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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 REPLY IN  
SUPPORT OF MOTION FOR  
EXPEDITED RULING ON ITS  
MOTION FOR LIMITED  
INTERVENTION UNDER RULE 24 OF  
THE FEDERAL RULES OF CIVIL  
PROCEDURE**

1 US Airways, Inc. (“US Airways”) has no desire to prolong or complicate the  
2 depositions of witnesses affiliated with the US Airline Pilots Association (“USAPA”) or  
3 the depositions of any other witnesses. Accordingly, US Airways is willing to forego  
4 attending the depositions if its outside counsel – on an “Attorney’s Eyes Only” basis,  
5 unless the parties agree or the Court authorizes otherwise – is provided with the complete  
6 deposition transcripts and exhibits for those deponents whose testimony includes: a  
7 discussion of the negotiation of Paragraph 10 of the Memorandum of Understanding  
8 (“MOU”); the West Pilots’ rights to participate in the McCaskill-Bond process; and/or any  
9 statements made by US Airways employees or representatives regarding the preceding  
10 two subjects.

11 There is a legitimate interest in US Airways’ outside counsel having access to the  
12 above-described deposition transcripts. The testimony could and likely would be relevant  
13 to a subject on which US Airways seeks to intervene, namely, the McCaskill-Bond  
14 seniority-integration process, and US Airways’ proffered “Attorney’s Eyes Only”  
15 restriction is more than sufficient to protect USAPA’s interests in avoiding “excessive”  
16 disclosure – especially where, as here, the testimony in question will focus on backward-  
17 looking descriptions of historical events (*i.e.*, the MOU negotiations in 2012). *See Int’l*  
18 *Bhd. of Teamsters v. Frontier Airlines, Inc.*, No. 11-cv-2007, 2012 WL 1801979, at \*5-6  
19 (D. Colo. May 16, 2012) (requiring production of internal union communications  
20 regarding strategy and finding that an “attorneys’ eyes only” protective order would be  
21 sufficient to protect the union’s confidentiality concerns); *see also In re City of New York*,  
22 607 F.3d 923, 935-36 (2d Cir. 2010) (stating that “attorneys’ eyes only” disclosure is a  
23 “routine feature of civil litigation involving trade secrets”); *UCC Ueshima Coffee Co.,*  
24 *Ltd. v. Tully’s Coffee Corp.*, No. C06–1604-RSL, 2007 WL 710092, at \*1–2 (W.D. Wash.  
25 Mar. 6, 2007) (allowing disclosure of plaintiff’s confidential business information to  
26 defendant’s lawyers, even though defendant was a direct competitor).

27 USAPA has expressed concern that some of the deposition testimony might  
28 involve its bargaining strategy in ongoing negotiations with US Airways. (*See Doc.*

1 No. 189 at 1:22-3:17.) That seems rather unlikely given the focus of this case on the  
2 already-completed negotiations for the MOU. Nonetheless, to the extent any such  
3 testimony emerges in these depositions, US Airways agrees that it would be appropriate to  
4 have a Court-supervised process to consider the propriety of redacting certain portions of  
5 the deposition transcripts.

6 Respectfully submitted,

7  
8 Dated: September 12 2013.

O'Melveny & Myers LLP

9 By: /s/ Robert A. Siegel  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 12, 2013, I caused to be electronically transmitted the attached US Airways, Inc.'s Reply In Support Of 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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