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

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

CASE NO. 2:13-CV-00471-ROS  
**REQUEST FOR JUDICIAL NOTICE  
REGARDING REPLIES IN SUPPORT  
OF MOTION FOR RULE 25(C)  
JOINDER OF ALLIED PILOTS  
ASSOCIATION (APA) AND FOR  
ISSUANCE OF PERMANENT  
INJUNCTION**

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23 Plaintiffs respectfully request that this Court take judicial notice of (1) the  
24 Prehearing Position Statement of the US Airways (East) Seniority Integration Committee  
25 dated September 19, 2015; (2) the Memorandum Opinion and Order dated September 28,  
26 2011 granting US Airways' request for an injunction against USAPA in *US Airways v.*  
27 *USAPA*, 3:11-cv-371-RJC-DCK (Western District of North Carolina); and (3) the  
28

1 June 13, 2014 Order denying USAPA’s Motion to Vacate the September 28, 2011  
2 injunction in *US Airways v. USAPA*, 3:11-cv-371–RJC–DCK (Western District of North  
3 Carolina).

4 Plaintiffs submit that these three documents are pertinent to their Motion for  
5 Rule 25 Joinder and for Issuance of Permanent Injunction [Doc. 317] and the parties’  
6 responses and arguments as follows:

7 (1) Predictably, in the Prehearing Position Statement of the US Airways (East)  
8 Seniority Integration Committee, the East Pilots, via their representatives at APA, have  
9 disregarded the Ninth Circuit’s opinion and repudiated the Nicolau Award. (See Ex. 1,  
10 excerpt of the Prehearing Position Statement of the US Airways (East) Seniority  
11 Integration Committee dated September 19, 2015, at pages 46-53.<sup>1</sup>)

12 (2) Contrary to US Airways’ objection here to a broad injunction consistent with  
13 Rule 65, in the Memorandum Opinion and Order dated September 28, 2011 granting US  
14 Airways’ request for an injunction against USAPA in *US Airways v. USAPA*, 3:11-cv-  
15 371–RJC–DCK, Judge Robert Conrad granted US Airways’ request for an injunction that  
16 applied to “USAPA and its members, agents, and employees, and all persons and  
17 organizations acting by, in concert with, through, or under it, or by and through its  
18 order...” (See Ex. 2, excerpt of Memorandum Opinion and Order dated September 28,  
19 2011 in *US Airways v. USAPA*, 3:11-cv-371–RJC–DCK (Western District of North  
20 Carolina.)

21 (3) The June 13, 2014 Order denying USAPA’s Motion to Vacate the  
22 September 28, 2011 injunction in *US Airways v. USAPA*, 3:11-cv-371–RJC–DCK, which  
23 issued after the MOU was signed and just prior to the commencement of the SLI process,  
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27 <sup>1</sup> Although only excerpts of the first two documents are being filed herewith, the  
28 entire documents are being hand-delivered to the Court with this filing, and will be  
emailed to all counsel.

1 demonstrates that, regardless what label may apply to the East Pilots, injunction language  
2 is broad enough to continue to apply to them.

3 Respectfully submitted this 21<sup>st</sup> day of September, 2015.

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 21<sup>st</sup>, 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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