

EXHIBIT J

Eric Ferguson - 8/28/2013

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

DON ADDINGTON, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	No. CV-13-00471-PHX-ROS
)	
US AIRLINE PILOTS ASSOCIATION,)	
et al.,)	
)	
Defendants.)	
)	

DEPOSITION OF ERIC FERGUSON

Phoenix, Arizona
August 28, 2013
1:35 p.m.

REPORTED BY:
Kristy A. Ceton, RPR
AZ Certified Court Reporter No. 50200

1 A. Because USAPA made it very, very clear,
2 as did its counsel in meetings with the board, some
3 of which I sit on, that the MOU was neutral with
4 regard to seniority.

5 Q. Does the MOU contain any indication that
6 one seniority integration protocol is to be used in
7 McCaskill-Bond as opposed to another?

8 A. Protocol? Are you referring to a list?

9 Q. Yes. Either Nicalou or date of hire.

10 A. It is neutral with respect to --
11 according to its terms and according to USAPA, but
12 prior to the referendum, it was neutral on the terms
13 of seniority.

14 Q. Well, in fact -- leave aside neutrality
15 for the moment -- it's silent with respect to whether
16 it's Nicalou or date of hire. Would you agree?

17 A. The MOU is itself silent on what list
18 would be used.

19 Q. Okay. So given that the MOU was the --
20 was an issue with respect to the ratification vote,
21 what makes you say that as of the date of the
22 ratification, that was not an endorsement by the
23 USAPA membership, including the Phoenix-based pilots,
24 that they approved the MOU in its current form?

25 MR. HARPER: Form.

1 any Phoenix-based pilots who are on the merger
2 committee?

3 A. There are two Phoenix-based pilots on the
4 merger committee, who serve at the whim, will, and
5 pleasure of the board and the president and are bound
6 by the constitution of USAPA. Corresponding to USAPA
7 itself.

8 Q. That's true about the other members
9 appointed to the merger committee; is that correct?

10 A. That's according to USAPA. It's boxed
11 itself in masterfully.

12 Q. What do you mean by they boxed themselves
13 in masterfully?

14 A. They put it in constitution.

15 Q. Put what in the constitution, sir?

16 A. The date of hire objective of USAPA.
17 That is what is at the heart of the issue.

18 Q. I didn't know that's what you were
19 referring to.

20 A. Yes, sir.

21 MR. SILVERMAN: Thank you, sir.

22 MR. HARPER: Are we done?

23 MR. SILVERMAN: Yes.

24 MR. HARPER: Read and sign.

25 (The proceedings concluded at 3:51 p.m.)