

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.

**JOINT MOTION FOR ENTRY OF
JUDGMENT**

Pursuant to Rule 7 of the Federal Rules of Civil Procedure, Plaintiff US Airways, Inc. (“US Airways”), and Defendants US Airline Pilots Association and Michael J. Cleary (collectively, “USAPA”), jointly move the Court for an Order converting the Preliminary Injunction issued by the Court on September 28, 2011 into a Permanent Injunction and entering final judgment in favor of US Airways. In support of this motion, the parties respectfully show the Court as follows:

1. US Airways, Inc. (“US Airways”) filed its Complaint for Injunctive Relief and Motion for Preliminary Injunction in this matter on July 29, 2011.
2. The Court heard evidence and argument on US Airways’ Motion for Preliminary Injunction on August 19 and 22, 2011.
3. Thereafter, on September 28, 2011, the Court issued a Preliminary Injunction enjoining certain conduct on the part of the US Airline Pilots Association (“USAPA”) and its members.

4. Rather than proceed with this litigation, the parties have agreed and stipulated that the Preliminary Injunction should be converted into a Permanent Injunction and that final judgment should be entered in favor of U.S. Airways.

5. A proposed Consent Judgment for the Court's consideration is attached to this Motion as Exhibit A.

WHEREFORE, the parties jointly request that the Court enter judgment in this matter pursuant to Rule 58, subject to approval of the Court, as follows:

1. That the Preliminary Injunction issued by the Court on September 28, 2011, be converted into a Permanent Injunction and that final judgment be entered in favor of US Airways;

2. That the Pretrial Order and Case Management Plan entered by the Court on November 8, 2011, and all dates contained therein, be vacated; and

3. That each party shall bear its own costs and attorneys' fees associated with this action.

This the 6th day of January, 2012.

TIN FULTON WALKER & OWEN

/s/ John Gresham

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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:

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This the 6th day of January, 2012.

/s/ Robert R. Marcus _____
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