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10 *Attorneys for Plaintiffs*

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 Don ADDINGTON; John BOSTIC;
14 Mark BURMAN; Afshin IRANPOUR;
15 Roger VELEZ; Steve WARGOCKI;
16 Michael J. SOHA; Rodney Albert
17 BRACKIN; and George MALIGA, on
18 behalf of themselves and all
19 similarly situated former America
20 West pilots,

21 *Plaintiffs,*

22 vs.

23 US AIRLINE PILOTS ASS'N, an
24 unincorporated association; and
25 US AIRWAYS, INC., a Delaware
26 corporation,

27 *Defendants.*

CASE NO. CV-13-00471-PHX-ROS

**MOTION FOR EXPEDITED
CONSIDERATION OF
PLAINTIFFS' MOTION FOR
LEAVE TO FILE AMENDED
COMPLAINT**

28 Plaintiffs Don Addington, John Bostic, Mark Burman, Afshin Iranpour, Roger Velez, Steve Wargocki, Michael J. Soha, Rodney Albert Brackin, and George Maliga (the "West Pilots") respectfully request that the Court expedite determination of the West Pilot's Motion for Leave to File Amended Complaint (the "Motion"). As detailed in the Motion, the West Pilots seek leave to add a claim for a declaratory judgment that they

1 are entitled to participate in the McCaskill-Bond process, as provided in
2 the Memorandum of Understanding that is a central part of the factual
3 predicate of the West Pilots' duty of fair representation claim. The Court
4 has already asked for and received briefing on this issue. (Docs. 97, 98,
5 122.) Granting the Motion for Leave on an expedited basis and allowing
6 the issue of whether the West Pilots should be entitled to participate in
7 the McCaskill-Bond to be heard at the trial on the merits set for
8 September 24, 2013 is in the best interest of all the parties.

9 The West Pilots request that the Court order USAPA to file an
10 answer as to why it opposes the Motion in five days, or July 29, 2013.
11 The West Pilots will file a reply on July 31, 2013. If the Court grants
12 leave to amend, the West Pilots further request that it order that USAPA
13 must answer the amended complaint within five days of the order
14 granting leave to amend. This will allow the parties sufficient time to
15 include the claim relating to the McCaskill-Bond process in the joint
16 pretrial, due on September 2, 2013 and the trial on the merits on
17 September 24, 2013.

18 A copy of a proposed order is attached and has been emailed to
19 chambers in Word format.

20 Dated this 25th day of July, 2013.

21 **POLSINELLI PC**

22 By /s/ Jennifer J. Axel

23 Marty Harper

24 Andrew S. Jacob

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Attorneys for West Pilots

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of July 2013, I electronically transmitted the foregoing document to the U.S. District Court Clerk's Office by using the ECF System for filing and transmittal.

By /s/ Jennifer J. Axel

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19 US AIRLINE PILOTS ASS'N, an
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**ORDER GRANTING MOTION
 FOR EXPEDITED
 CONSIDERATION OF
 PLAINTIFFS' MOTION FOR
 LEAVE TO FILE AMENDED
 COMPLAINT**

22
 23 Based upon Plaintiffs' Motion for Expedited Consideration of their
 24 Motion for Leave to File Amended Complaint, Doc. 126, and good cause
 25 appearing therefor,

26 IT IS ORDERED that the Motion will be heard on an expedited
 27 basis;
 28

1 IT IS FURTHER ORDERED that Defendant US Airline Pilots
2 Association will file a response to the Motion for Leave to File Amended
3 Complaint on or before July 29, 2013;

4 IT IS FURTHER ORDERED that Plaintiffs will file a reply in support
5 of the Motion for Leave to File Amended Complaint on or before July 31,
6 2013; and

7 IT IS FURTHER ORDERED that if the Motion for Leave to File
8 Amended Complaint is granted, Defendants will file their response within
9 five days of the Court granting leave.

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