

1 Andrew S. Jacob (#22516)
2 ajacob@polsinelli.com
3 Jennifer Axel (#023883)
4 jaxel@polsinelli.com
5 **POLSINELLI P.C.**
6 CityScape
7 One East Washington St., Suite 1200
8 Phoenix, AZ 85004
9 Phone: (602) 650-2000
10 Fax: (602) 264-7033
11 *Attorneys for Plaintiffs*

Marty Harper (#003416)
mharper@polsinelli.com
Marty Harper, PLLC
One East Washington St., Suite 1200
Phoenix, AZ 85004
Phone: (602) 650-2000
Fax: (602) 264-7033
Attorneys for Plaintiffs

8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 Don ADDINGTON; et al.,

Case No. 2:13-CV-00471-ROS

12 *Plaintiffs,*

**MOTION TO EXCEED PAGE
LIMITATION**

13 vs.

(First Request)

14 US AIRLINE PILOTS ASS’N, an
15 unincorporated association; et al.,

16 *Defendants.*

17 Plaintiffs respectfully request the Court consider Plaintiffs’ Response in
18 Opposition to Defendant’s US Airline Pilots Ass’n (“USAPA”) Motion for Summary
19 Judgment, Doc. 267, which exceeds the limits set forth in the Court’s Order, Doc. 250, by
20 six (6) pages. Plaintiffs make this request because USAPA’s Motion presents a number
21 of arguments as to why it is not liable for breaching its duty of fair representation to
22 Plaintiffs, in addition to its arguments in support of its affirmative defenses.

23 The parties have engaged in seven years of litigation with respect to this issue and
24 although Plaintiffs attempted to be as brief as possible, providing the Court with an
25 adequate analysis of the parties’ conduct and the legal authority on USAPA’s obligation
26 to represent Plaintiffs fairly was not possible in ten pages. Plaintiffs’ response is within
27 the page limitations provided by L.R.Civ. P. 7.2(e).¹ USAPA has refused to agree to
28

¹ USAPA’s Motion for Summary Judgment was 17 pages.

1 stipulate to an extension, despite Plaintiffs offer to stipulate that USAPA could have
2 additional pages for its reply.²

3 Undersigned counsel is familiar with the Court's preference for brevity and has
4 scrubbed the brief to be as direct and concise as they believe is possible while still
5 presenting Plaintiffs' position to the Court. For these reasons, Plaintiffs request leave to
6 file a 16-page Response in Opposition to USAPA's Motion for Summary Judgment.

7 **RESPECTFULLY SUBMITTED** this 14th day of November, 2013.

8 **POLSINELLI PC**

9 By: /s/ Jennifer J. Axel

10 Andy Jacob
11 Jennifer J. Axel
12 CityScape
13 One E. Washington St., Ste. 1200
14 Phoenix, AZ 85004
15 Attorneys for Plaintiffs

16 **MARTY HARPER, PLLC**

17 By: /s/ Marty Harper

18 Marty Harper
19 One E. Washington St., Ste. 1200
20 Phoenix, AZ 85004
21 Attorneys for Plaintiffs

22 **CERTIFICATE OF SERVICE**

23 I hereby certify that on the 14th day of November, 2013, I electronically filed the
24 foregoing with the Clerk of the Court and electronically served a copy of the same upon
25 all parties by using the CM/ECF system.

26 By: /s/ Jennifer J. Axel

27 ² USAPA declined to agree to stipulate to allow Plaintiffs six additional pages because
28 the Court "does not want much more paper in this case", yet USAPA filed yesterday with
its response to US Airways Motion for Summary Judgment over 400 pages. USAPA has
also now filed two declaration of Captain Gary Hummel, against the Court's ruling
precluding this "evidence." See Doc. 269-1, 256-2 and Plaintiffs' Motion to Strike, Doc.
257.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28