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17 Attorneys for Defendant
18 US Airways, Inc.

19 **IN THE UNITED STATES DISTRICT COURT**
20 **FOR THE DISTRICT OF ARIZONA**

21 Don Addington, *et al.*, on behalf of
22 themselves and all similarly situated
23 former America West Pilots,

24 Plaintiffs,

25 vs.

26 US Airline Pilots Ass'n, an
27 unincorporated association,

28 Defendant,

US Airways, Inc.,

[Proposed] Intervenor.

Case No. 2:13-cv-00471-ROS

**US AIRWAYS, INC.'S MOTION FOR
EXPEDITED RULING ON ITS
MOTION FOR LIMITED
INTERVENTION UNDER RULE 24 OF
THE FEDERAL RULES OF CIVIL
PROCEDURE**

1 Proposed intervenor US Airways, Inc. (“US Airways”) respectfully requests that
2 the Court expedite its ruling on US Airways’ motion for intervention (Doc. No. 128), and,
3 for the reasons set forth below, issue a ruling thereon by Friday, September 13, 2013.

4 US Airways seeks to intervene in this lawsuit for the purpose of, *inter alia*,
5 protecting its interest in a prompt determination that the West Pilots have the right under
6 the federal McCaskill-Bond statute to full and separate representation in the seniority-
7 integration proceedings between the pilots employed by US Airways and American
8 Airlines, Inc. (*See* Doc. No. 128.) While, as stated to the Court at the August 15, 2013
9 status conference, US Airways does not intend to present testimony or evidence at trial, its
10 outside counsel should be allowed – on an “Attorney’s Eyes Only” basis (absent
11 agreement between the parties or permission from the Court) – to fully attend the
12 depositions of witnesses whose testimony may reasonably be expected to include a
13 discussion of the negotiation of Paragraph 10 of the Memorandum of Understanding, the
14 West Pilots’ rights to participate in the McCaskill-Bond process, and/or any statements
15 made by US Airways employees or representatives regarding the foregoing. This would
16 enable US Airways’ counsel to know what testimony has been elicited on a subject
17 germane to one of the grounds for US Airways’ requested intervention. USAPA objected
18 to such participation by US Airways’ counsel on September 6, 2013, and instead has in
19 effect proposed a more limited role for US Airways’ counsel that is unworkable as a
20 practical matter.

21 Because the depositions of USAPA witnesses are currently scheduled to begin on
22 September 17, 2013, US Airways respectfully requests that the Court rule on its motion
23 for intervention by Friday, September 13, 2013 and apologizes for the inconvenience to
24 the Court.

25 US Airways is authorized to represent that plaintiffs do not object to US Airways’
26 attendance at these depositions.

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Respectfully submitted,

Dated: September 10 2013.

O'Melveny & Myers LLP

By: /s/ Robert A. Siegel
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Attorneys for Defendant US Airways, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2013, I caused to be electronically transmitted the attached US Airways, Inc.'s Motion For Expedited Ruling On Its Motion For Limited Intervention Under Rule 24 Of The Federal Rules Of Civil Procedure.

/s/ Robert A. Siegel

Robert A. Siegel

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