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Molly C. Dwyer, Clerk of the Court
Office of the Clerk
U.S. Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, California 94103

Re: **Addington, et al. v. US Airline Pilots Association, et al.; Nos. 14-15892, 14-15874, 14-15757**

Dear Ms. Dwyer:

We represent Intervenor/Cross-Appellant US Airways, Inc. ("US Airways"). Pursuant to Circuit Rule 28-6 and F.R.A.P. 28(j), US Airways submits this letter to notify the Court of additional authority that is relevant to issues presented in the appeal and cross-appeals.

As noted in US Airways' cross-appeal brief (Doc. No. 21), after the filing of the appeal and cross-appeals in this matter, a Seniority Integration Protocol Agreement was signed (attached) which provided that: 1) the US Airlines Pilot Association ("USAPA") Merger Committee would be permitted to represent the US Airways East Pilots in the seniority integration arbitration, and 2) the question of whether a separate merger committee should represent the US Airways West Pilots in the seniority integration arbitration would be submitted to a preliminary final and binding arbitration. Subsequent to the filing of US Airways' brief, on January 9, 2015, the preliminary arbitration panel issued the attached decision, ruling that the Allied Pilots Association ("APA"), the union certified under the Railway Labor Act to represent all pilots at the combined post-merger carrier, has the authority to designate a separate West Pilots Merger Committee, and ordered the APA to designate a "West Pilots Merger Committee as a full participant in the seniority integration process." (Arbitration Decision at 35.) Accordingly, the West Pilots Merger Committee will represent West pilots in the seniority integration process, and the USAPA Merger Committee will represent East pilots.

Based on these new facts, US Airways believes the appeal and cross-appeals from the district court's decision regarding the McCaskill-Bond issues are now moot, but understands that the West Pilots and/or USAPA may disagree. *See, e.g.*, Doc. No. 28, at 17-18. If it is correct on

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the mootness question, US Airways submits that the district court's decision on the McCaskill-Bond issues should be vacated under the *Munsingwear* doctrine, which allows courts of appeals "to reverse or vacate the judgment below and remand with a direction to dismiss" when a case becomes moot on appeal. *United States v. Munsingwear, Inc.*, 340 U.S. 36, 39-40 (1950). US Airways will be prepared to address these issues during oral argument.

Respectfully submitted,

s/ Robert A. Siegel

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Encls.