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

12 Don Addington; et al.,  
 13 Plaintiffs,

14 vs.

15 US Airline Pilots Ass’n, et al.,  
 16 Defendants.  
 17

No. CV-13-00471-PHX-ROS

**PLAINTIFFS’ THIRD MOTION IN  
 LIMINE SEEKING TO PRECLUDE  
 USAPA FROM OFFERING  
 TESTIMONY OR EXHIBITS  
 CONCERNING LEONIDAS, LLC**

18 Plaintiffs move for an order *in limine* that USAPA may not present evidence or  
 19 argument concerning the formation, operation and activities of Leonidas, LLC. This order  
 20 would preclude, in full, the testimony that USAPA seeks to obtain from Brian Stockdell  
 21 and the introduction of USAPA’s Trial Exhibits Nos. 147, 148, 162-164, 167.<sup>1</sup>

22 **I. Factual Background**

23 The Court granted the motions to quash subpoenas served on Leonidas, LLC, on the  
 24 basis that USAPA could not “establish the relevance of the information sought by either  
 25 subpoena.” [Doc. 194.] Yet, in the Proposed Pretrial Order, USAPA states that it intends

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 27 <sup>1</sup> Plaintiffs recognize that the Exhibits proposed by USAPA have numbering that  
 28 overlaps with the Exhibits proposed by Plaintiffs and that this will need to be corrected  
 prior to trial.

1 to have West Pilot Brian Stockdell testify as to “Leonidas objectives, operations, fund-  
2 raising, and finances and payment of attorneys’ fees and expenses with respect to various  
3 litigation, including *Addington I*, the Declaratory Judgment action, and the instant  
4 action.” [Doc. 206-1 at 58.] USAPA also indicated that it intends to introduce the  
5 following categories of documents into evidence:

- 6 (1) Leonidas corporate documents [Def.’s Ex. 147, 148, 164];
- 7 (2) Lists of Leonidas contributors [Def.’s Ex. 162, 163, 167];
- 8 (3) Pleadings that were filed in the East Pilots’ 2007 litigation challenging the  
9 Nicolau Award [Def.’s Ex. 107-109, 219]; and
- 10 (4) A statement of Leonidas’ objectives [Def.’s Ex. 163].

11 In other words, USAPA intends to introduce the same kind of evidence at trial that  
12 this Court found lacks relevance when it granted the motions to quash the Leonidas  
13 subpoenas. [Doc. 194.] For the same reasons that the Court granted those motions to  
14 quash, it should preclude USAPA from introducing such material into evidence at trial.

## 15 **II. Requested Relief**

16 Plaintiffs ask the this Court to issue an order in limine precluding USAPA from: (1)  
17 having Mr. Stockdell (or anyone else) testify as to the affairs of Leonidas; (2) introducing  
18 Defendant’s Trial Exhibits Nos. 147, 148, 162-164, 167 into evidence; and (3) arguing at  
19 trial that actions by Leonidas, LLC in some way affect these claims. A proposed form of  
20 order is attached and a copy in Word format is being emailed to chambers.

21 Dated this 11th day of October, 2013.

22 **POLSINELLI PC**

23 By /s/ Andrew S. Jacob

24 Marty Harper

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of October 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.

*/s/ Andrew S. Jacob*  
By \_\_\_\_\_