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11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 Don Addington; *et al*,
14 *Plaintiffs*,
15 vs.
16 US Airline Pilots Ass'n; and US Airways,
17 Inc.,
18 *Defendants*.

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

**MOTION FOR EXPEDITED
CONSIDERATION OF MOTION
FOR RULE 25(C) JOINDER OF
ALLIED PILOTS ASSOCIATION
(APA) AND FOR ISSUANCE OF
PERMANENT INJUNCTION**

**AND REQUEST FOR STATUS
AND/OR SCHEDULING
CONFERENCE**

ORAL ARGUMENT REQUESTED

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23 Plaintiffs respectfully request expedited consideration of their Motion for Rule
24 25(c) Joinder and for Issuance of a Permanent Injunction Motion (“Injunction Motion”)
25 filed contemporaneously herewith. Additionally, promptly setting a scheduling and/or
26 status conference would seem appropriate under the current circumstances. As explained
27 more fully below and in the Injunction Motion, the process to integrate the legacy
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1 American Airlines pilots and the legacy U.S. Airways pilots is currently pending in
2 Washington, D.C. That being so, obtaining an expedited decision from the Court
3 regarding the scope of the Court's injunction – in particular, whether the injunction will
4 apply only to USAPA and its Merger Committee (a Committee that has irrevocably
5 withdrawn from the SLI process in light of the Court of Appeals decision) or whether it
6 will also apply to the newly formed East Pilots' Merger Committee and its lawyers – will
7 be extraordinarily helpful to the parties to the SLI process, including the three arbitrators
8 charged with creating an integrated seniority list.

9 The initial phase of this seniority integration arbitration was scheduled to
10 commence on Monday, June 29, 2015. The Ninth Circuit's decision in this matter issued
11 on Friday, June 26, 2015. As the Court can observe from the attachments to the
12 Injunction Motion, USAPA and USAPA's Merger Committee withdrew from the
13 pending seniority integration arbitration on Monday, June 29, 2015. [See Exhibit A to the
14 Injunction Motion.] This action caused the Seniority Integration Arbitration Board to
15 postpone the arbitration proceedings until certain questions associated with the
16 withdrawal of USAPA and the USAPA Merger Committee were briefed and resolved.

17 The Seniority Integration Arbitration Board provided its answers to the questions
18 raised in its decision dated July 5, 2015. [See Exhibit C to the Injunction Motion.] In that
19 decision, the Board recognized the impact to the process of the USAPA Committee's
20 withdrawal and rescheduled the commencement of the seniority list arbitration to
21 September 29, 2015 to see whether the APA could select a new Merger Committee to
22 represent the East pilots. In doing so, it did not pass on the question of whether any new
23 East Merger Committee would be bound by this court's injunction once issued, but
24 recognized that such a result was a possibility. [See Exhibit C to the Injunction Motion, at
25 Paragraph III.]

26 In the interim, APA appointed a new U.S. Airways (East) Pilots Seniority
27 Integration Committee (the "East Pilots Merger Committee"), which committee intends
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1 to participate in the rescheduled seniority integration arbitration as the merger committee
2 representing the East Pilots. That East Committee, citing the uncertainty about what it
3 could or could not argue in light of the Court of Appeals decision, recently requested the
4 Board to further postpone the commencement of the hearings until this court issued an
5 injunction so that that new Committee (and the other parties) would know whether it was
6 bound by the injunction as well. On September 4, 2015, the Board denied that request.
7 [See Decision and Order, attached as Exhibit 1.] Accordingly, the hearings will now
8 proceed as scheduled on September 29.

9 The question raised, therefore, in the Injunction Motion is whether the injunction
10 the Court enters will apply to the East Pilots Merger Committee. Knowing whether it
11 does or not will impact the conduct of the rescheduled arbitration. The legal issues
12 presented in the Injunction Motion are not overly complicated, and everyone associated
13 with the case has been on notice since June 26, 2015 that such relief was imminent. There
14 is no question that USAPA and its Merger Committee are to be enjoined from
15 participating in the hearings except to the extent that their proposal is based on the
16 Nicolau Award. The only issue to be decided, then, is whether, taking into account the
17 language of the Court of Appeals decision and the text of Rule 65(d)(2) of the Federal
18 Rules, the scope of the injunction should be sufficiently broad so as to encompass the
19 new East Merger Committee as well as USAPA and its Merger Committee. Until and
20 unless such an injunction is issued, the East Committee will be free of any judicial
21 impediment requiring it to use the Nicolau Award as the basis for its proposal, albeit that
22 it would be taking that action without guidance from this court. It would be desirable that
23 any uncertainty on that point be resolved before the hearings begin.

24 The West Pilots therefore request that the Court (1) establish an expedited briefing
25 and argument scheduled on the Injunction Motion and/or (2) set a scheduling or status
26 conference to address the Injunction Motion, briefing, argument and related matters.
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Respectfully submitted this 4th day of September, 2015.

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CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2015, 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. In addition, I transmitted the foregoing via email and US Mail Service to the following:

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