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15 Attorneys for Defendants

16  
17 IN THE UNITED STATES DISTRICT COURT  
18  
19 DISTRICT OF ARIZONA

20 Don ADDINGTON; John BOSTIC;	)	Case No.: 2:13-CV-00471-PGR
21 Mark BURMAN; Afshin IRANPOUR;	)	
22 Roger VELEZ; Steve WARGOCKI;	)	
23 Michael J. SOHA; Rodney Albert	)	<b>US AIRLINE PILOTS</b>
24 BRACKIN; and George MALIGA, on	)	<b>ASSOCIATION’S MOTION</b>
25 behalf of themselves and all similarly	)	<b>FOR EXTENSION OF TIME</b>
26 situated former America West pilots,	)	<b>TO FILE RESPONSE TO</b>
	)	<b>PLAINTIFF’S MOTION TO</b>
27 <i>Plaintiffs,</i>	)	<b>TRANSFER CASE AND TO</b>
	)	<b>ANSWER OR OTHERWISE</b>
28 US AIRLINE PILOTS ASS’N, an	)	<b>MOVE WITH RESPECT TO</b>
unincorporated association; and US	)	<b>THE COMPLAINT</b>
AIRWAYS, INC., a Delaware	)	<b>(First Request)</b>
corporation,	)	
	)	
	)	
<i>Defendants.</i>	)	
	)	

29 Pursuant to Local Rule 7.3(a), defendant the US Airline Pilots Association  
30 (“USAPA”) hereby moves for an extension of time until May 6, 2013 to answer or move

1 with respect to the complaint (Dkt. 1) (instead of the current date of April 4, 2013), and to  
2 file a response to plaintiffs' motion to transfer (Dkts. 5-5-4) (instead of the current date of  
3 March 25, 2013), making both responses due on the same date. In support of this motion,  
4 defendant USAPA states as follows:  
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6 1. USAPA's lead counsel's scheduling conflicts and other client matters  
7 necessitate USAPA's request for the extension of time.  
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9 2. In addition, because of the pending merger between AMR Corporation (the  
10 parent company of American Airlines) and US Airways Group, Inc. ("US Airways")  
11 (which affects all parties in this action), as well as pending litigation with respect to the  
12 chapter 11 bankruptcy reorganization of AMR Corporation and affiliates, defendant  
13 USAPA and its counsel require additional time to examine and respond to plaintiffs'  
14 motion and the complaint and to consult with USAPA's bankruptcy counsel.  
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16 3. In that regard, on February 14, 2013, US Airways and AMR Corporation  
17 announced that the companies had reached a merger agreement to form a new airline  
18 called "New American." The merger agreement provides, *inter alia*, that, subject to and  
19 effective upon the confirmation and consummation of a chapter 11 plan of  
20 reorganization, US Airways will become a wholly-owned subsidiary of AMR  
21 Corporation, the debtor in a chapter 11 bankruptcy proceeding currently pending before  
22 Judge Sean H. Lane in the United States Bankruptcy Court for the Southern District of  
23 New York. (*In re AMR Corp.*, Case No. 11-15463).  
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1           4.       On March 6, 2013, prior to the filing of this action, USAPA commenced an  
2 adversary proceeding against Leonidas, LLC<sup>1</sup> in the court presiding over the AMR  
3 Corporation bankruptcy. (*US Airline Pilots Ass'n v. Leonidas, LLC*, Case No. 13-1282).<sup>2</sup>  
4

5           5.       Given the complexities of AMR Corporation's bankruptcy proceeding, the  
6 merger, the adversary proceeding, and the impact of the foregoing on USAPA and its  
7 members, all of the US Airways pilots, additional time to meet and consult with the client  
8 and with USAPA bankruptcy counsel is required to respond to the motion to transfer and  
9 the complaint so that USAPA may determine appropriate steps and potential motions in  
10 light of the previously filed adversary proceeding, including the possibility of a motion to  
11 transfer this action to the Southern District of New York. If such a motion is filed, it  
12 should be considered concurrently with plaintiffs' motion to transfer, to avoid duplicative  
13 proceedings and in the interests of justice and efficiency.  
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17           6.       The requested extension will further allow for the orderly presentation of  
18 arguments with respect to the issues presented by the complaint and will not prevent  
19 plaintiffs from obtaining relief on their claims before the merger between US Airways  
20 and American Airlines is or might become effective. The merger was announced on  
21 February 14, 2013, and has yet to be approved by the Bankruptcy Court which is  
22 scheduled to hold a hearing on the motion to approve the merger as well as several  
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25 <sup>1</sup> As plaintiffs have stated, Leonidas, LLC is a company created by some former America  
26 West Airline pilots to "defend the Nicolau award in and out of litigation." Doc 5 p. 2.  
27 USAPA will be filing an amended complaint in the adversary proceeding adding  
28 Messrs. Addington, Bostic, Burman, Iranpour, Velez, Wargocki, Soha, Brackin and  
Maliga as defendants.

<sup>2</sup> One of the remedies sought in that action is for a stay of this action, pursuant to relief  
available under the Bankruptcy Code and other controlling law.

1 related objections on March 27, 2013. Even if the Bankruptcy Court denies the  
2 objections, it will still be many months before a plan of reorganization is submitted to the  
3 Court, a hearing on the plan is held, the various creditors vote on the plan and the plan is  
4 approved by the Bankruptcy Court. The merger must also be reviewed by the Antitrust  
5 Division of the Department of Justice. Estimates of when the plan of reorganization will  
6 be approved have continually been pushed back and the estimate is now that the plan is  
7 not likely to be approved until the fourth quarter of this year or perhaps even the first  
8 quarter of next year. There is therefore no need to rush the consideration of the issues  
9 presented in the complaint. Indeed, plaintiffs opposed a request by USAPA to expedite  
10 the appeal currently pending in the Ninth Circuit on precisely these grounds. *See US*  
11 *Airways v. Addington et. al.*, No. 13-15000, ECF No. 8-1 (9th Cir.) (filed March 5, 2013).  
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16 7. Patrick Szymanski, counsel for USAPA, contacted plaintiffs' counsel and  
17 counsel for US Airways to inquire as to their respective positions on this motion.  
18 Counsel for plaintiffs has indicated that plaintiffs will oppose this motion. Counsel for  
19 US Airways was unavailable, and a message was left on March 21, 2013. There has been  
20 no response from US Airways as of the time of the filing of this motion. USAPA also  
21 notes that US Airways requested and received a 30 day extension of the time to file its  
22 opening brief in the pending appeal in *US Airways v. Addington et. al.*, No. 13-15000.  
23 This is USAPA's first request for an extension of time.  
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26 Accordingly, for the foregoing reasons, defendant USAPA respectfully requests  
27 that its motion for an extension of time be granted.  
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Respectfully submitted his 22<sup>nd</sup> day of March, 2013.

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 22, 2013, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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I hereby certify that on March 22, 2013, a copy of the following was sent via first class mail to:

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s/T. Mahabir