

EXHIBIT V

Mark Burman - 9/9/2013

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

DON ADDINGTON, et al.,)	
)	
Plaintiffs,)	No. CV-13-00471-
)	PHX-ROS
v.)	
)	
US AIRLINE PILOTS ASS'N,)	
et al.,)	
)	
Defendants.)	
_____)	

DEPOSITION OF MARK E. BURMAN

Phoenix, Arizona
September 9, 2013
6:57 a.m.

REPORTED BY:
Janice Gonzales, RPR, CRR
AZ Certified Court
Reporter No. 50844

1 A. Yes.

2 Q. And who is that?

3 A. I believe it would be David Button or
4 Brian Stockdell.

5 Q. Is one of Leonidas' objectives to prevent
6 any dilution of the Nicolau award?

7 MR. JACOB: Foundation.

8 THE WITNESS: Can I refer you back to
9 Exhibit 163?

10 BY MS. MELE:

11 Q. Okay.

12 A. I'm just trying to find the spot. I
13 think it had the specific -- there it is, right at
14 the top. "Leonidas, LLC was created in August 2000
15 to safeguard the legal rights of the former America
16 West pilots." And you can read the rest of that
17 sentence. That's what Leonidas is for, stated
18 mission.

19 Q. My question still is, is one of Leonidas'
20 objections to prevent any dilution of the Nicolau
21 award?

22 A. Yes. Yes, it is.

23 Q. And is it Leonidas' position that it will
24 not accept any other seniority integration lists
25 other than the Nicolau award?

1 MR. JACOB: Foundation.

2 THE WITNESS: Yes.

3 BY MS. MELE:

4 Q. Is that your position as well?

5 A. I'm assuming -- are you referring to the
6 MOU or currently right now, just so I know which one
7 you're speaking of. When you say dilution of the
8 Nicolau award, can you be more specific in that
9 question?

10 Q. No.

11 A. Okay. Then I'm not sure because we're --
12 I'm not sure I understand your question then.

13 Q. I believe you answered in response to my
14 question --

15 A. Okay.

16 Q. -- that -- I withdraw the question and I
17 repeat the question.

18 Is it Leonidas' position that it will not
19 accept any other seniority integration lists other
20 than the Nicolau award?

21 A. Yes.

22 Q. Okay. Is that your position as well?

23 A. Yeah. Yes, it is.

24 Q. Is it the position of all the plaintiffs?

25 A. Yes.

1 Q. Is it the position of every single West
2 pilot in the class?

3 MR. JACOB: Foundation.

4 THE WITNESS: I can't speak for them.

5 BY MS. MELE:

6 Q. So you don't know the position of every
7 single West pilot in the class, correct?

8 A. What I can tell you is every West pilot
9 that I have come in contact with, it's their
10 position.

11 Q. How many West pilots have you been in
12 contact with?

13 A. Hundreds.

14 Q. How many West pilots are there in the
15 class?

16 A. I think there's about 1500 that are in
17 the litigation should the class be certified. I
18 don't know the specific numbers. I think it's around
19 1500.

20 Q. Would you agree that it's the figure
21 that's alleged in the amended complaint?

22 A. Say that again.

23 Q. Would you agree that it's the figure
24 that's alleged in the amended complaint?

25 A. Yeah, it's in that ballpark area.

1 Q. Okay. Have the plaintiffs ever tried to
2 ascertain the position of all the members of the
3 class?

4 A. Yes.

5 Q. How?

6 A. With our meet and greets. We keep
7 ourselves -- when we have regular communication with
8 people in the crew room, e-mails, feedback that
9 people get.

10 Q. Do you know if every single --

11 MR. JACOB: Can we take another break for
12 a second?

13 (Recessed from 8:17 a.m. to 8:18 a.m.)

14 BY MS. MELE:

15 Q. Do you know if every single member of the
16 proposed West class has attended a meet and greet?

17 A. I don't know that.

18 Q. At the meet and greets -- withdraw the
19 question.

20 How many meet and greets have you
21 attended?

22 A. Two.

23 Q. And at either of the two meet and greets,
24 did anyone ask the West pilots that were present
25 whether they would agree to any modification of the

1 Nicolau award?

2 A. I don't know.

3 Q. Well, you were there, so was it asked of
4 the either two meet and greets that you attended?

5 A. No.

6 Q. You said that Mr. Stockdell, Mr. Koontz,
7 Mr. Bostic and Mr. Button are the Leonidas managers.
8 They're the current managers, correct?

9 A. Yes.

10 Q. Do you know if they were the managers in
11 2007?

12 A. I don't think they were.

13 Q. Do you know who the managers were in
14 2007?

15 A. I don't want to guess. I'm not -- I'm
16 not sure.

17 Q. Do you know when Mr. Button became a
18 manager?

19 A. No.

20 Q. Do you know when Mr. Bostic became a
21 manager?

22 A. No, I don't know the specific date.

23 (Exhibit 148 previously marked for identification.)

24 BY MS. MELE:

25 Q. I'm handing you what's been previously