

1 **PATRICK J. SZYMANSKI** (*pro hac vice*)
2 **PATRICK J. SZYMANSKI, PLLC**
3 1900 L Street, NW, Ste 900
4 Washington, DC 20036
5 Telephone: (202) 721-6035
6 szymanski@msn.com

7 **BRIAN J. O'DWYER** (*pro hac vice*)
8 **GARY SILVERMAN** (*pro hac vice*)
9 **JOY K. MELE** (*pro hac vice*)
10 **O'DWYER & BERNSTIEN, LLP**
11 52 Duane Street, 5th Floor
12 New York, NY 10007
13 Telephone: (212) 571-7100
14 bodwyer@odblaw.com
15 gsilverman@odblaw.com
16 jmele@odblaw.com

17 Attorneys for US Airline Pilots Association

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

20 ADDINGTON et. al.,)
21 *Plaintiffs,*)
22 v.)
23 US AIRLINE PILOTS ASS'N, et. al,)
24 *Defendants.*)

SUSAN MARTIN (AZ#014226)
JENNIFER KROLL (AZ#019859)
MARTIN & BONNETT, P.L.L.C.
1850 N. Central Ave. Suite 2010
Phoenix, Arizona 85004
Telephone: (602) 240-6900
smartin@martinbonnett.com
jkroll@martinbonnett.com

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

**US AIRLINE PILOTS
ASSOCIATION'S MOTION TO
SUSPEND DEADLINES UNTIL 14
DAYS FOLLOWING RULING ON
MOTION TO TRANSFER**

25
26
27
28

1 Defendant US Airline Pilots Association (“USAPA”) hereby moves to suspend all
2 deadlines in this matter (other than briefing deadlines on the Motion to Transfer Venue),
3 until 14 days following a ruling on USAPA’s motion to transfer this case to the United
4 States District Court for the Southern District of New York (Doc. 26).

5 MEMORANDUM OF POINTS AND AUTHORITIES

6 BACKGROUND

7 The background of this case is set forth in Defendant USAPA’s Motion to
8 Transfer. Doc. 26. By way of brief summary, on November 29, 2011, AMR Corporation
9 and its subsidiaries (the “Debtors”) commenced a voluntary Chapter 11 case in the
10 United States Bankruptcy Court for the Southern District of New York . (*In re AMR*
11 *Corp.*, Case No. 11-15463). On February 13, 2013, the Debtors entered into an
12 Agreement and Plan of Merger with US Airways (the “Merger Agreement”), which
13 provides that, *inter alia*, subject to and effective upon the confirmation and
14 consummation of a Chapter 11 plan of reorganization (“POR”), US Airways will become
15 a wholly-owned subsidiary of AMR Corporation.
16

17 After counsel for Plaintiffs in this action sent letters to US Airways, APA, and
18 USAPA that threatened to seek an injunction of the merger process, on March 6, 2013
19 (and prior to commencement of this action), USAPA filed an adversary proceeding in
20 the Bankruptcy Court for the Southern District of New York alleging that the threat to
21 “seek an injunction of the merger” violated the automatic stay provisions of the
22 Bankruptcy Code and asked the Bankruptcy Court to enjoin Leonidas LLC, the client on
23 whose behalf Plaintiffs’ counsel’s threat was apparently made, from in any way
24 interfering with the merger process.¹ Later on March 6, 2013, Plaintiffs filed the instant
25

26 ¹ USAPA subsequently filed an amended complaint in the adversary proceeding
27 adding the Plaintiffs in the instant case as defendants in the adversary proceeding.
28 Proceedings in the Bankruptcy Court for approval of the Merger and the adversary and
other related proceedings are continuing.

1 action seeking to enjoin both USAPA and US Airways “from integrating the pilot
2 operations in a manner that breaches Defendant USAPA’s duty of fair representation.”
3 Complaint, at 1.

4 The day after filing the Complaint, Plaintiffs filed a Motion to Transfer Case to
5 Judge Wake or Judge Silver. Doc. 5. USAPA sought an extension of time to respond to
6 Plaintiffs’ motion to transfer judge assignment and to answer the Complaint. Doc. 9.
7 Plaintiffs have since filed a Motion for Class Certification, Doc. 11, and a Motion for a
8 Preliminary Injunction, Doc. 13. On April 2, 2013, USAPA filed a motion to transfer this
9 matter to the United States District Court for the Southern District of New York. Doc.
10 26. USAPA now moves for an order suspending all deadlines for 14 days following the
11 Court’s ruling on the motion to transfer venue.
12

13 ARGUMENT

14 ALL DEADLINES SHOULD BE SUSPENDED UNTIL AFTER THE MOTION TO 15 TRANSFER VENUE IS DECIDED

16 The deadlines to answer or move with respect to the complaint and to respond to
17 Plaintiffs’ Motions for Class Certification and Preliminary Injunction should be deferred
18 until 14 days after USAPA’s Motion to Transfer Venue is decided. The normal practice
19 following a motion to transfer venue is to hold other matters in abeyance pending
20 decision on which court will be responsible for further proceedings. USAPA has pending
21 a motion to extend the deadlines for responding to Plaintiffs’ Motion to Transfer
22 (Reassign) this case to Judge Silver or Judge Wake and for responding to the Complaint
23 to May 6, 2013. That motion has been fully briefed. The issues raised by this motion to
24 transfer are substantial and, we believe, dispositive. These issues should be addressed
25 first and further proceedings should then be governed by the court responsible for
26 administering the action. *See, e.g., McDonnell Douglas Corp. v. Polin*, 429 F.2d 30 (3d
27
28

1 Cir. 1970) (“Judicial economy requires that another district court should not burden itself
2 with the merits of the action until it is decided that a transfer should be effected and such
3 consideration additionally requires that the court which ultimately decides the merits of
4 the action should also decide the various questions which arise during the pendency of
5 the suit instead of considering it in two courts.”).

6 CONCLUSION

7 For all the foregoing reasons, USAPA respectfully requests that the Court suspend
8 all deadlines in this case (other than the deadlines to file responses and a reply on the
9 Motion to Transfer Venue) until 14 days following the ruling on the motion to transfer
10 this case to the United States District Court for the Southern District of New York.

11 Respectfully submitted his 2nd day of April, 2013.

12 **Martin & Bonnett, P.L.L.C.**

13
14 By: s/ Susan Martin
15 Susan Martin
16 Jennifer L. Kroll
17 Martin & Bonnett
18 1850 N. Central Ave., Suite 2010
19 Phoenix, AZ 85004

20 Patrick J. Szymanski (*pro hac vice*)
21 Patrick J. Szymanski, PLLC
22 1900 L Street, NW, Suite 900
23 Washington, DC 20036

24 Brian J. O’Dwyer (*pro hac vice*)
25 Gary Silverman (*pro hac vice*)
26 Joy K. Mele (*pro hac vice*)
27 O’Dwyer & Bernstien, LLP
28 52 Duane Street, 5th Floor
New York, NY 10007

Attorneys for US Airline Pilots Association

CERTIFICATE OF SERVICE

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

I hereby certify that on April 2, 2013, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Marty Harper
Andrew S. Jacob
Jennifer Axel
Polsinelli & Shughart, PC
CityScape
One East Washington St., Ste. 1200
Phoenix, AZ 85004

Attorneys for Plaintiffs

US Airways, Inc.
Karen Gillen
111 West Rio Salado Parkway
Tempe, AZ 85281

Robert A. Siegel
Chris A. Hollinger
400 South Hope Street, Suite 1500
Los Angeles, CA 90071-2899

Attorneys for US Airways, Inc.

s/J. Kroll

