

EXHIBIT 3

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

3

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

10

C O N F I D E N T I A L

11

VIDEOTAPED DEPOSITION OF

12

STEPHEN HAILE BRADFORD

13

(Taken by Plaintiffs)

14

Charlotte, North Carolina

15

Wednesday, September 18, 2013

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

1 operates down at APA.

2 Q. Okay. So you're talking to this peo- --
3 these people just because it's convenient?

4 A. No, it's because they have the
5 information I need to know.

6 Q. Okay. Other than the -- well, you made
7 reference to talking to your counterparts on
8 representational issues?

9 A. Um-hum.

10 Q. Yes?

11 A. Yes.

12 Q. You're going to have to verbalize here to
13 these questions. Is that okay?

14 A. Yes, if there's a question.

15 Q. Okay. What did you mean by
16 representational issues?

17 A. If USAPA is no longer the bargaining
18 agent at some point in time, how will Charlotte,
19 Philadelphia, Phoenix and Washington, D.C. pilots
20 be represented? What's the format? Will the
21 current representatives be the representatives?
22 Will it have to be all new elections? We don't
23 know these -- the answers to these questions.

24 Q. Okay.

25 A. We're trying to find that out.

<http://www.courtsonline.com>

1 Q. And who are you dealing with at APA on
2 these points?

3 A. We have one person who -- an APA pilot
4 who lives in Charlotte who will be -- will be
5 dealing with the liaison, Doug Buchanan.

6 Q. Anybody else you're dealing with at APA
7 on the -- just on the representational issue,
8 Mr. Bradford?

9 A. I'm dealing with them through him. We --
10 the vice president over there is -- I'm drawing a
11 blank on his name right now. But he -- he
12 recommended this person. He said, look, I've got a
13 guy here in Charlotte. You can talk with -- pick
14 up the phone and talk to him, so that's what we're
15 doing.

16 Q. Okay. With respect to the representational
17 issues, see if I have this correct, assuming that the
18 merger goes through --

19 A. Um-hum.

20 Q. -- most likely at some point in time there
21 will be one bargaining representative representing
22 all of the pilots in the new American Airlines,
23 correct?

24 A. Yes.

25 Q. Okay. And the current thinking, and

<http://www.courtreport.com>

1 substantiate your position that you think it's
2 appropriate for USAPA to challenge the representative
3 status of the class representatives in Phoenix?

4 A. No.

5 Q. So it's all based upon advice of counsel?

6 A. Yes.

7 Q. You understand in the pending action in
8 Phoenix that USAPA is challenging the -- the -- the
9 right of the West pilots to have a seat at the
10 McCaskill-Bond arbitration if it occurs in the
11 future?

12 A. Yes.

13 Q. Okay. And you support that?

14 A. Yes.

15 Q. Why?

16 A. The -- I can't get into the details, but
17 basically USAPA is the bargaining agent, APA will
18 be the bargaining agent for the American pilots and
19 it's my understanding this, again, from -- from
20 reading the briefs, that to give a -- another party
21 bargaining status is to undermine the current
22 bargaining agent.

23 Q. So it's all from your point of view the
24 status of the bargaining agent?

25 A. Yes, fundamentally that's it.

1 A. Within the confines of -- of the law,
2 yes.

3 Q. And that's the way you set it up when you
4 formed USAPA back in 2008, didn't you?

5 A. That's -- yes, that's -- that's basically
6 how the union is set up.

7 Q. And you were the one that sort of
8 structured the setup of the union, correct?

9 You were the founding father of USAPA?

10 A. I was a founding member, not the founding
11 father.

12 Q. Well, you were the one that took the first
13 step to displace ALPA from its represental --
14 representational perspective, correct, point
15 position?

16 A. There were a few of us. We all worked
17 together. It was too big for one person.

18 Q. Okay. And you started that effort in May
19 of 2007?

20 A. Yes, around that time.

21 Q. And one of the intents you had clear back
22 in May of 2007 is to ensure that if there was any
23 future merger between US Airways and any other union
24 that the date of hire concept that you had would
25 prevail, correct?

<http://www.courtreporter.com>

1 A. It would at least be considered.

2 Q. Well --

3 A. Can't prevail.

4 Q. -- it would be dominant?

5 A. It would be considered.

6 Q. It would be -- it would be dominant because
7 it would be the East pilots voting to support the
8 constitution that you helped draft that requires date
9 of hire --

10 A. It would be considered.

11 Q. Well, how is it going to be considered and
12 not required?

13 A. Well, it's going to be presented in
14 negotiations with APA, but it doesn't guarantee the
15 outcome.

16 Q. Oh, I understand that.

17 A. Um-hum.

18 Q. I understand that McCaskill-Bond, the --
19 the ultimate outcome is going to be decided by a
20 panel of three federal arbitrators, correct?

21 A. It could be, yes. Absent an agreement.

22 Q. Absent an agreement --

23 A. Um-hum.

24 Q. -- let me -- let's just make sure that we
25 have here for -- for Judge Silver the -- the process.

<http://www.courtsonline.com>

1 Q. Okay.

2 A. -- not clear at that time.

3 Q. Okay. And one of the tentative decisions
4 that you and your -- your group made is that unless
5 something could be done to set aside the Nicolau
6 award, you would have to take what you said was an
7 unfortunate step and move forward to displace ALPA as
8 the bargaining representative for the US Airways
9 pilots?

10 A. I'd characterize that as that's close
11 yes, It was -- it's -- it's they needed to fix
12 this, this was -- couldn't stand.

13 Q. And it couldn't stand because you thought
14 it was unfair?

15 A. Um-hum.

16 Q. Pardon me?

17 A. Yes.

18 Q. And you've held that opinion all -- ever
19 since, haven't you?

20 A. Basically, yes.

21 Q. And it's unfair in a number of ways, one of
22 them is that you believe it mistreated the US Airways
23 that were on furlough at that point in time, correct?

24 A. Oh, that's just only one element.

25 That's...

<http://www.courtreport.com>

1 Q. Well, why don't you give me a few more so
2 that Judge Silver --

3 A. Well, it was --

4 Q. -- understands why you thought it was
5 unfair?

6 A. It disregards date of hire, disregards
7 length of service, placed an inordinate emphasis on
8 the nebulous concept of career expectations and it
9 deviated -- it was a substantial deviation from
10 previous ALPA practice.

11 Q. Just so that Judge Silver knows, you were
12 not on the US Airways merger committee when it argued
13 its position to Arbitrator Nic- -- Nicolau on that
14 panel, correct?

15 A. That's correct.

16 Q. You had no involvement in the presentation
17 of US Airways's position to the panel either in
18 negotiations, in mediation or in arbitration leading
19 up to the award, correct?

20 A. Correct.

21 Q. Okay. But you understood as a
22 long-standing member of ALPA that there was an
23 agreement that had been reached between US Airways,
24 MEC and the America West's MEC to go into the -- the
25 arbitration, if necessary, to integrate the pilots

<http://www.cyclan.com/ahp>

1 USAPA.

2 A. We're talking about this thing from 2007.

3 Q. No, I'm talking about now going forward in
4 the McCaskill-Bond arbitration. Tell me how the
5 Nicolau award could ever be offered by USAPA as the
6 list to be integrated with APA in the actual
7 arbitration?

8 A. I don't think it will be. But the
9 process is there that it could be. If the -- if
10 the board voted to move forward with that, that's
11 what would move forward.

12 Q. Right. With a board dominated by former
13 East pilots, correct?

14 A. Proportionally represented by East
15 pilots.

16 Q. Minority, correct?

17 A. No, I believe the East pilots are in a
18 majority.

19 Q. Six to three on the board or eight to --
20 MR. de VICQ: Eight to three.

21 Q. Eight -- eight to three. Eight to three on
22 the board, correct?

23 A. Yes, that is the constitution of the
24 Board of Pilot Representatives.

25 Q. Right.

<http://www.courtreporter.com>

1 And four to two on the merger committee,
2 correct?

3 A. That's proportional, correct.

4 Q. And all former East pilots in the officer
5 positions at USAPA?

6 A. They were all elected, yes, by -- at
7 large.

8 Q. But they're all -- and I'm not arguing the
9 process, I'm just stating the fact, correct?

10 A. That's a fact, correct.

11 Q. Okay. So in positions of authority,
12 eight -- eight former -- eight -- eight former East
13 pilots on the BPR, four former East pilots in the
14 officer position and four former East pilots in -- on
15 the merger committee, correct?

16 A. Correct.

17 Q. So you've got 16 former East pilots in --
18 in leadership position versus three West pilots on
19 the BPR?

20 A. Yes, three B -- BPR members.

21 Q. None in the officer position, correct?

22 A. Yes, none were elected.

23 Q. And two on the merger committee?

24 A. That's correct.

25 Q. So it's 16 to five, that's the way it

<http://www.courtreport.com>

1 Cleary -- Clearly -- Cleary, who was president of
2 USAPA at this point in time, correct?

3 A. Correct.

4 Q. Okay. Then at the bottom of Bates -- I'm
5 sorry, page three to Exhibit 1044 you write, right at
6 that last paragraph at the bottom. Do you have it?

7 A. Yes.

8 Q. Fellow USAPA pilots, the longer this pilot
9 group goes without meaningful and realistic
10 negotiations, the more likely it is that the unity of
11 Senior versus Junior will be splintered.

12 What did you mean by that?

13 A. The pilot group would not wait forever to
14 be stagnant on negotiations with the company.

15 Q. Right.

16 A. Negotiations have to move forward.
17 That's what the union is for.

18 Q. Let's -- let's -- let's see if I
19 understand, though, because I obviously don't
20 represent USAPA, so I don't have your insights.

21 But at the beginning and when the Nicolau
22 came out, one of the primary purposes was to move to
23 a new union, avoid the Nicolau award so that some of
24 the junior pilots, the newer pilots who were on
25 furlough, would not be stuck at the bottom of the

<http://www.cyclan.com/hup>

1 Nicolau list, correct?

2 A. I wouldn't say one of the primary, but it
3 was certainly one of the inci- -- issues, yes.

4 Q. And to -- to make that go, the entire
5 East/West group sort of joined together, the juniors
6 and the seniors to make the move from ALPA to USAPA?

7 A. Yes, there was considerable support at
8 the higher levels.

9 Q. From top to bottom?

10 A. Correct.

11 Q. Correct.

12 And what that meant then is the pilots at
13 the top who really didn't have a dog in the fight
14 over the Nics, theoretically, were willing to wait
15 for future raises until a contract without the
16 Nicolau could be negotiated, in general?

17 A. In general, that's correct.

18 Q. Right.

19 And that has now gone on six years?

20 A. I'll -- I'll take that as a --

21 Q. Well --

22 A. It's -- it's six years now.

23 Q. -- they -- they hadn't had a raise since
24 when, the East pilots?

25 A. It's -- well, since the LOA 93, which

<http://www.cslaw.com/hub>

1 that right?

2 A. Yes.

3 Q. And who is that?

4 A. I don't know.

5 Q. You -- you write to Keith. Do you know who
6 Keith is?

7 A. Keith Spring. I've never met Keith.

8 Q. Okay. But this e-mail is written on
9 October 3, 2012, correct?

10 A. Yes.

11 Q. Just as Judge Silver is coming out with her
12 decision in early October 2012?

13 A. Correct.

14 Q. And you write several paragraphs to Keith,
15 correct?

16 A. Correct.

17 Q. The third one being -- the third paragraph
18 being you wrote: There is no basis in law for USAPA
19 to use the Nic, correct?

20 You wrote that?

21 A. I wrote that.

22 Q. And that's what you believe right after you
23 read Judge Silver's decision, correct?

24 A. At this point on this day, I'm not sure
25 that I read her decision. This is the day after

<http://www.cyclan.net/step>

1 she made it and I'm not sure I had it. I think I
2 had a report from Pat that we won.

3 Q. Okay. You do write then at the end of the
4 second paragraph, we have not seen the order yet, but
5 it is safe to say that there is no legal basis for
6 USAPA to be forced to use the Nicolau award, all
7 caps, the word none.

8 A. That's -- that was my understanding at
9 that time having not seen the -- the actual order.

10 Q. Okay.

11 (Exhibit Number 1050: E-mail string with
12 the top from Mark King dated 10/11/12, Bates
13 USAPA 224016 marked for identification, as of
14 this date.)

15 Q. 1050, Mr. Bradford.

16 MR. HARPER: Okay. This may be another
17 one. Look at the bottom. Now, that's not
18 legal advice, that's just commentary. So even
19 though we have Pat's e-mail on here, this is
20 not a privileged document.

21 MR. SZYMANSKI: No.

22 Q. Okay. Rest easy.

23 Ready to go?

24 A. Um-hum.

25 Q. Yes?

<http://www.courtreporter.com>

1 Q. And you also on point 9 down below talk
2 about Dean Colello as being a junior pilot, correct?

3 A. On the basis of the Nicolau award, yes,
4 he was -- he was the top furloughed pilot at US
5 Airways. He was one number below Dave O'Dell.

6 Q. Right.

7 And he -- Mr. Colello is now in charge of
8 the negotiating committee which negotiated an MOU
9 that you say did away with the Nic, right?

10 A. I -- no, they negotiated an MOU that has
11 a new process on seniority.

12 Q. Eliminating the Nic?

13 A. It has a new process to arrive at an
14 integrated seniority list.

15 Q. I just thought beforehand you said it
16 eliminated the requirement to use the Nic under the
17 TA agreement?

18 A. I don't believe the MOU in and of itself
19 eliminated the requirement to use the Nicolau
20 award. I believe that Judge Silver's order on the
21 judgment gave us the right to negotiate something
22 other, but it --

23 Q. And you did negotiate something other?

24 A. The union negotiated something other,
25 correct. I was not involved in the negotiation.

EXHIBIT 4

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

3

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

10

C O N F I D E N T I A L

11

DEPOSITION OF GARY P. HUMMEL

12

(Taken by Plaintiffs)

13

Charlotte, North Carolina

14

Tuesday, September 17, 2013

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

1 current vice president?

2 A. Steven Bradford.

3 Q. And who are the other officers?

4 A. Rob Streble is the secretary treasurer
5 and Steve Smyser, the executive vice president.

6 Q. And how long is your term?

7 A. Three years.

8 Q. So it will go until early 2015?

9 A. Yes.

10 Q. As president of USAPA, are you in a
11 position to talk about policies that USAPA has?

12 A. Generally speaking, yes.

13 Q. And are you able to discuss and articulate
14 various positions that USAPA takes vis-a-vis its
15 memberships or other issues associated with USAPA?

16 A. Yes.

17 Q. So if I asked you -- and I am asking you,
18 what is USAPA's current policy with respect to the
19 West pilots participating in the McCaskill-Bond
20 process?

21 A. It would be my understanding that the
22 McCaskill-Bond process currently would be between
23 the Allied Pilots Association and USAPA.

24 Q. Why do you say currently would be?

25 A. That is what is embodied in the

1 memorandum of understanding between the four
2 parties to this merger agreement.

3 Q. Are you sure about that?

4 A. There are four signatories to the MOU.

5 Q. But the language in paragraph 11 of the MOU
6 talks about the parties participating, doesn't it?

7 A. I would have to --

8 MR. O'DWYER: Well, let's take a look at
9 it. If you want to show him the document.

10 MR. HARPER: I'm just asking for his
11 recollection.

12 A. Yeah, I would have --

13 MR. O'DWYER: If he recollects or does he
14 need to see it?

15 MR. HARPER: Okay. We're going to be
16 operating this depo under the rules of
17 procedure in Arizona. You understand that,
18 Mr. O'Dwyer?

19 MR. O'DWYER: I understand we're
20 operating under the rules of the federal
21 district court.

22 MR. HARPER: Right. And the current
23 requirement is that if you want to object, you
24 simply make an objection, brief, form,
25 foundation or instruct the witness not to

<http://www.courtreporter.com>

1 answer.

2 Do you understand that?

3 MR. O'DWYER: I understand what the rules
4 are, Mr. Marty.

5 MR. HARPER: Okay. So we're going to --
6 you agree we can operate under those rules
7 today?

8 MR. O'DWYER: I'm operating under those
9 rules.

10 MR. HARPER: Let's go back.

11 Can I have the last question back,
12 please.

13 (THE QUESTION WAS READ BACK.)

14 Q. Do you have a recollection of what the
15 language is?

16 A. I do not. I would have to see the
17 document.

18 Q. But notwithstanding the fact you haven't
19 seen the document, your position is on behalf of
20 USAPA that the only participants in the
21 McCaskill-Bond process is APA and USAPA?

22 A. Well, when you say participants, yes, the
23 only bargaining agents are APA and USAPA.

24 Q. So as president of USAPA is it USAPA's
25 current position that the West pilots will have no

<http://www.cyclan.net/ahp>

1 seat at the arbitration table if, indeed, there is a
2 McCaskill-Bond arbitration?

3 A. No. And that is why I specifically
4 appointed West pilots to the merger committee and,
5 in fact, to all of our committees, because all of
6 the bases are equitably represented in the process.

7 Q. So you think the -- and the two pilots that
8 you have put on the merger committee are Ken
9 Stravers?

10 A. Yes.

11 Q. And Rocky Calveri?

12 A. Calveri.

13 Q. Calveri.

14 A. He pronounces it Calveri.

15 Q. Well, I pronounce it differently too.

16 And you put those two pilots on the merger
17 committee sometime earlier this year, correct?

18 A. Yes.

19 Q. So you think -- and there are how many
20 pilots on the merger committee?

21 A. Well, if I can correct that just for the
22 record, I actually appointed Ken Stravers to the
23 merger committee my first day in office on
24 April 18th, 2012.

25 Q. How many pilots are on the merger

<http://www.cyanacthelp>

1 committee?

2 A. Six.

3 Q. And you've got two West pilots and four
4 East pilots?

5 A. Two West, three East and a chairman, yes.

6 Q. And the chairman is Jess Pauley?

7 A. Correct.

8 Q. And he's East?

9 A. Correct.

10 Q. So it's four East pilots and two West
11 pilots?

12 A. Correct.

13 Q. And if I understand correctly, the merger
14 committee positions that it takes in connection with
15 perhaps a future arbitration is as dictated and
16 instructed by the board of pilot representatives?

17 A. Generally speaking, yes.

18 Q. Well, why do you say generally?

19 A. It is the merger committee's
20 responsibility to develop what they think is the
21 best process and present it to the board for
22 approval.

23 Q. And if the board approves, then the merger
24 committee will have permission to go forward and try
25 to effectuate what has been approved?

<http://www.courtreporter.com>

1 A. That's my understanding, correct.

2 Q. And the merger committee will not have
3 authority to deviate from what the BPR approves
4 unless it goes back to the board and gets additional
5 authority or modification to its authority, correct?

6 A. Ultimately, the board would have to
7 approve their position.

8 Q. Okay. So is it your -- and correct me if
9 I'm wrong, Captain Hummel, is it your position that
10 because there are two out of six West pilots on the
11 merger committee, the West pilot group has
12 representation in a future McCaskill-Bond process
13 because of those two pilots?

14 A. That's correct.

15 Q. And why do you say that?

16 A. Because USAPA has made every attempt to
17 represent all bases equitably.

18 Q. And I know we're talking a little bit of a
19 hypothetical here because neither one of us knows
20 whether this merger, as we sit here today, is going
21 to go forward, do we?

22 A. Correct.

23 Q. So do you mind dealing with me on the
24 hypothetical that the Justice Department's objection
25 is going to be overcome and at some point in time the

<http://www.cyclan.net/ahp>

1 list, will it?

2 A. I don't know.

3 Q. Why?

4 A. Because that would be a decision for the
5 board.

6 Q. To modify its constitution?

7 A. No, to give the merger committee
8 authority.

9 Q. Well, you previously told me that you --
10 the BPR -- one of your jobs was to enforce the -- the
11 -- USAPA's constitution, correct?

12 A. Correct.

13 Q. And as I understand it, currently the USAPA
14 constitution requires that the only seniority list
15 that can be utilized is date of hire with conditions
16 and restrictions, correct?

17 A. I would have to review the document
18 specifically, but I believe there is more to it
19 than that, paraphrasing it something like date of
20 hire with conditions and restrictions to protect
21 everyone's career expectations.

22 Q. It's your understanding that the West pilot
23 group wants the Nicolau list to be presented at the
24 arbitration, correct?

25 A. I understand that there are a group of

<http://www.cylaw.com/help>

1 West pilots and, therefore, the reason for this
2 litigation that are requesting that, yes.

3 Q. And as you sit here, it's your
4 understanding that USAPA merger committee will never
5 present the Nicolau list to the McCaskill-Bond
6 arbitrators, correct?

7 A. I don't know what the merger committee
8 will ultimately bring to the board to present.
9 That's a question for the merger committee.

10 Q. As you sit here under oath, do you have any
11 reasonable expectation that the merger committee
12 controlled by four East pilots will bring the Nicolau
13 list to the BPR with the recommendation that it be
14 utilized in the McCaskill-Bond process?

15 MR. O'DWYER: Objection. Objection.

16 Q. You can answer.

17 A. My personal opinion is no.

18 Q. So based upon your personal experience and
19 your experience as you've had it as president of
20 USAPA, the process that you envision at
21 McCaskill-Bond will never give the West pilots an
22 opportunity to present the Nicolau list, will it?

23 A. That's not true.

24 Q. How will that process work? Will the West
25 pilots have an opportunity to present the Nicolau

<http://www.courtreporter.com>

1 list under USAPA to the arbitration panel?

2 A. You have just modified your question.

3 You said to the arbitration panel?

4 Q. Yes.

5 A. Well, again, we're being very
6 hypothetical because we do have an equitable
7 representation of all the pilots on the merger
8 committee who will work together, as they have in
9 the past, and come up with a list that is -- meets
10 the requirements of the constitution, present that
11 to the board. There will be a merger process
12 which, as I told you, will be contained in a
13 protocol agreement which I have not reviewed. And
14 this may not even go to an arbitration panel. So
15 we're being very hypothetical.

16 Q. And it wouldn't go to an arbitration panel
17 if, by chance, USAPA and APA could reach an agreement
18 on a integrated seniority list, correct?

19 A. Correct.

20 Q. Captain Hummel, as you sit here, do you
21 have any reasonable expectation that APA would reach
22 a negotiated list with USAPA if it did not include
23 the Nicolau?

24 A. I'm sorry, could you repeat that?

25 MR. HARPER: Can you read it back to him,

<http://www.courtreporter.com>

1 A. No.

2 Q. Have you instructed anybody to prepare such
3 a list?

4 A. No.

5 Q. Why is that?

6 A. It's not my job.

7 Q. To do what, instruct your committees what
8 to do?

9 A. I'm sorry, could you repeat the question?
10 (THE QUESTION WAS READ BACK.)

11 A. Could you make that a question?

12 Q. Don't you set policy -- I mean, you
13 articulate USAPA's policy, correct?

14 A. Correct.

15 Q. And USAPA's current policy is to have a
16 date-of-hire list with conditions and restrictions,
17 correct?

18 A. I believe there's more to that, as I
19 stated. I would have to review the constitution to
20 protect everyone's career expectations, correct.

21 Q. You appoint these committees, correct?

22 A. Correct.

23 Q. And your instructions when you appoint them
24 is to abide by the constitution requirements,
25 correct?

<http://www.courtsonline.com>

1 A. Correct.

2 Q. And that's what you've done here?

3 A. Correct.

4 Q. And the constitutional requirements do not
5 allow the merger committee to prepare a potential
6 merger list utilizing the Nicolau, does it?

7 A. I don't believe the constitution says
8 anything about the Nicolau list.

9 Q. I know. In specific it doesn't say that.
10 But Nicolau is not a date of hire, is it,
11 Captain Hummel?

12 MR. O'DWYER: Objection as to form.

13 Q. It's not a date-of-hire list, is it?

14 MR. O'DWYER: Repeating it doesn't make
15 it better as to form.

16 A. It's my understanding, no, it is not.

17 Q. And therefore, it doesn't satisfy the USAPA
18 constitutional requirements, does it?

19 MR. O'DWYER: Objection as to form.

20 A. My understanding is that no, it does not.

21 Q. Right. So as we sit here constitutionally,
22 it's not possible for the merger committee to prepare
23 a merger list based upon the Nicolau award, is it?

24 MR. O'DWYER: Objection as to form.

25 A. My understanding would be no.

<http://www.cyclan.net/ahp>

1 A. Okay.

2 Q. Did you ever read it?

3 A. No.

4 Q. Have you taken any steps, Captain Hummel,
5 to talk to the East pilots about limitations on what
6 they can do as a majority group within USAPA
7 vis-a-vis the West pilots?

8 A. Specific to what issues?

9 Q. Seniority.

10 A. I think that we've had numerous base
11 meetings and board meetings and meetings in every
12 domicile where the issue has been addressed, and I
13 think we continue to promote our merger committee
14 in the present situation to come up with a
15 seniority integration that will work in the present
16 situation with APA.

17 Q. As dominated by the East pilots, correct?

18 A. I would like to think that it's equitably
19 represented by all pilots.

20 Q. I understand.

21 But it's forwarded to on the merger
22 committee, dominated by East pilots, correct?

23 MR. O'DWYER: I'm going to object to
24 form.

25 A. Equitably represented.

<http://www.courtsonline.com>

1 Q. What do you mean by equitably represented?

2 A. I think it means that if you have bases
3 that contain certain number of pilots and one base
4 has 100 pilots, they might have one representative.
5 If another base has 200 pilots, they might have two
6 representatives. And such is the case of the
7 representation on our board of directors is on a
8 scale based on equitable representation. That's
9 what I mean by equitable.

10 Q. Dominated by East pilots both at the BPR
11 and at the merger committee, right?

12 MR. O'DWYER: That is -- is that a
13 statement or question?

14 MR. HARPER: Question.

15 Q. Right?

16 MR. O'DWYER: Right?

17 MR. HARPER: That's what I said, right.

18 MR. O'DWYER: I'm glad we finally caught
19 the right at the end. I'll object as to form.

20 A. Again, I don't subscribe to your term
21 dominated by. It's an equitable distribution as
22 pursuant to our constitution, pursuant to the way
23 that our union tries to do business.

24 Q. Well, can you point to -- me to any written
25 statement from USAPA since you have been president

<http://www.cyanacthelp>

1 that talks about the East pilots needing to make
2 accommodations to a minority group of pilots in the
3 context of a previously arbitrated seniority list?

4 A. Specific to that question, I cannot.

5 Q. And you have taken no steps to address that
6 issue about the rights, the obligations and the
7 restrictions that may be applicable to a East pilot
8 majority vis-a-vis a West pilot minority group with
9 respect to seniority?

10 A. On the contrary --

11 Q. No, answer that question, please.

12 MR. O'DWYER: He is answering the
13 question.

14 A. I am answering the question. On the
15 contrary, I have gone out of my way, even prior to
16 taking office, to make every accommodation I can,
17 including visiting with the Phoenix leadership at
18 the time in Phoenix prior to my taking office and
19 trying to resolve any and all issues in appointing,
20 I believe, over 25 Phoenix-based pilots to
21 committees, in appointing the officers that ran
22 against the officers who are presently elected to
23 positions in USAPA, notable among them, Ken
24 Stravers to the merger committee.

25 Ken Stravers, of course, was the merger

<http://www.courtsonline.com>

1 committee chairman for the America West pilots. I
2 have gone out of my way to make every accommodation
3 to ensure that the Phoenix-based pilots have
4 equitable representation.

5 Q. Were you involved in Stravers' interview by
6 the BPR to determine whether he could or should be
7 appointed to the merger committee?

8 A. I appointed -- yes.

9 Q. You were involved in that?

10 A. Yes.

11 Q. And do you recall the questions by several
12 of the BPR members that asked him if we go into a
13 merger with APA, what list is to be promoted?

14 Do you remember that question?

15 A. I do not.

16 Q. Do you remember his answer?

17 A. I do not.

18 Q. It's the Nic. Because that's the only list
19 that has been approved by an arbitrator. He told the
20 BPR that, correct?

21 A. If that's the case, as you assert that it
22 is, then, therefore, I have done a wonderful job in
23 ensuring that your clients have someone on the
24 merger committee who is promoting the Nic for you.
25 And, again, that is why we need to make sure that

<http://www.cyanacthelp>

1 we have equitable representation on our committees.

2 Q. And it's going to be voted down by the
3 merger committee because the constitution says the
4 only seniority list that can be used is the date of
5 hire with restrictions and conditions, correct?

6 MR. O'DWYER: Objection as to form and
7 asking for speculation on behalf of the
8 witness.

9 Q. You can answer.

10 A. I don't have a crystal ball.

11 Q. You know darn good and well that no matter
12 what Ken Stravers says on the merger committee, it's
13 never going to see the light of day because of the
14 constitutional restrictions, right?

15 MR. O'DWYER: Mr. Harper, would you
16 please, one, stop arguing with the witness;
17 and two, stop pointing your fingers at the
18 witness now.

19 MR. HARPER: He's a hostile witness, I
20 can cross-examine him in an aggressive way.

21 MR. O'DWYER: By pointing fingers at him?
22 Maybe you can do it in Arizona. Even in
23 New York we do not that.

24 Q. Go ahead.

25 Do you need it back?

<http://www.courtreporter.com>

1 the table to do that, don't they?

2 A. No.

3 Q. Okay. All 10H does is says that the two
4 lists that are operative at -- now between the USAPA
5 and Airways can't be changed except through the
6 McCaskill-Bond process, right?

7 A. That's what it says.

8 Q. So it did not eliminate the -- perhaps
9 requirement, the MOU, to use the Nicolau award in
10 that McCaskill-Bond process, did it?

11 A. What was the requirement to use it? I'm
12 unfamiliar with --

13 Q. It does not eliminate the -- MOU does not
14 eliminate the TA's requirement to use the Nicolau
15 award as the seniority list between the East and West
16 pilots after you have a new collective bargaining
17 agreement; you agree with that, don't you?

18 A. I'm unfamiliar with the requirement to
19 use the Nicolau award.

20 Q. Well, that's what we've been fighting about
21 for ever since 2007, isn't it, Captain Hummel?

22 A. It's my understanding that Judge Silver
23 said that we were not required to use the Nicolau
24 award.

25 Q. No, she didn't quite say that. We've

<http://www.cyclanet.com>

1 already been over that. She said you can run the
2 risk of changing it, if you want.

3 A. Correct.

4 Q. But you'd better have a legitimate union
5 purpose for doing that, right?

6 A. I believe that may have been --

7 Q. Okay. What was the union's legitimate
8 union purpose for changing that requirement to use
9 the Nicolau in the course of the negotiations with
10 the MOU?

11 A. I don't -- it's my understanding that the
12 Nicolau award never contemplated a merger with
13 American Airlines.

14 Q. Well, Bradford did back in May of 2007,
15 didn't they?

16 A. I have no idea.

17 Q. When he formed the new union, it was done
18 for the purpose of making sure that the Nic was not
19 used back in 2007, 2008 and in the next merger,
20 that's what he wrote, didn't he?

21 A. I don't know.

22 Q. He knew what he was doing back then is to
23 form a new union to preclude the Nic from being used
24 in the next merger, and this is the next merger,
25 isn't it?

<http://www.courtreporter.com>

1 the MOU, some additional benefits were obtained
2 through those negotiations to the benefit of the
3 USAPA pilots, correct?

4 A. I believe so.

5 Q. Yeah.

6 I mean, there was, if I understand
7 correctly, beyond what USAPA was presented with when
8 they got there with the new APA agreement, your NAC
9 negotiated some additional concessions with respect
10 to the West pilots short-term disability and
11 long-term disability, right?

12 A. I don't recall exactly, but I'm -- I feel
13 confident that given the issues we had that the NAC
14 negotiated some improvements to the original term
15 sheet.

16 Q. Right.

17 A. Correct.

18 Q. And those -- those changes, if I understand
19 correctly, were mostly embodied in the January 7,
20 2013 amendment to the MOU, right?

21 A. The MOU that was negotiated in December.

22 Q. Right.

23 A. Yes, correct.

24 Q. Okay. If we go back and if we wanted to
25 look at it, you would get -- there would be a bridge,

<http://www.courtsonline.com>

1 five-year bridge for -- before the West pilots lost
2 their short-term disability and their long-term
3 disability, right?

4 MR. O'DWYER: I believe just the
5 short-term.

6 A. Short-term, correct, yes.

7 Q. And then there was a document finally that
8 said that the pay in the APA agreement would be
9 available, the increased pay in the APA agreement
10 would be available to the USAPA pilots on the date of
11 ratification?

12 A. Ultimately that was agreed to, yes.

13 Q. Right.

14 And so that was a change that was
15 negotiated by the -- and that was just to put the
16 USAPA pilots on the same time schedule as the APA
17 pilots, fundamentally --

18 A. Correct.

19 Q. -- right?

20 And then there was a \$40 million sign-up
21 bonus that was put into the agreement to try to help
22 to make sure that the pilots voted in favor of the
23 MOU?

24 A. It was -- I don't believe it was actually
25 part of the agreement, but yes.

EXHIBIT 5

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

3

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

10

C O N F I D E N T I A L

11

12 WILLIAM "JESS" GORDON PAULEY, JR.
13 (Taken by Plaintiffs)
14 Charlotte, North Carolina
15 Wednesday, September 18, 2013

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

1 Airlines. So they will be advocating vigorously
2 for their pilots.

3 Q. All right. Are they going to advocate for
4 either the East or the West pilots in resolving the
5 East/West seniority integration dispute?

6 A. I believe that their intention would be
7 to, again, conclude the process with a fair and
8 equitable seniority integration. So to the extent
9 that they can work collaboratively with us so
10 that's the end product, then to that extent that
11 they will be advocating for all the pilots of the
12 new American Airlines.

13 Q. So the American pilots are going to
14 represent some of the interests in the East/West
15 seniority dispute?

16 A. They will only be representing the
17 American Airlines pilots.

18 Q. So where is the East/West dispute going to
19 be resolved?

20 A. USAPA has formed a committee to represent
21 all US Airways pilots. And through that process of
22 USAPA, again, negotiating with APA, going to
23 arbitration, if necessary, through that process we
24 will render the fair and equitable seniority
25 integration. And that final result will resolve

<http://www.courtreport.com>

1 the dispute.

2 Q. Isn't it true that the USAPA merger
3 committee's going to present a seniority list for all
4 the US Airways pilots and use that list to integrate
5 with the list for the American pilots?

6 A. Yes.

7 Q. Okay. How is the USAPA merger committee
8 going to create that list?

9 A. USAPA merger committee will determine a
10 proposal to recommend to the Board of Pilot
11 Representatives. Through analysis we'll describe
12 to the BPR, the Board of Pilot Representatives what
13 we believe to be the most advantageous position to
14 take in negotiations and arbitration necessary.

15 Q. Vis-a-vis integrating with the American
16 lists, but how will the USAPA merger committee create
17 a single seniority list for US Airways pilots?

18 A. That process has not been determined yet.

19 Q. You're the chairman of the merger
20 committee?

21 A. That's correct.

22 Q. And you don't know how the merger committee
23 is going to create a single seniority list for US
24 Airways pilots to use to integrate with American
25 pilots?

<http://www.courtsonline.com>

1 Q. Thank you.

2 Just to touch up one point, if your
3 committee made a recommendation to integrate the East
4 and West pilots according to date of hire, a
5 recommendation to the BPR to integrate the East/West
6 pilots by date of hire and there was a dissenting
7 recommendation to integrate them according to the
8 Nicolau award, does the USAPA constitution allow the
9 BPR to accept the dissenting recommendation for the
10 Nicolau?

11 A. I believe the resolutions are voted on by
12 majority rule. So I'm not sure if you need more
13 than that.

14 Q. Does the USAPA constitution allow the BPR
15 to accept and use the Nicolau East/West integration?

16 A. The constitution has objectives, directs
17 for the use of date-of-hire principles with
18 appropriated conditions and restrictions to protect
19 the career expectations of the pilots. I'm
20 paraphrasing, of course, but that's the essence of
21 it, that the Nicolau award would not fit into that
22 description.

23 Q. Did the BPR give your committee an
24 assignment to integrate the East and West pilots in
25 any particular manner?

<http://www.courtsonline.com>

1 at this time, but was for -- designed for other
2 purposes.

3 So to answer your question, that
4 assignment to the merger committee happened back in
5 2008. It was brought forward by resolution of the
6 BPR. And the proposal that was delivered to the
7 company has been unchanged since that time. But
8 that was, again, for the purposes of Section 6
9 negotiations with the company.

10 Q. Okay. Is the BPR presently waiting to get
11 any recommendation from your -- from your committee
12 on anything?

13 A. There is a recommendation pending from
14 our committee to the extent that when we get
15 further along in the seniority integration with
16 American, that they will be anticipating a
17 proposal. There's nothing pending at this time.

18 Q. And what's the proposal supposed to
19 address?

20 A. Well, the first step in the seniority
21 integration is going to be a protocol agreement to
22 set the ground rules for the seniority integration
23 process for negotiations and arbitration, if
24 necessary.

25 Q. Have you been given any constraints by the

<http://www.cyclan.net/ahp>

1 BPR as to what you should come up with?

2 A. For?

3 Q. For this proposal that you've just
4 mentioned to me.

5 A. No.

6 Q. So the BPR is allowing you to come back to
7 them and say, we believe that we should go to the
8 American pilots and tell them we want to integrate
9 your list with the Nicolau list?

10 A. They're expecting us to educate them on
11 the wide range of seniority integration
12 methodologies. And we expect to deliver that to
13 them to show them what the range of possibilities
14 are and make our recommendations. That will be
15 done in conjunction with the merger committee and
16 our experts. That has not been completed at this
17 time.

18 Q. But that's talking about integrating with
19 the American pilots, right?

20 A. That's correct.

21 Q. All right. I'm talking about what you're
22 going to integrate with the American pilots.

23 It's like you have two decks of cards and
24 you're going to shuffle them, and I'm asking you
25 about the deck of cards in the right hand, what order

<http://www.cslaw.com/ahp>

1 they're going to be in, and you're telling me how
2 you're going to shuffle them. I just want to talk
3 about the deck of cards in the right hand.

4 Have they told you what order that deck of
5 cards in the right hand, the US Airways pilots, what
6 order that deck of cards should be in?

7 A. No.

8 Q. Are they asking you to come back to them
9 and tell them what order you think it should be in?

10 A. Again, you're making assumption that it
11 will not be taking two system -- the status quo
12 seniority lists to the arbitration. There may be a
13 methodology in which we will have a global solution
14 which will not require the integration of East/West
15 first and then with American.

16 Q. Have they told you to come back to them
17 with a recommendation whether you should split that
18 into two separate decks or make it one deck?

19 A. No.

20 Q. So you're not even going to tell them
21 whether you think it should be integrating three
22 lists together as opposed to integrating the East and
23 West and then integrating with the third one?

24 A. Again, we've been given the latitude to
25 bring back to them what our recommendation will be.

<http://www.courtreporter.com>

1 They have not given us an assignment or put us in a
2 box and said this is how you're going to operate.
3 Stay inside this box and bring it back to us when
4 you're done. That's not what has taken place. We
5 anticipate the process of being internal merger
6 committee work product and after the evaluation's
7 been done, we'll bring it forward to the BPR for
8 their consideration.

9 Q. Other than the Nicolau integration of the
10 East and West pilots, are there any other ways to
11 integrate the East and West pilots that you can
12 conceive of?

13 A. Certainly.

14 Q. What's -- what are the other ways?

15 A. Other than the Nicolau?

16 Q. Yeah.

17 A. Could be date of hire with conditions and
18 restrictions.

19 Q. And what else?

20 A. It could be status and category with a
21 dynamic element to it in which the -- each side
22 would start off with their status and category and
23 move up as attrition takes place from their airline
24 of origin.

25 It's just a concept, nothing that I'm

<http://www.courtsonline.com>

1 promoting here but just to answer the question it's
2 in the realm of possibility. But the status and
3 category could be for, again, merging wide body
4 pilots with wide body pilots and narrow body pilots
5 with narrow body pilots and so forth.

6 Q. Is it your understanding that the USAPA
7 constitution allows the use of a dynamic list like
8 that?

9 A. I believe the -- the constitution allows
10 for consideration of all methodologies and internal
11 union committees.

12 Q. Sure.

13 Does it allow it to be used?

14 A. That will be up to the BPR to determine
15 what position they choose for us to adopt in
16 negotiations.

17 Q. As the chairman of the merger committee, do
18 you believe that it would violate the USAPA
19 constitution to use a dynamic seniority integration
20 for the East and West pilots?

21 A. I believe it's a wide range of
22 possibilities that may be acceptable within the
23 confines of the constitution. We would have to ask
24 our legal counsel for guidance on that. I'm sure
25 the BPR would be interested to know what their

<http://www.cylaw.com/acthelp>

1 feelings were.

2 But the concept is we want to be able to
3 have a seniority integration methodology as fair
4 and equitable for all pilots of US Airways and the
5 new American. And we will evaluate methodically
6 every possibility that we can come across if we
7 believe it has, you know, some value.

8 Q. Without telling me what advice you got,
9 have you asked your legal counsel to advise you if
10 the USAPA constitution allows any other seniority
11 integration method other than the date of hire with
12 conditions and restrictions?

13 A. Yes.

14 Q. You have posed that question to counsel?
15 THE WITNESS: Can I share?

16 Q. No, don't tell me.

17 And have you received an answer from
18 counsel to the question?

19 A. Yes.

20 Q. And have you shared that answer with the
21 BPR?

22 A. Have I? No.

23 Q. Has -- do you have any reason to believe
24 the BPR knows that answer?

25 A. Yes.

<http://www.courtsonline.com>

1 the bounds of the duty of fair representation
2 obligations. We are certain there is a non-Nic
3 solution that will meet that standard.

4 Q. What is that non-Nic solution that you were
5 referring to?

6 A. I think, again, there's a wide range of
7 possibilities that would meet that standard.

8 Q. Give me one, please.

9 A. Date of hire with conditions and
10 restrictions.

11 Q. Is there a second one?

12 A. Again, there's a wide -- wide gamut.
13 They could use -- other methodologies have been
14 advocated over the years and have been found to be
15 fair and equitable for negotiation and arbitration.

16 Q. This e-mail talks about a report by Ethan
17 Singer.

18 Do you know what he's talking about?

19 A. Yes.

20 Q. Who is Ethan Singer?

21 A. There is a paper that was produced by
22 Ethan Singer and Darin Lee, and it discussed a way
23 to quantify seniority integration. And the concept
24 is that -- again, somewhat similar to what they
25 rendered in the seniority integration with

<http://www.cslaw.com/cthelp>

1 A. No.

2 Q. Does USAPA, without the involvement of
3 American Airlines pilots, plan to come up with the
4 non-Nic solution that you referred to in that e-mail?

5 A. It depends on what takes place here in
6 the near future.

7 Q. Has your committee been asked to come up
8 with a non-Nic solution?

9 A. On a stand-alone basis?

10 Q. Without the involvement of the American
11 pilots.

12 A. No.

13 Q. Has your committee come up with a non-Nic
14 solution without the involvement of the American
15 pilots?

16 A. No.

17 Q. Has USAPA come up with a non-Nic solution
18 without the involvement of the American pilots?

19 A. Again, we've considered and will continue
20 to consider various methodologies in our analysis
21 going forward. But we don't have a proposal that's
22 been approved by the BPR.

23 Q. I've seen a document that explains
24 conditions and restrictions with a date-of-hire list
25 that your committee has put out. Have you put out

<http://www.courtsonline.com>

1 anything else like that on any other alternative
2 consideration or is that the only consideration that
3 you've worked up to that point?

4 A. It's the only one that's been published.

5 Q. Is it the only one that you've worked up to
6 the point of having a -- a formal list and set of
7 rules that would go with it?

8 A. Yes.

9 MR. JACOB: Take a break for five
10 minutes.

11 A. Sure.

12 (A BRIEF RECESS WAS TAKEN.)

13 Q. You've talked about that there was some
14 communication to the BPR about there being some room
15 to do something other than date of hire with
16 conditions and restrictions.

17 Do you recall saying that?

18 A. Yes.

19 Q. Do you recall if that conversation took
20 place in May before the parties met at US Airways to
21 try to see if they could work something out? Was
22 that the time frame in which that conversation
23 occurred?

24 A. That conversation did occur at that time.
25 And I believe it had occurred at other times as

EXHIBIT 6

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

3

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

10

11

12 DEPOSITION OF STEVEN ANTHONY CRIMI
13 (Taken by Plaintiffs)
14 Charlotte, North Carolina
15 Thursday, September 19, 2013

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

1 question.

2 Q. What -- what do you think the USAPA
3 constitution allows in terms of a seniority list?

4 A. Well, that's -- that's a tough question.
5 I think it allows a lot of latitude.

6 Q. Okay. So if -- does it allow the Nicolau
7 award to be used?

8 A. Does it allow the -- does the -- I don't
9 know. Let me think about that for just a second.
10 Date of hire, principles with reasonable
11 conditions and restrictions. I suppose it's in the
12 realm of possibilities with the reason -- or with
13 the proper conditions and restrictions that it's a
14 possibility. But I would say that the strict
15 Nicolau list is probably prohibited by the
16 constitution.

17 Q. Are you familiar with something called a
18 dynamic list?

19 A. Yes.

20 Q. Would that be permitted under the USAPA
21 constitution?

22 A. In my opinion, absolutely. In fact, if
23 you go back -- if I can go back to your previous
24 question, I suppose the Nicolau list under a
25 dynamic conditions and restrictions would be a

<http://www.courtsonline.com>

1 possibility also. So I may have to change my
2 answer that the Nicolau would be prohibited.

3 Q. Okay.

4 A. Because it's a very subjective question,
5 obviously, that you're asking.

6 Q. Okay.

7 Did -- to the best of your recollection,
8 did MOU I have any position on seniority?

9 A. I don't believe it did. But it's been a
10 long time since I've looked at that document, and I
11 didn't look at, you know --

12 Q. Right.

13 A. -- we didn't have that in our possession
14 for very long.

15 Q. What do you mean you didn't have it in your
16 possession for very long?

17 A. I want to say we weren't even allowed to
18 take that one home, but I'm -- I can't swear to
19 that because it's been, what, almost a year -- or
20 over a year now.

21 Q. So as I understand it, the NAC went up to
22 New York and negotiated the MOU I; is that correct?

23 A. I'm not sure.

24 Q. At some point the BPR was presented with
25 the MOU I?

<http://www.courtreporter.com>

1 Q. What's your understanding of the
2 McCaskill-Bond proceedings that will occur based on
3 the MOU?

4 A. I believe it's legislation that dictates
5 that carriers such as us with two different
6 collective bargaining agents, how it would come to
7 terms on seniority.

8 Q. Has the BPR discussed whether or not the
9 West pilots should participate in McCaskill-Bond?

10 A. You're referencing now the certified
11 class of West pilots?

12 Q. Correct.

13 A. Formally, I don't know if we have
14 addressed that at a BPR meeting. We've talked
15 amongst ourselves, yes.

16 Q. Okay. And what was the -- what were those
17 discussions about, whether or not they should
18 participate?

19 A. I mean, it's come up in many
20 conversations, knowing that the West wants to
21 participate and that the company's been advancing
22 that position.

23 Q. Do you have an opinion about whether the
24 West should participate?

25 A. Yes.

<http://www.cyclan.net/ahp>

1 Q. And what's that?

2 A. That by law, I don't believe they're
3 allowed to participate because there's a collective
4 bargaining agent.

5 Q. And are you aware that there -- look at
6 section 10A, correct? To the seniority integration
7 process, consistent with McCaskill-Bond, shall begin
8 as soon as possible after the effective date.

9 A. Yes.

10 Q. Okay. And it doesn't say anything in here
11 about that process being limited to just USAPA,
12 correct?

13 A. That is correct.

14 Q. Okay. What's the harm of having the West
15 pilots participate in the McCaskill-Bond?

16 A. There are many subgroups who I imagine
17 would like to participate, and that would be the
18 harm. And it would abrogate the responsibilities
19 of the union.

20 Q. What are the other subgroups that would
21 want to participate?

22 A. Well, I'm sure the Empire group would
23 like to participate. I'm sure the TWA group would
24 like to participate. Perhaps the Piedmont group
25 would like to participate.

<http://www.courtsonline.com>

EXHIBIT 6

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

3

4 _____)
5 Don Addington; et al.,)
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V. Dario Stanziola, CSR (N.J.), RPR, CRR

1 question.

2 Q. What -- what do you think the USAPA
3 constitution allows in terms of a seniority list?

4 A. Well, that's -- that's a tough question.
5 I think it allows a lot of latitude.

6 Q. Okay. So if -- does it allow the Nicolau
7 award to be used?

8 A. Does it allow the -- does the -- I don't
9 know. Let me think about that for just a second.
10 Date of hire, principles with reasonable
11 conditions and restrictions. I suppose it's in the
12 realm of possibilities with the reason -- or with
13 the proper conditions and restrictions that it's a
14 possibility. But I would say that the strict
15 Nicolau list is probably prohibited by the
16 constitution.

17 Q. Are you familiar with something called a
18 dynamic list?

19 A. Yes.

20 Q. Would that be permitted under the USAPA
21 constitution?

22 A. In my opinion, absolutely. In fact, if
23 you go back -- if I can go back to your previous
24 question, I suppose the Nicolau list under a
25 dynamic conditions and restrictions would be a

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1 possibility also. So I may have to change my
2 answer that the Nicolau would be prohibited.

3 Q. Okay.

4 A. Because it's a very subjective question,
5 obviously, that you're asking.

6 Q. Okay.

7 Did -- to the best of your recollection,
8 did MOU I have any position on seniority?

9 A. I don't believe it did. But it's been a
10 long time since I've looked at that document, and I
11 didn't look at, you know --

12 Q. Right.

13 A. -- we didn't have that in our possession
14 for very long.

15 Q. What do you mean you didn't have it in your
16 possession for very long?

17 A. I want to say we weren't even allowed to
18 take that one home, but I'm -- I can't swear to
19 that because it's been, what, almost a year -- or
20 over a year now.

21 Q. So as I understand it, the NAC went up to
22 New York and negotiated the MOU I; is that correct?

23 A. I'm not sure.

24 Q. At some point the BPR was presented with
25 the MOU I?

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1 Q. What's your understanding of the
2 McCaskill-Bond proceedings that will occur based on
3 the MOU?

4 A. I believe it's legislation that dictates
5 that carriers such as us with two different
6 collective bargaining agents, how it would come to
7 terms on seniority.

8 Q. Has the BPR discussed whether or not the
9 West pilots should participate in McCaskill-Bond?

10 A. You're referencing now the certified
11 class of West pilots?

12 Q. Correct.

13 A. Formally, I don't know if we have
14 addressed that at a BPR meeting. We've talked
15 amongst ourselves, yes.

16 Q. Okay. And what was the -- what were those
17 discussions about, whether or not they should
18 participate?

19 A. I mean, it's come up in many
20 conversations, knowing that the West wants to
21 participate and that the company's been advancing
22 that position.

23 Q. Do you have an opinion about whether the
24 West should participate?

25 A. Yes.

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1 Q. And what's that?

2 A. That by law, I don't believe they're
3 allowed to participate because there's a collective
4 bargaining agent.

5 Q. And are you aware that there -- look at
6 section 10A, correct? To the seniority integration
7 process, consistent with McCaskill-Bond, shall begin
8 as soon as possible after the effective date.

9 A. Yes.

10 Q. Okay. And it doesn't say anything in here
11 about that process being limited to just USAPA,
12 correct?

13 A. That is correct.

14 Q. Okay. What's the harm of having the West
15 pilots participate in the McCaskill-Bond?

16 A. There are many subgroups who I imagine
17 would like to participate, and that would be the
18 harm. And it would abrogate the responsibilities
19 of the union.

20 Q. What are the other subgroups that would
21 want to participate?

22 A. Well, I'm sure the Empire group would
23 like to participate. I'm sure the TWA group would
24 like to participate. Perhaps the Piedmont group
25 would like to participate.

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EXHIBIT 7

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

3

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

10

11

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

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

1 Q. Just what did you do when you found out?

2 A. We had looked at the term sheet, which
3 was negotiated. We were -- reviewed that. I think
4 we reported back to the board and then we started
5 interacting with APA and a little bit with the
6 company.

7 Q. Why were you interacting with APA?

8 A. I think at that point that they -- since
9 the cat was out of the bag, so to speak, they
10 included us in some of the negotiations with the
11 company.

12 Q. Okay. And was that because you intended to
13 try and negotiate a contract with the company as
14 well, similar to APA's?

15 A. I'm trying to remember back when we met.
16 I think they were still trying to resolve some
17 issues. I think they agreed in principle on some
18 parts. I'm trying to remember. We went to Dallas
19 a couple of times and met and I think there was
20 still issues that needed to be resolved, vacation
21 jumps out, vacation bidding I think jumps out,
22 certain scheduling.

23 (Exhibit Number 1116: US Airline Pilots
24 Association Negotiating Advisory Committee
25 Update dated 5/4/12, Bates WP023765 - 766

<http://www.courtsonline.com>

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. And why is that?

2 A. I just think they -- we represent all the
3 pilots. I can speak to when I was the NAC
4 chairman, I mean, I went out of my way to represent
5 the West pilots, I would say almost to a fault
6 making sure I did stuff that was -- you know,
7 addressed their concerns even before they -- NAC
8 was on -- someone was on the committee. I mean, I
9 think that's the general consensus that we
10 represent every pilot.

11 Q. The general consensus among the East
12 pilots?

13 A. Yeah. Yes.

14 Q. Would there be any -- what would the harm
15 be to USAPA if the West pilots participated in
16 McCaskill-Bond?

17 A. The harm would be not so much that they
18 were there, it's now you say okay, where does it
19 end? The Empire pilots are going to want -- want a
20 seat at the table, the shuttle pilots may want a
21 seat at the table, you have the Mid Atlantic pilots
22 now that are saying that they would want a seat at
23 the table.

24 Q. Are the Empire pilots integrated into the
25 current East seniority lists?