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

1 Don Addington; et al.,
 2 Plaintiffs,

No. CV-13-00471-PHX-ROS

JOINT STATUS REPORT

3
 4 vs.

5 US Airline Pilots Ass’n, et al.,
 6 Defendants.

7 Pursuant to the Court’s April 18, 2013 Order, Plaintiffs Don Addington, et. al. (the
 8 “West Pilots”), and Defendants US Airways, Inc. (“Airways”) and US Airline Pilots
 9 Association (“USAPA”) provide the Court with the following joint status report..

10 **I. PROPOSED AGENDA FOR PRELIMINARY INJUNCTION HEARING**

11 **A. West Pilots and Airways’ Proposed Agenda**

12 In its April 18, 2013 Order, the Court set the hearing on Plaintiffs’ application for
 13 preliminary junction, as well as set a briefing schedule for the motions to dismiss filed by
 14 both Defendants in this action. All of the parties met by conference call on two occasions
 15 to see if they could agree on one suggested agenda. Such an agreement turned out not to
 16 be possible, so the agenda agreed to by the West Pilots and Airways is set forth below.
 17 Although the Court did not specifically set oral argument on the motions to dismiss, the
 18 West Pilots and Airways have agreed to include argument on the motions to dismiss in
 19 the proposed agenda because the issues raised in the motions to dismiss are directly
 20 germane to whether a preliminary injunction should be issued.

21 The West Pilots and Airways have agreed on the following proposed agenda for the
 22 May 14, 2013 preliminary injunction hearing:

Time	Issue(s)	Order of Argument
10:00 – 10:10	Introduction and intervenor issues	Court, Intervenors

1			West Pilots (15)
2			US Airways (20)
3	10:10 - 11:20	Ripeness	USAPA (20)
4			Intervenors (10)
5			West Pilots (5)
6			
7	11:20 – 12:00	US Airways 12(b)(1)	US Airways (15)
8			West Pilots (20)
9			US Airways (5)
10	12:00 – 01:30	Lunch	
11			
12	01:30 – 02:10	USAPA 12(b)(6); West Pilot likelihood of success on merits	USAPA (15)
13			West Pilots (15)
14			USAPA (5)
15			West Pilots (5)
16			
17	2:10 - 3:00	Hardship, Equities, and Bond (part 1)	West Pilots (20)
18			USAPA (30)
19	3:00 - 3:15	Break	
20			
21	3:15 - 3:55	West Pilot likelihood of success on merits against US Airways (non- jurisdictional arguments)	US Airways (30)
22			West Pilots (10)
23			
24			West Pilots (10)
25	3:55 – 4:40	Closing Argument	USAPA (15)
26			US Airways (15)
27			West Pilots (5)
28			

4:40 -5:00	Closing comments by Court	Court (20)
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B. USAPA’S Proposed Agenda

USAPA believes that the pending motions should be addressed individually and seriatim as indicated below with whatever time the Court determines to allow given that the May 14 will not be an evidentiary hearing as originally contemplated, the Court’s familiarity with the issues presented and the extensive briefing already submitted both in this action and in the declaratory judgment action before this Court, *US Airways, Inc. v. Addington* 2:10-cv-01570-PHX-ROS. This schedule will provide for the orderly presentation of arguments with appropriate attention to which party bears the burden on each motion and, because it provides for argument of the motions to dismiss first, will avoid unnecessary duplication of any matter under consideration.

<u>Motion</u>	<u>Order of Argument</u>
US Airways Motion to Dismiss	US Airways Plaintiffs USAPA US Airways
USAPA Motion to Dismiss	USAPA Plaintiffs US Airways USAPA
Plaintiffs’ Motion for Preliminary Injunction	Plaintiffs USAPA US Airways Plaintiffs

II. WITNESSES

The parties have agreed that no live witnesses will be called.

III. EXHIBITS

The parties have stipulated that there are no objections on grounds of authenticity or foundation for all exhibits in the combined exhibit list attached hereto as Exhibit A.¹

¹ By consenting to the introduction of the declarations and exhibits for purposes of the preliminary injunction motion, the parties reserve objections on the grounds of relevancy and reserve all objections to admissibility.

1 **IV. STIPULATIONS**

2 The parties have stipulated that to the extent that the Norris-LaGuardia Act pertains
3 to this matter, the parties waive any requirements that live testimony be presented by any
4 party.

5 **V. OTHER**

6 **A. West Pilots and US Airways**

7 The West Pilots and US Airways included time in their proposed schedule to deal
8 with the Application to Intervene, Doc. 56, as representatives from American may appear
9 at the hearing and ask to be heard. Plaintiffs and US Airways have no opposition to
10 allowing American and/or Airline Pilots Association ("APA), who Plaintiffs recently
11 moved to join, Doc. 58, if they appear and want to weigh in on the issue of ripeness.

12 **B. USAPA**

13 Defendant USAPA believes that it is premature to address the status of American
14 Airlines because notwithstanding American Airlines' notice of the pendency of this case
15 and motion for a preliminary injunction since at least March 28, 2013, the motion to
16 intervene was not filed until May 7 and, under the rules of this Court, no response is due
17 until May 24, 2013. USAPA has advised Plaintiffs that it objects to Plaintiffs' use of the
18 term "West Pilots" to describe themselves as no class has been certified.

19
20 Dated this 10th day of May, 2013.

21 **POLSINELLI PC**

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23 Marty Harper
24 Andrew S. Jacob
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May 2013, I electronically transmitted the foregoing document to the U.S. District Court Clerk's Office by using the ECF System for filing and transmittal.

By: /s/ Andrew S. Jacob