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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,*

**REPLY IN SUPPORT OF MOTION  
TO EXCEED PAGE LIMITATION**

13 vs.

**(First Request)**

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

16 *Defendants.*

17 USAPA has provided the Court with no rationale as to why Plaintiffs should not  
18 be granted an extension on page limitations. Instead, it attempts to delay this matter by  
19 requesting additional time to respond and wasting the time of the Court (and Plaintiffs)  
20 by forcing Plaintiffs to file a motion on this issue.<sup>1</sup>

21 As the Court has previously recognized, the issues are well-known to the parties.  
22 USAPA has had plenty of time to formulate its arguments. Indeed, it was USAPA who  
23 moved for summary judgment. Instead of simply filing its brief, USAPA again attempts  
24 to extract unfair advantage over the West Pilots by forcing them to respond to USAPA’s  
25 17 page motion for summary judgment in just 10 pages. For the reasons explained in  
26 Plaintiffs’ Motion, that was not feasible. That USAPA seeks to delay this matter by  
27

28 <sup>1</sup> Prior to USAPA filing its response, Plaintiffs told USAPA that it would grant it  
whatever extension on page limits it deemed necessary, which USAPA rejected.  
Plaintiffs oppose any further delay by USAPA, even if for one day.

1 asking for an extension should not come as a surprise to the Court. USAPA even went to  
2 the extreme of forcing the parties to have an “emergency” call with the Court’s staff (on  
3 the issue of page limitations). USAPA’s conduct on this small issue is even more  
4 outrageous in light of the fact that against the Court’s unequivocal ruling, it has filed and  
5 relied on the declaration of Gary Hummel (in support of its Summary of Evidence, Doc.  
6 260, and Response in Opposition to US Airway’s Motion for Summary Judgment, Doc.  
7 269-1). Plaintiffs filed a motion to strike this declaration, which is pending before the  
8 Court. Doc. 257. USAPA has not bothered to respond to it yet. No doubt attempting to  
9 delay resolution of this matter in any way possible.

10 Now that the merger of US Airways and American Airlines has overcome its last  
11 hurdle (approval from the Department of Justice), time is of the essence and every single  
12 day counts. Plaintiffs’ respectfully request that the Court grant their Motion and deny  
13 USAPA’s request for any additional time to file a reply in support of its Motion for  
14 Summary Judgment.

15  
16 **RESPECTFULLY SUBMITTED** this 15th day of November, 2013.

17 **POLSINELLI PC**

18 By: /s/ Jennifer J. Axel

19 Andy Jacob

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23 **MARTY HARPER, PLLC**

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 15th day of November, 2013, I electronically filed the foregoing with the Clerk of the Court and electronically served a copy of the same upon all parties by using the CM/ECF system.

By: s/ Jennifer J. Axel