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April 17, 2015

Via electronic filing

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, CA 94103

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

Dear Ms. Dwyer,

We represent Plaintiffs/Appellants/Cross Appellees Addington, et al. ("Plaintiffs"). Pursuant to Circuit Rule 28-6 and F.R.A.P. 28(j), Plaintiffs submit this letter to notify the Court of additional authority that is relevant to issues presented in the appeal and cross-appeals. Oral argument was held in this Court on April 14, 2015. Additional information has come to Plaintiffs' attention the day after oral argument that pertains to questions raised by the Court during the hearing on April 14, 2015.

On April 15, 2015, the officers and directors of U.S. Airline Pilots Association ("USAPA"), filed a Motion to Vacate Order Dated March 5, 2015, Or, In The Alternative, To Dismiss the Verified Complaint ("Motion") in *Bollmeier v. Hummel*, Case No. 15- CV-00111, in the U.S. District Court, Western District of North Carolina.<sup>1</sup> In their Motion, (a copy of which is attached,) the officers and directors of USAPA state that USAPA "continues to exist as an unincorporated nonprofit association and act as the representative of former US Airways pilots in the SLI proceedings through the USAPA Merger Committee." (Motion at page 23.)

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<sup>1</sup> As Plaintiffs noted in their Supplemental Brief filed on April 3, 2015, three West Pilots filed an LMRDA action against the officers and directors of USAPA, captioned *Bollmeier v. Hummel*, Case No. 15- CV-00111. [Doc. 49-1, at page 8.]

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The apparent rationale for the statement by USAPA's officer and directors that USAPA continues to participate in the SLI process through the USAPA Merger Committee, which contends that it continues to represent all former US Airways pilots, is the last sentence in Paragraph 8a of the Seniority Integration Protocol Agreement, which reads, "Nothing in this Protocol Agreement shall be deemed to modify or supersede any provision of the governing documents of any party existing as of the effective date of this Seniority Integration Protocol agreement that governs the relationship between the party and a merger committee which it has established." The Seniority Integration Protocol Agreement was submitted to this Court by Intervenor/Cross-Appellant US Airways. [Doc. 41-2, page 10.]

This declaration by USAPA's officers and directors that it continues to represent all former US Airways pilots in the SLI process through the USAPA Merger Committee relates directly to the Court's questions about injunctive relief. Specifically, Plaintiff's Amended Complaint requested an injunction "requiring Defendants to conduct seniority integration according to the MOU procedures but using the seniority order in the Nicolau Award to order the US Airways pilots." [ER 134, ¶ 136.]

Respectfully submitted this 17<sup>th</sup> day of April, 2015.

A handwritten signature in black ink, appearing to read "Marty Harper". The signature is written in a cursive, flowing style with a long, sweeping tail that extends to the right.

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Marty Harper

Encl.