

Exhibit “B” Jacob Declaration

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Don Addington; John Bostic; Mark)
Burman; Afshin Iranpour; Roger Velez;)
9 Steve Wargoeki,

No. CV 08-1633-PHX-NVW
(consolidated)

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Plaintiffs,

ORDER

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vs.

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US Airline Pilots Association; US)
Airways, Inc.,

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Defendants.

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Don Addington; John Bostic; Mark)
Burman; Afshin Iranpour; Roger Velez;)
16 Steve Wargoeki, et al.,

CV08-1728-PHX-NVW

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Plaintiffs,

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vs.

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Steven Bradford; Paul Diorio; Robert)
20 Frear; Mark King; Douglas Mowery; John)
Stephan, et al.,

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Defendants.

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Previously, this Court expressed uncertainty regarding whether a hearing was
25 necessary to the disposition of Plaintiffs' Motion for Class Certification (doc. # 120). An
26 order was issued directing counsel to file a joint pretrial statement respecting certification to
27 help the Court determine the possible value of such a hearing. (Doc. # 210.) The Court
28 issued this order before the certification briefing was complete.

1 Now that the briefing is complete, the Court doubts that any such hearing is necessary
2 and is inclined to vacate the order directing preparation for such a hearing (doc. # 210). Both
3 parties have had the opportunity to present evidence with their briefs, and it appears that no
4 hearing is necessary for a prompt ruling to be issued on the certification motion (doc. # 120).
5 A needless hearing would only divert time and resources from the merits of this case.

6 IT IS THEREFORE ORDERED:

7 The parties shall telephone chambers and schedule an immediate telephone conference
8 to discuss any objections to vacating the Court's February 23, 2009 order (doc. # 210). This
9 conference will also address the parties' Notice of Discovery Dispute filed today
10 (doc. # 222).

11 DATED this 3rd day of March, 2009.

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Neil V. Wake
United States District Judge

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