

# **EXHIBIT N**

**DON ADDINGTON, ET AL. vs. US AIRLINE PILOTS ASS'N, ET AL.**  
**Paul J. DiOrio on 09/20/2013**

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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF ARIZONA  
3                   CASE NO.: CV-13-00471-PHX-ROS

4                   \_\_\_\_\_)  
5                   Don Addington; et al.,                   )  
6   Plaintiffs,                   )  
7                   vs.                   )  
8                   US Airline Pilots Ass'n, et al.,) )  
9   Defendants.                   )  
                 \_\_\_\_\_)

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12                   DEPOSITION OF PAUL J. DIORIO  
13                   (Taken by Plaintiffs)  
14                   Charlotte, North Carolina  
15                   Friday, September 20, 2013

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                  Reported in Stenotype by  
V. Dario Stanziola, CSR (N.J.), RPR, CRR

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1           A.    I mean, ultimately I think their job is  
2 to resolve the seniority issue, yes.

3           Q.    Okay.  So for -- let's assume that the  
4 merger goes forward and McCaskill-Bond happens and  
5 the USAPA can't negotiate a list with APA and there  
6 is an arbitration, what USAPA entity will determine  
7 what list goes into the arbitration process?

8           A.    What USAPA entity, so...

9           Q.    Is it the merger committee or the BPR or  
10 some other group?

11          A.    It wouldn't be another group.  I think  
12 the merger committee in concert with the BPR.

13          Q.    Okay.

14          A.    I mean, ultimately the merger committee  
15 is the one there.  But I think it's...

16          Q.    Is it your understanding that the BPR has  
17 to approve any seniority list that would be advanced  
18 in McCaskill-Bond process?

19          A.    I would assume so.

20          Q.    Okay.  Why would you assume so?

21          A.    Well, just because the BPR is the  
22 governing body.

23          Q.    Do you know if there's any  
24 constitutional -- USAPA constitutional requirements  
25 that it do so?

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1           A.    The only constitutional requirement that  
2 I'm aware of is date of hire principles with  
3 reasonable conditions and restrictions. I've heard  
4 that once or twice.

5           Q.    I'm sure you have.

6                    What does that mean to you, date of hire  
7 principles?

8           A.    It means that it's -- you know, date of  
9 hire principles meaning that a restriction or a  
10 condition could mean an adjustment to it somehow.  
11 It's not date of hire that's it. You know,  
12 protections for certain pilots.

13          Q.    Do you think that the Nicolau -- the  
14 Nicolau award that came out in 2007, do you think  
15 that complies with date of hire principles?

16          A.    Absent conditions and restrictions?

17          Q.    Just in general.

18          A.    No.

19          Q.    So the Nicolau award that came out, you're  
20 aware there was a list and it was all the pilots were  
21 on it?

22          A.    Yes.

23          Q.    That list, does that comply with date of  
24 hire principles?

25          A.    No.

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1 Q. Okay. So is it your understanding that the  
2 USAPA constitution would not allow that list to go  
3 forward?

4 A. I think it's the key is the conditions  
5 and restrictions probably. That's the key.

6 Q. Well, I'm just talking about the Nicolau  
7 list, just without conditions and restrictions, let's  
8 start there. The Nicolau -- the Nicolau list that  
9 came out in -- as it is in, what, March of 2007?

10 MR. JACOB: May.

11 Q. May of 2007, does that comply with USAPA's  
12 constitution?

13 A. In my opinion, no.

14 Q. Okay. If the BPR came to you and said we  
15 want to put in the Nicolau list from May 2007 as the  
16 USAPA list for McCaskill-Bond arbitration as a member  
17 of the BPR, would you vote in favor of that?

18 A. I would say it's in violation of the  
19 constitution.

20 Q. And the current makeup of the BPR is, I  
21 believe, eight East pilots and three West pilots; is  
22 that correct?

23 A. Correct.

24 Q. And are you familiar with -- or when you've  
25 been in a BPR meeting, have there been any attempts

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1 A. Yes.

2 Q. Are the shuttle pilots integrated into the  
3 current East seniority lists?

4 A. Yes.

5 Q. Are the Mid Atlantic pilots integrated into  
6 the current East seniority lists?

7 A. Yes.

8 Q. Are the West pilots integrated into the  
9 current East seniority lists?

10 A. No.

11 Q. Okay. Do you believe that USAPA will put  
12 forward the Nicolau award that came out in 2007 as  
13 one of the seniority proposals in McCaskill-Bond?

14 A. Will they?

15 Q. Yeah.

16 A. No.

17 Q. Would they even consider doing so?

18 A. I think we -- I think they have  
19 considered it.

20 Q. And decided not to?

21 A. Yeah.

22 Q. When we took Mr. Crimi's deposition, he  
23 told me that there was a BPR resolution passed that  
24 allowed for four or more BPR members to meet with  
25 legal counsel. Are you familiar with that?