-1220
FAX 704/338-1312
www.tinfulton.com

NOELL P. TIN
SHIRLEY L. FULTON*
NANCY E. WALKER
C. MELISSA OWEN
JOHN GRESHAM
S. LUKE LARGESS
JACOB H. SUSSMAN**
MATTHEW G. PRUDEN
W. ROB HEROY

*OF COUNSEL
**ALSO ADMITTED IN NEW YORK

Members Home - Windows Internet Explorer

http://usairlinepilots.org/index.php?option=com_jumi&fileid=10&Itemid=335

File Edit View Favorites Tools Help

USAPA: US Airline Pilots Asso... Members Home

USAPA

Home Members USAPA Updates and News Committees Domiciles Libraries Contact

▼ ...AND COUNTING...
663 d 9 h 25 m 33 s
has passed since US Airways began violating the pay provisions of your contract.

1 | 2 |

IMPORTANT NOTICE: USAPA has been notified of two anonymous messages: one criticizing a single pilot for making up time after a delayed take-off and a second text message implying that pilots should use safety concerns as an excuse to interfere with normal operations. Any such action or implication violates the injunction issued by the United States District Court. USAPA completely and unequivocally rejects any such action or implication. Pilots are reminded and instructed that they are not to engage in any slowdown, strike, work stoppage, sick-out, work to rule campaign, or any concerted refusal to perform normal pilot operations in violation of the RLA, and that all pilots are prohibited from any communication or action that is intended to or could reasonably be construed to urge, encourage, coerce or intimidate any US Airways pilot to engage in any of these prohibited activities. A copy of the Court's Memorandum and Order and the original notice to pilots can be found [here](#). The injunction remains in effect.

Member Home Page

Welcome back, Courtney Paquette!

Recently added pages:

- [NAC Update](#) (10/25/2011)
- [PHL Domicile Update](#) (10/24/2011)
- [Safety Committee Update](#) (10/24/2011)
- [Reconvening BPR Meeting Reminder](#) (10/24/2011)
- [Age 60 CAPs and F/Os for December 2011 Bid Month](#) (10/21/2011)
- [NOMINATION ANNOUNCEMENT: 2012 Appeal Board](#) (10/21/2011)
- [A Revenue Disadvantage?](#) (10/21/2011)
- [USAPA Files Notice of Motion to Clarify Preliminary Injunction](#) (10/19/2011)
- [Strike Prep Committee Update](#) (10/19/2011)
- [Maestro Activity Codes](#) (10/19/2011)

Quick Links

ACCIDENT/INCIDENT HOTLINE
(800) 341-7176 or
(310) 854-5290
[File ASAP Report](#)

▼ SEARCH USAPA
search...
GO

▼ USAPA ADMIN

- Update member info
- Update secure files
- Create a poll
- Back-end login
- Create a new page
- User Import Script
- POT A Export

▼ MEMBER SEARCH

Last name:
GO

▼ ADD TO FAVORITES
No Favorites yet
add to favorites ☆

The screenshot shows the USAPA website in Internet Explorer. The browser address bar displays the URL: http://usairlinepilots.org/index.php?option=com_content&view=frontpage&Itemid=329. The website features a navigation menu with links for Home, Members, USAPA Updates and News, Committees, Domiciles, Libraries, and Contact. On the left sidebar, there are sections for 'USER LOGIN' (Hi Courtney Paquette, Logout), 'HEADLINES' (US Airways Pilots Alarmed At FAA's Continued Delay in Issuing New Flight and Duty Time Rules, US Airline Pilots Association Supports National Air Traffic Controllers' Efforts to Mitigate Controller Fatigue, US Airways Pilots File Suit Against the Airline Alleging Violation of Legal Obligation to Bargain in Good Faith, US Airways Pilots Speak Out About Safety Conditions at the Airline, 11C Airways Pilots), 'Express Outrage over Data Theft Facilitated by US Airways Management' (View all...), and 'RETIRED PILOTS' (Request access to Members Only area).

The main content area features a search bar and a prominent 'IMPORTANT NOTICE' section. The notice states: 'IMPORTANT NOTICE: USAPA has been notified of two anonymous messages: one criticizing a single pilot for making up time after a delayed take-off and a second text message implying that pilots should use safety concerns as an excuse to interfere with normal operations. Any such action or implication violates the injunction issued by the United States District Court. USAPA completely and unequivocally rejects any such action or implication. Pilots are reminded and instructed that they are not to engage in any slowdown, strike, work stoppage, sick-out, work to rule campaign, or any concerted refusal to perform normal pilot operations in violation of the RLA, and that all pilots are prohibited from any communication or action that is intended to or could reasonably be construed to urge, encourage, coerce or intimidate any US Airways pilot to engage in any of these prohibited activities. A copy of the Court's Memorandum and Order and the original notice to pilots can be found below. The injunction remains in effect.'

Below the notice is a section titled 'Injunction Notice and Order' with the sub-heading 'NOTICE TO ALL US AIRWAYS PILOTS'. The text of the order begins: 'In July 2011, US Airways filed a complaint against USAPA alleging USAPA had violated and was violating the Railway Labor Act ("RLA") by, among other things, engaging in a concerted effort to interfere with US Airways' airline operations, including but not limited to a slowdown, work stoppage, strike, sick-out, work to rule campaign, and other concerted refusals to perform normal pilot operations. At the time it filed the complaint, US Airways sought a preliminary injunction to prevent USAPA from engaging in the acts and conduct alleged in the complaint. After a full evidentiary hearing conducted on August 19 and 22, 2011, by decision and order dated September 28, 2011, the Court found there was evidence sufficient to meet the legal burden that USAPA had engaged in actions that violated the RLA. The September 28, 2011 order specifically enjoins USAPA and its members, agents, and employees, and any persons and organizations acting in concert with, through, or under it, or by and through its order, from violating the status quo provisions of the Railway Labor Act and from permitting, instigating, authorizing, encouraging, participating in, approving, or continuing any interference with Plaintiff's airline operations, including, but not limited to, any slowdown, strike, work stoppage, sick-out, work to rule campaign, or any concerted refusal to perform normal pilot operations in violation of the RLA. This order continues in effect unless and until modified by the Court. All US Airways pilots are instructed to fully perform their normal working schedules and practices. All US Airways pilots who are engaging in a concerted refusal to perform normal pilot operations are directed to cease and desist from any concerted refusal to perform normal pilot operations, by engaging in acts including, but not limited to, slow taxiing, writing up all maintenance items, calling in fatigued, delaying flights, refusing to answer a call from the scheduling, refusing to fly an aircraft that meets the requirements for flight, or refusing to accept voluntary or overtime flying, and to cease and desist all exhortations or communications encouraging same. USAPA will take all steps and measures to comply with the letter and spirit of the Court's order and instructs and directs all US Airways pilots to do the same. Any and all acts and conduct in violation of this Order may subject individuals and those acting in concert with them to punishment under the contempt powers of the Court. A copy of the order issued by the Court is shown below. US AIRLINE PILOTS ASSOCIATION ORDER ISSUED BY THE COURT September 28, 2011'

On the right sidebar, there is a 'Quick Links' section with an 'ACCIDENT/INCIDENT HOTLINE' (800) 341-7176 or (310) 854-5290, a 'SEARCH USAPA' box, 'USAPA ADMIN' links (Update member info, Update secure files, Create a poll, Back-end login, Create a new page, User Import Script, POTA Export), and a 'MEMBER SEARCH' box. Below these are 'Last name:' and 'GO' fields, 'ADD TO FAVORITES' (No Favorites yet), a 'CAPA Member' badge, 'INDUSTRY LINKS' (AMFA, APA, CAPA, IBT-AD, SWAPA, UPS), and 'DOMICILE WEATHER' for Charlotte, NC (60°F Partly Cloudy) and Philadelphia, PA (57°F Mostly Cloudy).

The Court . . . **HEREBY ORDERS:**

1. USAPA and its members, agents, and employees, and all persons and organizations acting by, in concert with, through, or under it, or by and through its order, are enjoined from permitting, instigating, authorizing, encouraging, participating in, approving, or continuing any interference with Plaintiff's airline operations, including, but not limited to, any slowdown, strike, work stoppage, sick-out, work to rule campaign, or any concerted refusal to perform normal pilot operations in violation of the RLA, pending a hearing on the permanent injunction.
2. USAPA shall take all reasonable steps within its power to prevent the aforesaid actions and to refrain from continuing the aforesaid actions if commenced, including, but not limited to, the following:
 - a. Instructing all pilots represented by USAPA and employed by Plaintiff to resume their normal working schedule and practices and providing Plaintiff a copy of all such instructions;
 - b. Notifying all pilots represented by USAPA and employed by Plaintiff, by the most expeditious means possible, of the issuance, contents, and meaning of this Preliminary Injunction and providing Plaintiff a copy of all such notices;
 - c. Including in such notice a directive from USAPA to US Airways' pilots who are engaging in a concerted refusal to perform normal pilot operations, including but not limited to, slow taxiing, writing up all maintenance items, calling in fatigued, delaying flights, refusing to answer a call from the scheduling, refusing to fly an aircraft that meets the requirements for flight, or refusing to accept voluntary or overtime flying, to cease and desist all such activity and to cease and desist all exhortations or communications encouraging same.
 - d. Posting the notice described above on Defendant USAPA's internet websites and providing Plaintiff a copy of the notices;
 - e. Including the contents of such notice on any and all recorded telephone hotlines under control of USAPA, until such time as the Court has acted on Plaintiff's Motion for a Permanent Injunction, and providing Plaintiff a copy of all such messages; and
 - f. Distributing the contents of such notice through all non-public communication systems maintained by USAPA, including any telephone trees, text message lists, pilot-to-pilot communication systems, or similar systems, and providing Plaintiff a copy of the notices.
3. USAPA is prohibited from including in such notices (or distributing contemporaneously with such notices) any statements that are intended or could reasonably be interpreted to mean that pilots should continue to engage in the previously-described conduct notwithstanding the Preliminary

Injunction.

4. USAPA shall report to the Court by 5 p.m. on October 4, 2011, by sworn affidavit, the methods used to effect the notice described above to all USAPA-represented pilots, and furnish to the Court copies of all notices required to be furnished to the Plaintiff under the Court's Order.

About USAPA

USAPA stands for US Airline Pilots Association. We are a union comprised of 5,200 mainline pilots that fly for US Airways. We formed our union based on the principles of democracy, transparency and free thought. We strive to create an environment where our pilots have all the tools needed to focus on the efficiency and safety of each of their flights.

Organizationally, USAPA is governed by our Board of Pilot Representatives. Our Board is elected by our pilots from the individual pilot domiciles throughout our mainline US Airways system.

Our Mission

USAPA's mission is to ensure safe flights for our passengers by guaranteeing that their lives are in the hands of only the most qualified, competent and well-equipped pilots. USAPA will fight against any practices that may jeopardize our pilots' training, equipment, workplace environment, compensation or work/life balance, or compromise our pilots' ability to execute the optimal flight.

Our Membership

We pride ourselves on being the most senior and experienced group of commercial pilots in the United States. Our pilots come from various backgrounds in private, commercial and military aviation. We fly our passengers to over 180 destinations, including Europe, Israel, Canada, Alaska, Hawaii, South America, Mexico and the Caribbean.

Our Aircraft

Our experienced pilot group is in charge of a wide fleet of jet aircraft, including the Embraer E-190, Boeing B-737-300/400 and B-757/767 series, the Airbus A319/320/321 series the 258-seat Airbus A330-200 and the 293-seat Airbus A330-300.

Phoenix, AZ
68°F
Partly Cloudy

Washington, DC
59°F
Cloudy

Internet

100%

EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED AIR LINES, INC.,

Plaintiff,

v.

AIR LINE PILOTS ASSOCIATION,
INTERNATIONAL, et al.,

Defendants.

Civil Action No. 08 C 4317

Judge Joan H. Lefkow

PRELIMINARY INJUNCTION ORDER

1. This case is before the Court on Plaintiff United Air Lines, Inc.'s ("United's" or the "Company's") Motion for Preliminary Injunction enjoining the Air Line Pilots Association, International ("ALPA"), which represents pilots at United through the United Air Lines Master Executive Council ("MEC"); members of the MEC's Industrial Relations Committee ("IRC") Steven Tamkin ("Tamkin"), Robert Domaleski ("Domaleski"), Xavier Fernandez ("Fernandez"), officers and members at United; and an individual United pilot, Anthony Freeman ("Freeman") (collectively, "Defendants"), and all persons acting in concert therewith, from calling, permitting, instigating, authorizing, encouraging, participating in, approving or continuing any form of interference with United's airline operations, including but not limited to any strike, work stoppage, sick-out, slowdown, 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. United is a "common carrier by air" engaged in the transportation of freight and passengers in intrastate and interstate commerce throughout the United States. ALPA is a labor

organization that is the exclusive bargaining representative of United's pilots. Captains Tamkin, Domaleski and Fernandez are United pilots and the Chairman and members, respectively, of the IRC; and Mr. Freeman is a United pilot responsible for maintaining a website designed to organize activities to disrupt United's operations.

3. Based upon the Complaint for Declaratory and Injunctive Relief, Motion for Preliminary Injunction, Memorandum in Support of Motion for Preliminary Injunction, Declarations, Exhibits and Expert Report filed therewith, and the testimony and exhibits at hearing, it appears to the Court that a Preliminary Injunction should issue because United is likely to succeed on the merits of its claims that Defendants are violating the RLA, and because immediate, substantial and irreparable damage, injury or loss will result to United before a hearing on its request for a permanent injunction can be had. Unless this Court enters a Preliminary Injunction restraining Defendants from the actions described below, United will suffer immediate and irreparable damage in the form of increased costs for measures designed to avoid flight delays and cancellations, loss of revenue and associated costs caused by flight delays and cancellations, and damage to its business reputation and customer goodwill, 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 United's customers will be disrupted, and the public will be deprived of essential transportation services, causing serious and substantial damage to the public interest.

4. It further appears to the Court that if the Preliminary Injunction is issued, the injury, if any, to Defendants herein, if final Judgment be granted in their favor, will be less severe than the loss and hardship which United and the public will suffer if the Order is not issued and, furthermore, that any such injury suffered by Defendants will be adequately indemnified by bond.

THEREFORE, upon the arguments of counsel and for the reasons stated on the record as findings of facts and conclusions of law,

IT IS ORDERED that the Defendants, and each of them, their members, agents and employees, and all persons and organizations acting by, in concert with, through or under them, or by and through their orders, are hereby enjoined, pending a hearing on the permanent injunction in this matter, from calling, permitting, instigating, authorizing, encouraging, participating in, approving or continuing any interference with United's airline operations, including but not limited to any strike, work stoppage, sick-out, slowdown, work to rule campaign, concerted refusal to accept voluntary or overtime flying, or other concerted refusal to perform normal pilot operations in violation of the RLA, 45 U.S.C. §§ 151 *et seq.*

IT IS FURTHER ORDERED that the Defendants shall take all reasonable steps within their power to prevent the aforesaid actions, and to refrain from continuing the aforesaid actions if commenced, including but not limited to the following:

- (a) Instructing all ALPA-represented pilots employed by United to resume their normal working schedule and practices, and providing Plaintiff a copy of all such instructions;
- (b) Notifying all ALPA-represented pilots employed by United, by the most expeditious means possible, of the issuance, contents and meaning of this Preliminary Injunction, and producing a copy of all such messages to Plaintiff;
- (c) Including in such notice a directive from ALPA to those pilots who are engaging in a slowdown, sick-out, work to rule campaign, refusal to accept voluntary or overtime flying, or other concerted refusal to conduct pilot operations in the normal manner

to cease and desist all such activity and to cease and desist all exhortations or communications encouraging same;

- (d) Posting the notice described above to ALPA's Internet websites and the ual2172.com website, and providing a copy of the notices to the Plaintiff;
- (e) Including the contents of such notice on all recorded telephone hotlines under control of Defendants, or any of them, until such time as the Court has acted on Plaintiff's Motion for a Permanent Injunction, and providing a copy of all messages to the Plaintiff; and
- (f) Distributing the contents of such notice through all non-public communication systems maintained by Defendants, including any telephone trees, pilot-to-pilot communication systems or similar systems, and providing a copy of the notice to the Plaintiff.

IT IS FURTHER ORDERED that the Defendants are prohibited from including in such notices (or distributing contemporaneously with such notices) any statements that are intended, or could reasonably be interpreted to mean, that pilots should continue to engage in the previously-described conduct notwithstanding the Preliminary Injunction.

IT IS FURTHER ORDERED that Defendants report to the Court by 5 p.m. on November 25, 2008, by sworn affidavit, the methods used to effect the notice described above to all ALPA-represented pilots, and furnish to the Court copies of all notices required to be furnished to the Plaintiff by Defendants under this Order.

This Preliminary Injunction is issued on the condition that a bond be filed by Plaintiff herein on or before November 25, 2008, in the sum of \$100,000, and that Defendants shall recover from

the Plaintiff under said bond all costs and damages, if any, suffered by them in the event that Plaintiff does not succeed in this action.

SO ORDERED this 18th day of November, 2008.

A handwritten signature in black ink, appearing to read "Joan H. Lefkow". The signature is fluid and cursive, with a long horizontal stroke at the end.

Judge Joan H. Lefkow
United States District Court

EXHIBIT 4

Minute Order Form (06/97)

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	William J. Hibbler	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 C 7265	DATE	3/22/2001
CASE TITLE	UNITED AIRLINES, INC. vs. INT'L ASSN. MACHINISTS, et al.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) Filed motion of [use listing in "Motion" box above.]
- (2) Brief in support of motion due _____.
- (3) Answer brief to motion due _____. Reply to answer brief due _____.
- (4) Ruling/Hearing on _____ set for _____ at _____.
- (5) Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) Trial[set for/re-set for] on _____ at _____.
- (8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] FRCP4(m) General Rule 21 FRCP41(a)(1) FRCP41(a)(2).
- (10) [Other docket entry] United's emergency motion for entry of preliminary injunction is granted as stated in open court. Enter Preliminary Injunction. Plaintiff to file a bond on or before 3/26/01 in the sum of \$25,000.00. Defendants' motion for a hearing on preliminary injunction is moot. Parties to contact the Court during the week of 4/2/01 as stated in open court.
- (11) [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	courtroom deputy's initials JHC	Date/time received in central Clerk's Office	number of notices	Document Number	
			MAR 26 2001 date docketed		105
			<i>m</i> docketing deputy initials		
			date mailed notice		
			mailing deputy initials		

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

UNITED AIR LINES, INC.,

Plaintiff,

v.

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS, et al.,

Defendants.

Civil Action No. 00 C 7265

DOCKETED
MAR 26 2001

PRELIMINARY INJUNCTION

1. This case is before the Court following issuance of a mandate from the Seventh Circuit Court of Appeals directing this Court to issue a Preliminary Injunction enjoining defendants International Association of Machinists and Aerospace Workers, et al. ("IAM"), IAM District Lodge 141-M ("District Lodge 141-M"), IAM Local Lodges 1487 (Chicago), 1781 (San Francisco), 1886 (Denver), and 2294 (Indianapolis) (collectively "Local Lodges"), the individually named Defendants, and all persons and organizations acting in concert therewith, from calling, permitting, instigating, authorizing, encouraging, participating in, approving or continuing any form of interference with United's airline operations, including but not limited to any strike, work stoppage, sick-out, slowdown, work to rule campaign, concerted refusal to work overtime, or other concerted refusal to perform normal mechanical operations in violation of the Railway Labor Act, 45 U. S. C. § 151 et seq. (the "RLA").

2. Plaintiff United Air Lines, Inc. ("United") is a "common carrier by air" engaged in the transportation of freight and passengers in intrastate and interstate commerce throughout the United States. IAM is a labor organization that is the exclusive bargaining representative of United's mechanics. District Lodge 141-M is the body authorized by IAM to negotiate the

collective bargaining agreement between the mechanics and United. The Local Lodges are authorized to act on behalf of the IAM with regard to local matters. The individually named Defendants are members of the negotiating committee or officers of District Lodge 141-M or the Local Lodges.

3. It has been made to appear by the Complaint for Injunctive Relief and Damages with accompanying affidavit filed herewith, and by the Plaintiff's Motion for a Preliminary Injunction and accompanying materials, that a Preliminary Injunction should issue because United is likely to succeed on the merits of its claims that Defendants are violating the RLA, and because immediate, substantial and irreparable damage, injury or loss will result to United before a hearing on its request for a permanent injunction can be had. If the disruptive activity set forth in paragraph (1) above is continued, United will suffer an incalculable loss of revenue, as well as the loss of public goodwill which it can never recover. Further, United will lose traffic which it may never regain in its airline system, and may be compelled to curtail substantially or eliminate transportation services which will deprive large numbers of the public of essential service, all of which will cause irreparable damage and injury to United for which it has no adequate remedy at law, as well as serious and substantial damage to the public interest.

4. It further appears to the Court that if the Preliminary Injunction is issued, the injury, if any, to Defendants herein, if final judgment be granted in their favor, will be inconsequential when compared with the loss and hardship which United and the public will suffer if the Order is not issued and, furthermore, that any such injury suffered by Defendants will be adequately indemnified by bond.

THEREFORE, upon the arguments of counsel and for the reasons stated on the record as findings of facts and conclusions of law,

IT IS ORDERED that the Defendants, and each of them, their members, agents and employees, and all persons and organizations acting by, for and through them,

or by and through their orders, are hereby enjoined, pending a hearing on the permanent injunction in this matter, from calling, permitting, instigating, authorizing, encouraging, participating in, approving or continuing any interference with United's airline operations, including but not limited to any strike, work stoppage, sick-out, slowdown, work to rule campaign, concerted refusal to work overtime, or other concerted refusal to perform normal mechanical operations in violation of the RLA, 45 U.S.C. § 151 et seq.

IT IS FURTHER ORDERED that IAM, District Lodge 141-M, the Local Lodges, and the individually named Defendants shall take all reasonable steps within their power to prevent the aforesaid actions, and to refrain from continuing the aforesaid actions if commenced, including but not limited to the following:

- (a) Instructing all IAM-represented mechanics employed by United to resume their normal working schedule and practices, and providing Plaintiff a copy of all such instructions;
- (b) Notifying all IAM-represented mechanics employed by United, by the most expeditious means possible, of the issuance, contents and meaning of this Preliminary Injunction, and producing a copy of all such messages to Plaintiff;
- (c) Including in such notice a directive from IAM to those mechanics who are engaging in a slowdown, work to rule campaign, refusal to work overtime, or other concerted refusal to conduct mechanical operations in the normal manner to cease and desist all such activity and to cease and desist all exhortations or communications encouraging same upon pain of fine, suspension, or other sanction by IAM (this notice in no way is meant to have any impact upon each mechanic's usual diligence in providing safety for all aircraft);

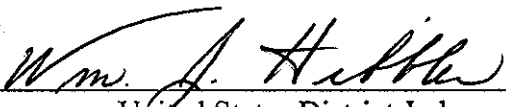
- (d) Posting the notice described above to IAM's internet web sites, and providing a copy of the notice to the Plaintiff; and
- (e) Including the contents of such notice on all recorded telephone hotlines under control of Defendants, or any of them, and providing a copy of all messages to the Plaintiff.

IT IS FURTHER ORDERED that IAM, District Lodge 141-M, the Local Lodges, and the individually named Defendants report by 12:00 noon on March 26, 2001, by sworn affidavit, the methods used to effect the notice described above to all IAM-represented mechanics, and furnish to the Court copies of all notices required to be furnished to the Plaintiff by Defendants under this Order.

IT IS FURTHER ORDERED that this Preliminary Injunction shall remain in effect until final judgment is issued on Plaintiff's request for a Permanent Injunction.

This Preliminary Injunction is issued on the condition that a bond be filed by Plaintiff herein on or before March 26th, 2001, in the sum of \$ 25,000 and that Defendants shall recover from the Plaintiff under said bond all costs and damages, if any, suffered by them in the event that Plaintiff does not succeed in this action.

SO ORDERED this 22nd day of March, 2001.


United States District Judge

ISSUED at 4:20 P.M. o'clock, this 22nd day of March, 2001.