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**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

Don Addington, *et. al.*,  
*Plaintiffs,*  
v.  
US Airline Pilots Association, *et. al.*,  
*Defendants.*

Case No.: CV-13-00471-PHX-ROS

**DECLARATION OF BRIAN J. O'DWYER IN SUPPORT OF USAPA'S MOTION FOR CONTINUANCE**

1 I, BRIAN J. O'DWYER, declare as follows under penalty of perjury.

2 1. I am General Counsel for Defendant USAPA. Unless otherwise indicated  
3 this declaration is based on my personal knowledge.

4 2. I learned on Wednesday, October 9, 2013 that USAPA President Gary  
5 Hummel had been hospitalized at University of Pittsburgh Medical Center as a result of  
6 complications relating to a stent that had been placed in his heart approximately three  
7 months ago. This condition came on unexpectedly.

8 3. On October 14, 2013, Mr. Hummel successfully underwent bypass surgery.  
9 He is in the cardiac intensive care unit and it is anticipated that he will be released from  
10 the hospital on October 18, 2013.

11 4. I have spoken with Dr. John Schindler, one of President Hummel's  
12 physicians. Dr. Schindler informed me that President Hummel will not be able to travel  
13 for six weeks after the surgery.

14 5. I have attended various status conferences in the Antitrust case brought by  
15 the Government to prevent the merger of US Airways and American and have attended  
16 various briefing by attorneys for US Airways and American in that case.

17 6. Trial in the Antitrust case is scheduled to begin on November 25 and to  
18 continue on November 26-27 and the week after Thanksgiving, December 2-6 and  
19 perhaps thereafter. The Judge has indicated she will hear closing arguments on January  
20 6, 2014. *See* Exhibit A hereto (news report stating that the judge "would hear closing  
21 arguments on Jan. 6 and might not rule on the case until Jan. 10").

22 7. US Airways and American have stated that under a best case scenario they  
23 do not expect the merger to close until mid-January 2014 and agreed as part of the DOJ  
24 action to extend the deadline for completing the merger from December 17, 2013 to  
25 January 18, 2014. *See* Joint Report in Advance of Status Conference, Doc. 91 p. 2 (D.  
26 D.C. Sep. 30, 2013), attached hereto at Exhibit B.  
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Executed this 15<sup>th</sup> day of October, 2013.

s/Brian J. O'Dwyer

BRIAN J. O'DWYER