

## **Exhibit “A” Motion to Quash**

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of Arizona

Don Addington, et al.,
Plaintiff
v.
US Airline Pilots Association
Defendant
Civil Action No. 2:13-CV-00471-ROS
(If the action is pending in another district, state where:
District of Arizona)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Leonidas, LLC c/o Andrew S. Jacob
Polsinelli, P.C. One East Washington St., Suite 1200 Phoenix, AZ 85004

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following
documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the
material: See Attachment A

Table with 2 columns: Place and Date and Time. Place: Martin & Bonnett, PLLC, 1850 N. Central Ave. Suite 2010 Phoenix, AZ 85004. Date and Time: 08/21/2013 1:30 pm

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or
other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party
may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Table with 2 columns: Place and Date and Time. Both fields are empty.

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule
45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are
attached.

Date: 08/07/2013

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

Susan Martin
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) US Airline Pilots Ass'n
, who issues or requests this subpoena, are:

Susan Martin, Jennifer Kroll, Martin & Bonnett, PLLC
1850 N. Central Ave. Suite 2010
Phoenix, AZ 85004 (602) 240-6900 (phone); smartin@martinbonnett.com; jkroll@martinbonnett.com

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Civil Action No. 2:13-CV-00471-ROS

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_ *Server's signature*

\_\_\_\_\_ *Printed name and title*

\_\_\_\_\_ *Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** fails to allow a reasonable time to comply;

**(ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

**(i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

**(ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

**(i)** expressly make the claim; and

**(ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

**Attachment A to Subpoena**

TO: Leonidas, LLC  
c/o Andrew S. Jacob  
Polsinelli, P.C.  
One East Washington St., Suite 1200  
Phoenix, AZ 85004

Pursuant to Rules 26, 33, 34, and 45 of the Federal Rules of Civil Procedure, defendant USAPA requests that you produce the following documents, electronically stored information, and tangible things. If the following documents are received in the offices of Martin & Bonnett, P.L.L.C., 1850 N. Central Ave., Suite 2010, Phoenix, AZ 85004, on or before the date listed in the Subpoena with the attached executed affidavit, you do not need to appear at the designated date and time.

Definitions and Instructions

1. The term “plaintiffs” refers to plaintiffs Don Addington, John Bostic, Mark Burman, Afshin Iranpour, Roger Velez, Steve Wargocki, Michael J. Soha, Rodney Albert Brackin, and George Maliga, and is intended to cover all plaintiffs, employees, agents, representatives, attorneys, consultants, actuaries, administrators, or other persons or entities who have acted for or on behalf of any plaintiff whether or not correctly named.

2. “USAPA” refers to US Airline Pilots Association, and is intended to cover USAPA, employees, agents, representatives, attorneys, consultants, actuaries, administrators, or other persons or entities who have acted for or on behalf of USAPA, whether or not correctly named.

3. The term “you” or “Leonidas” refers to you, subsidiaries, employees, agents, officers, directors, representatives, attorneys, consultants, actuaries, administrators, board of director members, managers, members, supporters, contributors, or other persons or entities who have acted for or on behalf of you, whether or not correctly named.

4. “Person” shall be defined as any natural person or any business, legal or

governmental entity or association, firm or other entity of whatsoever kind, nature or description, and all other forms of organization or association.

5. “Pertaining to” shall mean concerning, referring to, regarding, describing, evidencing, discussing, reflecting, negating, amending, analyzing, reporting on, commenting on, considering, mentioning, containing, reproducing, paraphrasing, identifying, dealing with, summarizing, explaining, detailing, omitting, interpreting, constituting, or quoting any language of.

6. The term “document” is defined as all writings, printed matter of any kind or description, and/or electronically stored data whatsoever, including but not limited to, the original and all copies of correspondence, email communications, text messages, webmail, memoranda, evaluations, oaths, letters, telegrams, minutes, opinions, contracts, agreements, policies, reports, studies, statements, receipts, books, inter-office or intra-office communications including intranet communications, telephone message slips, offers, handwritten or electronic notations, interviews, conferences or other meetings, bulletins, drawings, plans, computer generated printouts, computer input or output, data including electronically stored data or information, teletypes, telefaxes, invoices, work sheets, ledger books, statistical records, books of account, microfilm, diskettes, CD-Rom, tapes, statements of account, and all drafts, alterations, modifications, changes and amendments to any of the foregoing whether handwritten, computer generated or otherwise, and any other tangible thing on which information is recorded in writing, sound, electronic, web or magnetic impulse. The term “document” shall further include all writings pertaining to the transfer or change of money, including but not limited to, wire transfers, checks, promissory notes, money orders, deposit slips, canceled checks, certified checks and/or cashier’s checks, calendar or diary entries, schedules, maps, graphs, charts, appraisals, valuations, estimates, opinions, analysis, summaries, magazines, booklets, pamphlets, circulars, brochures, instructions, bills, drafts, certificates, tabulations, questionnaires, messages, tables, sketches, tax reports, working papers, computed data (including information or programs stored in a computer, whether or not ever printed out or displayed).

7. The term "communications" means any oral or written utterance, notation or statement of any nature whatsoever, by and whomsoever made, including but not limited to, correspondence, conversations, dialogues, discussions, interviews, consultations, agreements and other understandings between two or more persons or entities.

You are requested to identify in accordance with the definition of "identify" as stated herein, any documents that fall within the request which you do not turn over on the basis of objection or an assertion of privilege.

8. "Identify," "state the identity of" or any similar phrase:

(1) when used with reference to a natural person, means to state in the answer in each instance that person's full name, that person's last known home address and telephone number, that person's last known business address and telephone number, that person's last known email address and that person's employer.

(2) when used with reference to a non-person (*e.g.*, a corporation, partnership, etc.), means to state in the answer in each instance the non-person's name, type of entity, business address at the time referred to in the inquiry and, if different, its present business address.

(3) when used with reference to a document, means to state in the answer in each instance, the document's date, identification of each person who prepared it (if known), a general description of its type, its subject matter and identification of each custodian.

9. When used herein, where appropriate, "USAPA," means US Airline Pilots Association propounding these Interrogatories, and in addition where appropriate, concerning any matter that relates to or is relevant to the issues in this litigation, counsel for USAPA.

10. All electronically stored information ("ESI") shall be produced in both "native" formats and searchable "TIF" formats with metadata, together with a description of the system from which it was derived sufficient to permit rendering the materials intelligible and load files in .dll format. If a scanned document is more than one page, the unitization of the document creating the image file and any attachments should be

produced as it existed in the original when creating the image file. Electronic copies of documents shall be produced on a conventional digital storage medium, such as CD-ROM, DVD or removable hard drive.

Documents Demanded

1. Leonidas, LLC, original articles of incorporation and any amendments to the articles of incorporation.
2. Leonidas, LLC, bylaws and any amendments to its bylaws.
3. Any other operating guidelines, policy statement or similar documents concerning the organization, goals, objects of Leonidas, LLC.
4. Minutes of any meeting held by Leonidas, LLC.
5. Any and all documents and communications sent by Leonidas, LLC to Don Addington, John Bostic, Mark Burman, Afshin Iranpour, Roger Velez, Steve Wargocki, Michael J. Soha, Rodney Albert Brackin, and/or George Maliga.
6. Any and all documents and communications received by Leonidas, LLC from Don Addington, John Bostic, Mark Burman, Afshin Iranpour, Roger Velez, Steve Wargocki, Michael J. Soha, Rodney Albert Brackin, and/or George Maliga.
7. Any and all documents and communications sent by Leonidas, LLC pertaining to any and all litigation regarding the Nicolau Award, the Nicolau Award seniority list, and any claim against USAPA for breach of the duty of fair representation.
8. Any and all documents and communications received by Leonidas, LLC, pertaining to any and all litigation regarding the Nicolau Award, the Nicolau Award seniority list, and any claim against USAPA for breach of the duty of fair representation.
9. Any and all documents and communications pertaining to “Nic or Nothing.”
10. Any and all documents and communications sent by Leonidas, LLC, pertaining to the Memorandum of Understanding between USAPA, US Airways, the Allied Pilots Association and American Airlines, (“MOU”) including, but not limited to, MOU negotiations, ratification, and/or results.



11. Any and all documents and communications received by Leonidas, LLC, pertaining to the MOU including, but not limited to, MOU negotiation, ratification, and/or results.

12. Any and all documents and communications sent by Leonidas, LLC pertaining to contributions or other financial support for Leonidas and/or for any litigation regarding the Nicolau Award, the Nicolau Award seniority list, and any claim against USAPA for breach of the duty of fair representation.

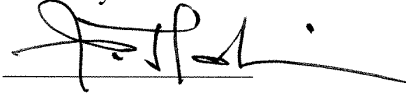
13. Any and all documents and communications pertaining to payments made or to be made to any attorneys working on behalf of Leonidas and/or attorneys working on behalf of any litigation regarding the Nicolau Award, the Nicolau Award seniority list, and any claim against USAPA for breach of the duty of fair representation.

**CERTIFICATE OF SERVICE**

I hereby certify that on August 7, 2013, I transmitted via e-mail and regular mail, the attached document to the following:

Marty Harper  
Andrew S. Jacob  
Jennifer Axel  
Polsinelli PC  
CityScape  
One East Washington St., Ste. 1200  
Phoenix, AZ 85004  
[MHarper@Polsinelli.com](mailto:MHarper@Polsinelli.com)  
[AJacob@Polsinelli.com](mailto:AJacob@Polsinelli.com)  
[JAxel@Polsinelli.com](mailto:JAxel@Polsinelli.com)

Attorneys for Plaintiffs

A handwritten signature in black ink, appearing to be "M. Harper", written over a horizontal line.