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

10 Don ADDINGTON; *et al.*,

CASE NO. 2:13-CV-00471-PGR

11 *Plaintiffs,*

Declaration by Andrew S. Jacob

12 vs.

13 US AIRLINE PILOTS ASS'N, *et al.*,

14 *Defendants.*

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17 I, Andrew S. Jacob, declare the following to be true based upon my personal
18 knowledge and information or, where stated, upon information and belief, under penalty
19 of perjury pursuant to 28 U.S.C. § 1746:

20 1. Soon after the antitrust lawsuit settled, the West Pilots class representatives
21 chose five class members to serve as the West Merger Committee, which will
22 independently represent the West Pilots in the MOU seniority integration process.

23 2. On December 10, 2013, Mr. Paul Jones sent an email on behalf of New
24 American to the American Airline Pilots' union (APA), the US Airways pilots' union
25 (USAPA), and the West Pilot Class.

26 3. This email proposed to convene a meeting in Washington, D.C., on December
27 20, 2013, to "initiate the McCaskill-Bond process."

28 4. The West Pilots accepted the invitation to meet on the 20th that same day.

1 5. Upon information and belief, APA also timely accepted Mr. Jones' invitation.

2 6. A true and correct copy of the Mr. Jones' invitation and the West Merger
3 Committee's response thereto is hereto as Exhibit "A."

4 7. USAPA objected to including the West Merger Committee in any discussion
5 of the Protocol Agreement.

6 8. But, upon information and belief, it waited until late in the evening of
7 December 19, 2013, to respond that it would not attend the December 20 meeting.

8 9. In a letter attached to an email sent the evening of December 19, 2103, Mr.
9 Szymanski stated that USAPA regarded the meeting proposed by Mr. Jones as illegal
10 bargaining with someone other than the certified bargaining representative.

11 10. Mr. Szymanski indicated in this letter that USAPA's Merger Committee
12 would negotiate seniority integration with the APA pilots without the participation of
13 either New American or the West Merger Committee.

14 11. A true and correct copy of Mr. Szymanski's letter is attached hereto as Exhibit
15 "B."

16 12. All five members of the West Merger Committee and counsel flew to
17 Washington for the December 20 meeting, which was held as scheduled.

18 13. New American and APA also attended.

19 14. USAPA did not attend the meeting.

20 15. At the December 20 meeting, the West Merger Committee presented APA
21 with a draft Protocol Agreement that would have kept the seniority integration on the
22 schedule set out in the MOU.

23 16. A true and correct copy of the West Pilots' draft Protocol Agreement is
24 attached hereto as Exhibit "C."

25 17. APA agreed to respond to this draft by January 6, 2014.

26 18. At no time during this meeting or any time thereafter did the West Merger
27 Committee and New American enter into any negotiations concerning this draft Protocol
28 Agreement or any other matters related to conditions or terms of employment.

1 19. Upon information and belief, USAPA’s Merger Committee came to
2 Washington on December 19 to discuss the Protocol Agreement with APA.

3 20. In an update for its members published the following day, USAPA
4 characterized its meeting with APA as discussion of “language for the Protocol
5 Agreement which will govern major aspects of the upcoming SLI [Seniority List
6 Integration] process.”

7 21. USAPA also stated in that update that, unless directly ordered to do otherwise
8 by this Court, it will continue seniority integration discussions with APA without the
9 West Merger Committee.

10 22. Upon information and belief, a true and correct copy of this update is attached
11 as Exhibit “D” to the declaration by undersigned counsel.

12 23. At the December 20 meeting, New American would not negotiate or otherwise
13 discuss with the West Merger Committee how its members could obtain expenses, flight
14 pay loss, and positive space transportation, as per Section 7 of the MOU.

15 24. On December 24, 2013, USAPA filed a grievance seeking to bar New
16 American from including the West Merger Committee in the MOU seniority integration
17 process.

18 25. One of the issues raised in this grievance is stated as follows:

19 Whether the Company violated relevant provisions of the MOU by recognizing and
20 meeting with persons other than the APA and USAPA concerning the seniority
21 integration process under paragraph 10 of the MOU, specifically by inviting and
22 meeting with representatives of the plaintiffs in *Addington, et al. v. US Airline
Pilots Association*, 13-cv- 00471 (ROS) (Dist. Ariz. 2013)(“Addington II”);

23 26. A true and correct copy of USAPA’s December 24, 2013, grievance letter is
24 attached hereto as Exhibit “E.”

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Dated this 2d day of January, 2014.

POLSINELLI, PC

/s/ Andrew S. Jacob

By _____

Andrew S. Jacob

One East Washington St., Ste. 1200

Phoenix, AZ 85004

CERTIFICATE OF SERVICE

I hereby certify that on this 2d day of January 2014, I electronically transmitted the foregoing document to the U.S. District Court Clerk's Office by using the ECF System for filing and transmittal.

/s/ Andrew S. Jacob

By _____