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18 **IN THE UNITED STATES DISTRICT COURT**
19 **DISTRICT OF ARIZONA**

20 Don Addington, *et. al.*,

21 *Plaintiffs,*

22 v.

23 US Airline Pilots Association, *et. al.*,

24 *Defendants.*

Case No.: CV-13-00471-PHX-ROS

**US Airline Pilots Association's
Combined Response to AMR
Corporation and American
Airlines, Inc.'s Application to
Intervene (Doc. 56) and Plaintiffs'
Motion to Join Allied Pilots
Association Pursuant to
Rule20(a)(2) (Doc. 58)**

1 Defendant US Airline Pilots Association (“USAPA”) hereby submits this
2 combined response to AMR Corporation and American Airlines, Inc.’s Application to
3 Intervene, Doc. 56, and Plaintiffs’ Motion to Join Allied Pilots Association Pursuant to
4 Rule20(a)(2), Doc. 58.

5 **AMR’s Application to Intervene**

6 USAPA does not oppose AMR Corporation and American Airlines, Inc.’s
7 (collectively referred to as “AMR”) application to intervene in this matter, Doc. 56,¹
8 However, USAPA disputes many of the assertions made by AMR in the memorandum in
9 support of the application to intervene. Doc. 57. The memorandum goes well beyond
10 simply a request to intervene and makes substantive merits based arguments. To the
11 extent that the Court would entertain AMR’s arguments on the merits in support of an
12 application to intervene, USAPA incorporates herein by reference the arguments made in
13 USAPA’s Opposition to Plaintiffs’ Motion for Preliminary Injunction, Doc. 48, the
14 arguments USAPA made in Court at the May 14, 2013 Preliminary Injunction Hearing,
15 USAPA’s Motion to Dismiss and reply in support of the motion to dismiss, Docs. 44 &
16 54, and Supplemental Brief as Directed by the Court at May 14, 2013 Hearing, Doc. 95.

17 **Plaintiffs’ Motion to Join APA**

18 USAPA does not oppose Allied Pilots Association’s participation in this case.
19 However, Plaintiffs’ motion to join APA, Doc. 58, is procedurally improper. If Plaintiffs
20 wish to add a party, they should amend the Complaint. *See Ellsworth v. Prison Health*
21 *Servs., Inc.*, CV-11-8070-PCT-RCB, 2012 WL 1107754, at * 3 (D. Ariz. Mar. 31, 2012)
22 (construing motion to join parties “as one to amend pursuant to Fed.R.Civ.P. 15(a) to join
23
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26 ¹USAPA notes, however, that AMR’s interests appear to be aligned with US Airways and
27 US Airways will adequately protect AMR’s interests. *See Blake v. Pallan*, 554 F.2d 947,
28 955 (9th Cir. 1977).

CERTIFICATE OF SERVICE

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I hereby certify that on May 24, 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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s/T. Mahabir