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

13 Don Addington; et al.,  
14 Plaintiffs,

15 vs.

16 US Airline Pilots Ass'n, et al.,  
17 Defendants.

No. CV-13-00471-PHX-ROS

**DECLARATION OF  
ANDREW JACOB**

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

21 1. I am one of the attorneys that have been representing the Plaintiffs in the  
22 above captioned case in litigation filed in the United States District Court for the District  
23 of Arizona.

24 2. A true and correct copy of the pages from the trial transcript in the action  
25 referred to here as *Addington I* (2:08-CV-1633-PHX-NVW) containing testimony by  
26 Brian Stockdell that was given on April 30, 2009, is attached hereto as Exhibit "A."

27 3. A true and correct copy of Plaintiffs' Trial Exhibit 512A admitted into  
28 evidence in *Addington I* is attached hereto as Exhibit "B."

1  
2 4. A true and correct copy of Plaintiffs' Trial Exhibit 513A admitted into  
3 evidence in *Addington I* is attached hereto as Exhibit "C."

4 5. Mr. Stockdell's testimony establishes that he personally used the data from the  
5 Nicolau Award and from the date-of-hire seniority list that USAPA submitted to US  
6 Airways in 2008 (the "USAPA List") to create the two graphics illustrated in Exhibits  
7 "B" and "C."

8 6. Mr. Stockdell's testimony explains that these graphics show the pilots with the  
9 highest, most favorable seniority at the top and those with the lowest least favorable  
10 seniority at the bottom.

11 7. Mr. Stockdell's testimony also explains that pilots are color-coded on these  
12 two graphics based on their status at the time of the 2005 merger between US Airways  
13 and America West, as follows: (a) East Pilots who were active are coded red; (b) West  
14 Pilots who were active are coded blue; and (c) East Pilots who were furloughed are coded  
15 black.

16 8. Finally Mr. Stockdell's testimony explains that Exhibit "B" illustrates the  
17 Nicolau Award seniority order and Exhibit "C" illustrates the date-of-hire seniority order  
18 in the USAPA List.

19 9. Exhibits 512A and 513A were admitted into evidence in *Addington I* without  
20 objection, pursuant to Rule 1006.

21 May 8, 2013.

22 s/ Andrew S. Jacob  
23 By \_\_\_\_\_

24 Andrew S. Jacob

25 **CERTIFICATE OF SERVICE**

26 I hereby certify that on this 8th day of May 2013, I electronically transmitted the  
27 foregoing document to the U.S. District Court Clerk's Office by using the ECF System  
28 for filing and transmittal.

/s/ Andrew S. Jacob  
By \_\_\_\_\_