

Appeal Nos. 14-15892, 14-15874, 14-15757

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DON ADDINGTON, *et al.*,
Plaintiffs-Appellants & Cross-Appellees,

v.

US AIRLINE PILOTS ASSOCIATION,
Defendant-Appellee & Cross-Appellant

US AIRWAYS, INC.,
Intervenor-Cross-Appellant,

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
THE HONORABLE ROSLYN O. SILVER, CHIEF JUDGE
CASE No. 13-CV-00471-PHX-ROS

BRIEF FOR INTERVENOR-CROSS-APPELLANT US AIRWAYS, INC.

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RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Intervenor-Cross-Appellant US Airways, Inc. is wholly owned by US Airways Group, Inc., which in turn is wholly owned by American Airlines Group Inc., a publicly-traded company (NASDAQ: AAL). There is no publicly-held corporation that owns more than 10 percent of the stock of American Airlines Group Inc.

Date: October 29, 2014.

Respectfully submitted,

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STATEMENT OF JURISDICTION

Intervenor-Cross-Appellant US Airways, Inc. (“US Airways”) agrees with the relevant jurisdictional points contained in the “Jurisdictional Statement” of Plaintiffs-Appellants Don Addington, *et al.* (“West Pilots”).

STATEMENT OF THE ISSUE PRESENTED FOR REVIEW

Whether the West Pilots have the right under the federal McCaskill-Bond statute to full and separate representation in the pending seniority-integration proceeding between and among the pilots employed by US Airways and American Airlines, Inc. (“American”)?

ARGUMENT

Following the filing of the appeal and cross-appeals in this matter, US Airways, American, Defendant-Appellee and Cross-Appellant US Airline Pilots Association (“USAPA”), the union which represented US Airways’ pilots before the merger, and the Allied Pilots Association (“APA”), the union which represented American’s pilots before the merger and which now represents all pilots from both airlines (*see American Airlines, Inc. and US Airways, Inc.*, 41 N.M.B. 289 (2014)), entered into a Seniority Integration Protocol Agreement, pursuant to which there is a pending separate arbitration between APA, USAPA, and the Company regarding whether a West Pilots merger committee will be designated to participate in the seniority-integration process. Although this arbitration will not address the statutory issue before this Court, the arbitration

decision, which is currently anticipated to be issued sometime in early 2015, could result in the designation of a separate West Pilots merger committee. If so, the question of the West Pilots' entitlement under the McCaskill-Bond statute, Pub. L. No. 110-161, § 117, 121 Stat. 1844, 2382 (2007), to separate representation in the seniority-integration process would become moot. In light of this development, US Airways takes no position on the arguments advanced by the West Pilots on this issue.

Consistent with its posture throughout this litigation, US Airways takes no position on the West Pilots' contention that USAPA breached its duty of fair representation to the West Pilots.

Date: October 29, 2014.

Respectfully submitted,

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**CERTIFICATE OF COMPLIANCE
WITH TYPE-VOLUME LIMITATION, TYPEFACE
REQUIREMENTS, AND TYPE STYLE REQUIREMENTS**

I, Robert A. Siegel, certify that:

1. This brief complies with the type-volume limitations of Fed. R. App. P. 32(a)(7)(B) because this brief contains 300 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii), if applicable.

2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman 14 point.

Date: October 29, 2014.

/s/ Robert A. Siegel
ROBERT A. SIEGEL

STATEMENT OF RELATED CASES

Counsel for Intervenor-Cross-Appellant US Airways is not aware of any related case currently pending before this Court.

Date: October 29, 2014.

/s/ Robert A. Siegel
ROBERT A. SIEGEL

CERTIFICATE OF SERVICE

I hereby certify that I caused to be electronically filed the foregoing Brief for Intervenor-Cross-Appellant US Airways, Inc. with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit, by using the appellate CM/ECF system, on October 29, 2014. I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Date: October 29, 2014.

/s/ Robert A. Siegel
ROBERT A. SIEGEL