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October 17, 2012

Patrick J. Szymanski  
PATRICK J. SZYMANSKI, PLLC  
1900 L Street, NW, Ste. 900  
Washington, DC 20036

**Re: US Airways v. Don Addington, et al.**

Dear Pat:

I have your letter of October 15, 2012 which, obviously, is in response to my letter on the 12<sup>th</sup> of October.

Yes, I have read the Court's Order. That's why I wrote you on the 12<sup>th</sup>, pointing out both you and your client apparently fail to understand the significance of Judge Silver's Order and Judgment.

Contrary to your contention, the Court clearly observed that USAPA will expose itself to substantial risk if it tries to implement a seniority list other than the Nicolau Award.

You say, "USAPA has legitimate reasons for pursuing something other than the Nicolau Award." If that were true, why does USAPA want West Pilot representatives "to join in genuine, good faith discussions concerning USAPA's seniority proposal." If that were true, why didn't USAPA prevail in the Addington litigation? Why didn't you stand up and claim as much in front of Judge Silver?

Your letter to me (and a very similar letter recently sent by President Gary Hummel to John Scherff) asks the West Pilots to negotiate. Yet, there is not a lot to negotiate because USAPA insists it will never implement the Nicolau Award. Any date-of-hire seniority list (whatever conditions and restrictions it may have) is unacceptable. Implementation of any such seniority list would be a DFR breach. As I'm sure you know, neither John Scherff nor any group of West Pilots can waive an individual pilot's claim arising from such breach. At best, such "negotiations" can only create a false appearance of fair representation. Our clients will have no part of that.

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“Captain Bradford’s experiment” is not, as you state, a “success.” To the contrary, it is an utter failure. US Airways pilots on both sides are grossly underpaid and will continue to be so until they get a new contract. But because of Bradford’s experiment, the East Pilot majority thinks it can get a new contract that does not use the Nicolau Award. If you agree with that, you should tell USAPA to negotiate and try to implement such a contract. We then can litigate whether USAPA has a “legitimate union purpose.” Otherwise, you must tell USAPA in no uncertain terms that it has no legitimate reason to dishonor the Nicolau Arbitration, that it can get a new contract only if that contract implements the Nicolau Award.

Very truly yours,

A handwritten signature in blue ink that reads "Marty".

Marty Harper

MH:kh