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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Don Addington, et al.,

Plaintiffs,

vs.

US Airline Pilots Association, et al.,

Defendants.

No. CV-13-00471-PHX-ROS

ORDER

A two-day bench trial is set for October 22 and October 23. Trial will begin at 8:30 a.m. each day and end at 5:00 p.m. There will be breaks in the morning and afternoon as well as lunch breaks. This means there will be approximately 12 hours of trial time. That time will be divided equally between Plaintiffs and USAPA. Any time consumed by US Airways Inc. will not be counted against Plaintiffs or USAPA. Each party is free to use its six hours as it sees fit, but opening statements should be no more than ten minutes each.

Plaintiffs filed four motions in limine. The fact that this is a bench trial means the motions in limine are of limited use. *See, e.g., United States v. Heller*, 551 F.3d 1108, 1111-12 (9th Cir. 2009) (“It would be, in effect, ‘coals to Newcastle,’ asking the judge to rule in advance on prejudicial evidence so that the judge would not hear the evidence.”). Therefore, USAPA will be allowed to spend its time as it sees fit and three of the motions will be denied. USAPA, however, still has not provided any clear connection between the claims in this suit and “evidence or argument concerning the formation, operation and activities of

1 Leonidas, LLC.” (Doc. 209 at 1). Therefore, the motion regarding Leonidas, LLC will be
2 granted. If USAPA believes the evidence regarding Leonidas, LLC is absolutely crucial, it
3 must be prepared to formulate the precise relevance of that evidence.

4 Finally, American Airlines, Inc. and AMR Corporation seek “to participate as *amicus*
5 *curiae* during the course of this litigation.” (Doc. 196). USAPA opposes the motion but
6 offers no convincing reason why the Court should prevent such participation. Therefore, the
7 request will be granted.

8 Accordingly,

9 **IT IS ORDERED** trial shall begin at **8:30 a.m.** on October 22, 2013.

10 **IT IS FURTHER ORDERED** the Motion to File Amicus Curiae (**Doc. 196**) is
11 **GRANTED.**

12 **IT IS FURTHER ORDERED** the Motions in Limine (**Doc. 207, 208, 210**) are
13 **DENIED.**

14 **IT IS FURTHER ORDERED** the Motion in Limine regarding Leonidas, LLC (**Doc.**
15 **209**) is **GRANTED.**

16 DATED this 21st day of October, 2013.

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Roslyn O. Silver
Senior United States District Judge