

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF ARIZONA
3 CASE NO. : CV-13-00471-PHX-ROS

4 _____)
5 Don Addington; et al.,)
6 Plaintiffs,)
7 vs.)
8 US Airline Pilots Ass'n, et al.,))
9 Defendants.)
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DEPOSITION OF JOHN P. OWENS
(Taken by Plaintiffs)
Charlotte, North Carolina
Thursday, September 19, 2013

Reported in Stenotype by
V. Dario Stanziola, CSR (N.J.), RPR, CRR

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17

18

19 DEPOSITION OF JOHN P. OWENS, a witness
20 called on behalf of the Plaintiffs, before V. Dario
21 Stanziola, CSR (N.J.), RPR, CRR, Notary Public, in
22 and for the State of North Carolina, held at the
23 offices of Huseby, Inc., 1230 West Morehead Street,
24 Suite 104, Charlotte, North Carolina, on Thursday,
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1 JOHN P. OWENS,
2 having first been duly sworn, was examined and
3 testified as follows:

4 EXAMINATION

5 BY MR. HARPER:

6 Q. State your full name for the record,
7 please?

8 A. John Phillip Owens.

9 Q. And where do you presently reside?

10 A. Myrtle Beach, South Carolina.

11 Q. Didn't win the lottery last night?

12 A. You can't win if you don't play.

13 Q. Okay. I know, we got nothing out of our
14 tickets in the office.

15 Have you ever had your deposition taken
16 before?

17 A. Yes, sir.

18 Q. Okay. How many times?

19 A. Just once.

20 Q. You know the drill that we're going to go
21 through today?

22 A. Yes, sir.

23 Q. Question and answer. You have to answer
24 verbally to the questions.

25 That okay with you?

1 A. Yes.

2 Q. And to help out everybody, try not to
3 answer my questions before I get it done, and I will
4 try very hard not to launch a question to you until
5 your answer is completed. Okay?

6 A. Yes.

7 Q. Anytime you don't understand a question,
8 let me know, and I'll either have it read back or I
9 will repeat it. Okay?

10 A. Yes.

11 Q. You want to take a break, take a break
12 anytime you want. The only accommodation I would
13 like is that if there's a question pending to you
14 when you want to take a break, please answer before
15 you take a break and then it will be fine to take a
16 break. Okay?

17 A. Understood.

18 Q. Otherwise, we'll break about every hour or
19 so, so that we can walk around and get more
20 comfortable before we go back to work. Okay?

21 A. Yes, sir.

22 Q. What did you do to prepare for this
23 deposition today, if anything?

24 A. I spoke with counsel, Mr. Szymanski. I
25 reviewed the MOU II. I reviewed the side letter

1 that was enclosed with the MOU, and that's pretty
2 much it.

3 Q. And when did you talk to Pat?

4 A. I spoke with Pat today and yesterday as
5 well.

6 Q. About how much time did you spend with him?

7 A. About total in total, maybe 20 minutes.

8 Q. Were you shown any of the exhibits that
9 have been used in the depositions that we are
10 conducting here this week in Charlotte?

11 A. I have the e-mails that I sent, so I'm
12 familiar with some of the stuff, yeah. But as far
13 as the depositions go, no.

14 Q. I don't understand. You're familiar with
15 what e-mails?

16 A. The requested information that we sent.
17 I thought that that's what you might be asking
18 about.

19 Q. I don't -- what requested information?

20 A. My e-mails.

21 Q. Oh, so you reviewed the e-mails that you
22 gave to counsel to be produced in this litigation,
23 correct?

24 A. Yes, sir.

25 Q. And those are e-mails that you produced

1 both from the USAPA server; is that right?

2 A. Yes, sir.

3 Q. And from your own personal server?

4 A. Yes, sir.

5 Q. And about how many documents did you
6 produce from your own personal computer?

7 A. I don't recall offhand. I want to say
8 probably a hundred, maybe.

9 Q. What's your personal computer address?

10 A. J-O-W-E-N-S-3-4 @ M-A-C, dot com.

11 Q. I'll show you one of the e-mails here, but
12 I found one where I think you're communicating with
13 one of the other people, officers of USAPA, perhaps,
14 and you write, keep this off the USAPA server.

15 Do you remember doing that?

16 A. I don't recall that, sir.

17 Q. Was it the practice of some of you during
18 this time period, we're talking about basically 2012,
19 2013, to have communications but make sure that they
20 did not occur on the USAPA server?

21 A. No, sir. There was a period of time,
22 though, during the election period when folks were
23 running for offices that we weren't to use the
24 USAPA server.

25 Q. Okay. Maybe that's what it is. I'll get

1 to it here a little bit later.

2 Why don't you give me a little bit of
3 background and your flying experience?

4 A. Sure. I grew up in a small town, learned
5 to fly privately. Washed airplanes to pay for my
6 flight lessons. Got my commercial instrument
7 certificate. Became a commuter pilot. During that
8 period of time I was going through an application
9 process to become a fighter pilot for the military.
10 I was hired by World Airways, flew international.
11 I was hired by US Airways in 1989, furloughed in
12 1991. And I was still of the age that I could go
13 into the military, so I departed and flew F16s for
14 seven years. I have some combat experience. I
15 returned to civilian flying for Airborne Express as
16 a Captain/Check Airman. And then was recalled from
17 furlough to US Airways. And subsequently
18 furloughed a second time and recalled. And I've
19 worked as a check airman for US Airways as well.
20 And I'm currently an Airbus 320 First Officer.

21 Q. You're on full with flight pay -- I mean --

22 A. Yes.

23 Q. I don't know the right term.

24 Can you tell me --

25 A. Yes, sir.

1 Q. -- you're getting paid flight pay but not
2 flying; is that right?

3 A. Yes, I fly, I stay current. But as a
4 negotiating advisory committee member, I'm on
5 full-time flight pay loss.

6 Q. And how long have you been in that status?

7 A. Since July of 2012.

8 Q. 2005, the time that Airways and America
9 West merger, what was your status in connection with
10 US Airways?

11 A. I was on furlough, sir.

12 Q. Furlough.

13 And you had been on furlough since 1991?

14 A. No. I had returned in 2000 and then was
15 subsequently furloughed a second time.

16 Q. Okay.

17 (Exhibit Number 1090: Declaration of John
18 Owens In Opposition To Plaintiffs' Motion For
19 A Preliminary Injunction marked for
20 identification, as of this date.)

21 Q. John, I want to show you what we've had
22 marked as Exhibit 1090.

23 A. Okay.

24 Q. Take a moment. Can you look at it --

25 A. Sure.

1 Q. -- and then see if you can identify it for
2 me, please.

3 A. There seems to be more than one document
4 here. But there's a declaration of John Owens, and
5 then there's subsequently a MOU referendum results
6 attached.

7 Q. Right. But I think that you attached that
8 to your affidavit, didn't you?

9 A. I did not personally, no.

10 Q. Well, let's see.

11 So Exhibit 1090, at the beginning anyway,
12 is a sworn declaration that you provided on or about
13 April 26, 2013, correct?

14 A. Yes.

15 Q. Okay. Page one to Exhibit 1090, footnote
16 one, my employment has been continuous with the
17 exception of two furloughs from 1991 to 2000.

18 We've talked about that?

19 A. Yes, sir.

20 Q. And most of that time was spent in the Air
21 Force; is that right?

22 A. Yes. Air Force and a combination of
23 civilian.

24 Q. Okay. And then after 2000 you went back to
25 flying at US Airways?

1 A. Yes, sir.

2 Q. Okay. And you did that from sometime in
3 2000 to sometime in 2003, correct?

4 A. Yes, sir.

5 Q. And then if I understand it, in 2003 you
6 were furloughed again?

7 A. Yes, sir.

8 Q. And came back when in 2007?

9 A. I believe it was October 2007.

10 Q. So working with footnote one here, when the
11 merger occurred between US Airways and America West
12 in 2005, you were on furlough --

13 A. Yes, sir.

14 Q. -- correct?

15 And when the Nicolau award came down on
16 May 1, 2007 you were still on furlough?

17 A. Yes, sir.

18 Q. And then after the Nicolau came down five
19 months later, approximately, you got recalled to
20 US Airways?

21 A. Yes, sir.

22 Q. In what position?

23 A. First officer.

24 Q. And what position do you hold today?

25 A. First officer.

1 Q. Okay.

2 A. And I was also -- at that period of time,
3 I was a check airman when they recalled me, they
4 asked me to be in the training department.

5 Q. Well, as a check airman versus a line
6 pilot, is there a difference?

7 A. I was actually -- to qualify that
8 statement, I was an instructor pilot, which is only
9 first officers becomes instructor pilots. And they
10 have limited duties teaching initials and simulator
11 training. But you're still an Airbus 320 First
12 Officer, you still fly once or twice a month. But
13 you spend a lot of time training new people in the
14 simulator.

15 Q. When did you -- did you ever move out of
16 the check officer status?

17 A. I did, yes, sir.

18 Q. And when was that, approximately?

19 A. That would have been in -- late --
20 probably 2009, early 2009.

21 Q. Okay. Can you tell me what positions, if
22 any, you currently hold at USAPA?

23 A. Yes, sir.

24 Q. Or with USAPA?

25 A. Yes. I'm a member of the negotiating

1 advisory committee, and I am the chairman of the
2 business intelligence committee.

3 Q. And I assumed from your earlier answer you
4 became a member of the negotiating advisory committee
5 in July of 2012?

6 A. Yes, sir.

7 Q. And you still are a member of that
8 committee?

9 A. Yes, sir.

10 Q. And when did you first become a member of
11 the business intelligence committee?

12 A. I think that's in here. Do you mind if I
13 look through?

14 Q. No, no.

15 A. I think it was May of 2011. I have to
16 double-check that. May of 2010.

17 Q. And that's in paragraph three of your
18 affidavit?

19 A. Yes, sir.

20 Q. Exhibit 1090, correct?

21 A. Yes, sir.

22 Q. And you're the chairman of that committee?

23 A. Correct.

24 Q. And how long have you held that position?

25 A. Since -- well, I was -- it's -- I was

1 nominated and was given the position of chairman in
2 May of 2010, and remained in that position until
3 April of 2012, when the new president was elected.
4 And he reappointed me at that time to that chairman
5 position again. There was -- there was some
6 question as to whether or not the committee had
7 officially appointed a chairman.

8 Q. Okay.

9 A. And a vice chair.

10 Q. So you've served on that committee under
11 two presidents of USAPA?

12 A. Yes, sir.

13 Q. Okay. And appointed the first time by
14 President Cleary?

15 A. Correct.

16 Q. And the second time by President Hummel?

17 A. Correct.

18 Q. Okay. And what are the -- what are the
19 things that the business intelligence committee
20 should be doing?

21 A. Reviewing financial statements of the
22 company and the industry as well. Looking for
23 business trends in the industry to, you know, help
24 the union with its position. Guidance on -- the
25 union is a business entity, and guidance on

1 business in general in terms of strategy for, you
2 know, communications to folks. Just numerous
3 things. But it's really twofold, almost. One of
4 them is the running of a business, and the second
5 half is industry analysis.

6 Q. And what experience before going to work
7 for USAPA -- I apologize, when was the first time you
8 did that?

9 A. May 2010.

10 Q. You went to work for USAPA for the first
11 time as a pilot, when?

12 A. Oh. When they were certified as the new
13 bargaining agent.

14 Q. Okay. Well, let me -- before today, what
15 experience have you had, if any, in actually running
16 a business?

17 A. I have run several of my own companies
18 that I've sought -- I've started from square one
19 and sold. I've consulted for several corporations
20 in the numerous things. I currently also consult
21 as a business consultant. I don't advertise, I'm
22 just word of mouth.

23 Q. What are the businesses that you ran?

24 A. I had a specialty tool and fastener
25 business selling to the construction industry. I

1 had a business in the construction industry itself
2 as a general contractor. I also ran a electrical
3 business. I was an electrician, journeyman
4 electrician.

5 Q. When were you -- when did you run the
6 electrical business?

7 A. Out of high school, and then over the
8 years it supplemented during furlough and other bad
9 times.

10 Q. When did you run the tool business?

11 A. That was in the -- during -- let's see,
12 that was prior to -- during the first furlough, at
13 the end of the first furlough prior to being
14 recalled.

15 Q. Late '90s?

16 A. Yes, sir, late '90s.

17 Q. How big was the company?

18 A. It was -- I had five employees, and I
19 ended up merging it with a large national chain.
20 And I stayed on in a management -- there was a
21 management agreement for a year and then I moved to
22 another opportunity.

23 Q. What company did you merge into?

24 A. Mid-Atlantic Fasteners.

25 Q. And when did you run the business as a

1 general contractor?

2 A. I had a -- got a general contractor's
3 license in South Carolina. And that business, as I
4 started it, it sort of segued into the fastener
5 business. I saw a greater opportunity. So I just
6 transferred the name to the Fastener.

7 Q. And over the -- over what period of times
8 did you run those two companies, either separately or
9 in a combined basis?

10 A. I'm trying -- it was during -- let me
11 see. I came back -- it was after I was
12 furloughed -- it was actually -- let me re --
13 restate my answer previously.

14 It was after the first recall, prior to
15 the second furlough, I took a leave of absence of a
16 few months before they actually furloughed me and
17 started up these companies in anticipation of
18 feeding the family. So it was in the early 2000s.

19 Q. Okay. And you were running these companies
20 during the second furlough time period?

21 A. Yes, sir. My companies is maintained --
22 it's morphed into a few different things over the
23 years, but I've maintained it.

24 Q. Well -- and I don't mean to jump around,
25 but the time period that you have been on the

1 business intelligence committee from May of '10 to
2 the current, have you served on that committee in a
3 consecutive -- continuously?

4 A. Yes, I have. There was a period -- there
5 was a point where I had -- had sent a letter of
6 resignation and was subsequently asked by
7 President Cleary to reconsider under -- you know,
8 he was concerned as to what the issues were. And
9 we rectified that.

10 Q. What were the issues that caused you to
11 send the letter?

12 A. I felt that the work that I was producing
13 on a regular basis, weekly, if not monthly for
14 sure, it was not being adequately distributed to
15 the membership.

16 Q. Can you tell me a little bit more about
17 that?

18 A. I mean, not really.

19 Q. I mean, what -- what were your points?
20 What were your complaints?

21 A. What were my complaints to
22 Captain Cleary?

23 Q. That caused you to prepare the letter of
24 resignation.

25 A. Like I -- as I just stated, that I would

1 prepare analysis for the -- for the pilots and that
2 analysis would not be published.

3 Q. Let me see if I understand. The materials
4 that are prepared by the business intelligence
5 committee are sometimes put into updates or reports
6 that are then distributed to the entire USAPA pilot
7 group?

8 A. Yes, that's correct. If they -- they
9 don't automatically go. Pilots have the option on
10 the website to opt into certain committees that
11 they're interested in. So, yes, if they had opted
12 in, they would then be distributed.

13 Q. Okay. And then you've been on the
14 negotiating committee. I think if we go to
15 Exhibit 1090, paragraph four, since July of 2012; is
16 that right?

17 A. Yes, sir.

18 Q. And President Hummel appointed you to that?

19 A. Yes, sir.

20 Q. Why?

21 A. He felt that I had the skills necessary
22 to get the job done.

23 Q. What are your negotiating skills?

24 A. What are my negotiating skills? Can you
25 give me a little --

1 Q. Why -- why -- what prior negotiating
2 activity have you been involved in, for airlines, for
3 example?

4 A. Nothing.

5 Q. None.

6 So you have no prior experience negotiating
7 for an airline?

8 A. No, sir. I was --

9 Q. For a union?

10 A. I was asked by the previous negotiating
11 chairman, Paul DiOrio, and President Cleary, to
12 accompany them to negotiating sessions early in
13 2011 where they would -- where they asked me to
14 provide financial guidance on some of the issues
15 that were at hand.

16 Q. So you were a special assistant to the
17 negotiating committee during that time period to
18 provide information associated with financial issues?

19 A. To provide information and also to help
20 them analyze the company's proposals.

21 Q. Okay. And those negotiating events
22 happened in 2011; is that correct? That you told me?

23 A. Yes.

24 Q. Over what period of time, approximately?

25 A. It started in I would say August through

1 November.

2 Q. Of 2011?

3 A. Yes, sir.

4 Q. And during that time period did USAPA put a
5 proposal, a bargaining proposal on the table for --
6 in the hopes that airway -- US Airways and USAPA
7 could bargain over it?

8 A. Yes. But I was not present.

9 Q. But they put a proposal -- you understand
10 that the negotiating committee actually put a
11 proposal on the table during 2011, correct?

12 A. I understand that the negotiating
13 committee at the time met with the company in 2011,
14 November, to try to work out an agreement, yes,
15 sir.

16 Q. Yeah.

17 But I -- that's not quite my question,
18 John. When they met to see if they couldn't work out
19 an agreement, the -- USAPA actually put a bargaining
20 proposal on the table, correct?

21 A. Yes, yes.

22 Q. In the hopes that the company would sit
23 down and bargain over the proposal or whatever
24 counterproposal that the company wanted to put on the
25 table, correct?

1 A. Correct.

2 Q. And you understand that -- you understand
3 that there were some sessions, anyway, that were
4 generally directed towards trying to negotiate a
5 collective bargaining agreement during that time
6 period, correct?

7 A. Yes.

8 Q. Okay. And do you know if the company ever
9 put a counterproposal on the table?

10 A. No.

11 Q. Do you know if the -- let me step back.

12 Are you familiar with the proposal that the
13 company put on the table in May of 2007?

14 A. Yes.

15 Q. And it's called the Kirby proposal?

16 A. He doesn't like that, but yes.

17 Q. Well, okay. He's not here to complain
18 about it. So between us can we talk about it as the
19 Kirby proposal?

20 A. Agreed.

21 Q. And did you ever take time to go back and
22 study that proposal?

23 A. I looked at the financial pay rates in
24 that proposal.

25 Q. When did you do that last?

1 A. I did that in early 2012, January,
2 February 2012.

3 Q. In the context, and you already used the
4 word MOU II, and that's the one that was ratified by
5 the USAPA members in February of 2013, correct?

6 A. Yes, sir.

7 Q. Did you ever go back and take the Kirby
8 proposal, analyze it, bring it forward to compare the
9 rates that would have been in the Kirby proposal at
10 approximately year seven versus the rates that are
11 contained in the MOU II?

12 A. No.

13 Q. Why not?

14 A. Once the term sheet from the APA was made
15 public to USAPA, our focus from then on was our
16 current status and the status of the APA's
17 agreement.

18 Q. And that term sheet from APA was put on the
19 table in late 2011 --

20 A. No --

21 Q. -- or early 2012?

22 A. It was right after President Hummel took
23 office, so April --

24 Q. Okay.

25 A. -- April 2010.

1 Q. Okay. I'm sorry, I lost it. You said you
2 last analyzed the terms of the Kirby proposal when?

3 A. January, February of 2012.

4 Q. Okay. That's what I wrote down here.
5 And why did you do that?

6 A. As a anticipation that there would be a
7 new leadership, and that if we could help that
8 leadership understand where we've been and where --
9 you know, as they try to move us towards a
10 contract.

11 Q. Okay. President Hummel took office, as I
12 understand it, in mid April of 2012, correct?

13 A. Correct.

14 Q. And I understand that you were his campaign
15 manager during that campaign, correct?

16 A. I didn't officially have that, but I
17 think it's fair to say that I helped tremendously
18 in his campaign, yes.

19 Q. And why did you do that?

20 A. I believed that President Hummel
21 represented leadership that we sorely needed.

22 Q. And as I understand it, and correct me if
23 I'm wrong, you actually wrote some of the campaign
24 literature that Mr. Hummel or Captain Hummel put out
25 during his campaign?

1 A. Edited it.

2 Q. Edited it.

3 He wrote it?

4 A. Yes, for, you know, spelling and grammar,
5 clarity of message and so on.

6 Q. And you understood then the positions that
7 President Hummel had on certain issues that were
8 facing the USAPA at the time that he was running for
9 president, correct?

10 A. Yes, sir.

11 Q. And what did you understand his position
12 was on date of hire?

13 A. My understanding that he was a supporter
14 of date of hire, with conditions and restrictions
15 as it's in the constitution. That he -- and that
16 was his -- his statement and my understanding.

17 Q. And he was a pretty strong advocate of date
18 of hire with appropriate restrictions and conditions?

19 A. I don't think he was a strong advocate
20 for that. He more -- he more strongly advocated
21 that the situation, when it came to seniority, was
22 to be handled in the courts.

23 Q. Who actually wrote your declaration for
24 you?

25 A. I did.

1 Q. The entire thing?

2 A. I was very, very instrumental in helping
3 to confirm that what was in my declaration is what
4 I wanted to say.

5 Q. And what do you mean by that?

6 A. Well, I didn't type it. I didn't put it
7 into the format that you see here. But I reviewed
8 all of the content and agreed to the content.

9 Q. You write in paragraph seven that you have
10 personal knowledge of the facts set forth herein.

11 Is that a true statement, you have personal
12 knowledge of all of the facts here?

13 A. Let me read that.

14 Yes.

15 Q. So, for example, in the next paragraph --

16 A. Yes.

17 Q. -- you write paragraph eight, on or about
18 April 18, 2012 USAPA learned of US Airways' intention
19 to pursue a merger with American Airlines.

20 Now, how did you personally learn that on
21 April 18, 2012 or was that told to you?

22 A. Of course, it had to be told to me.

23 Q. Yeah.

24 A. Yes.

25 Q. Who told it to you?

1 A. We -- we -- and I don't -- on or about
2 April 18th, I think that's actually the date that
3 they took office. I think it was within the next
4 few days after that that we learned that US Airways
5 was -- had intended to merge -- or had worked with
6 the pilots of American Airlines and had entered
7 into a conditional labor agreement, and that they
8 would be making a public announcement.

9 Q. Okay. What I'd like to try to do with you,
10 John, is to take a period of time here now beginning
11 on April 18th, about 2012, and take you up to the end
12 of August 2012, okay?

13 A. Yes, sir.

14 Q. And in that period of time, from July to
15 the end of August, you were actually a member of the
16 negotiating committee, correct?

17 A. Correct.

18 Q. From April 18th to the first part of July,
19 you were the head of the business intelligence
20 committee, correct?

21 A. Correct.

22 Q. Now, in either one or both of those
23 capacities, can you just walk me through what USAPA
24 did to either try to negotiate a memorandum of
25 understanding or an agreement with Airways during

1 that time period, leading up to what we now have been
2 referring to as MOU I.

3 So where did that start? How did it
4 evolve? And what was your involvement?

5 A. Sure. And may I ask, may I get some
6 water?

7 MR. SZYMANSKI: Sure.

8 Q. No, this is a torture, we can't do that.

9 THE WITNESS: Pat, is it all right if I
10 continue?

11 MR. SZYMANSKI: Yeah.

12 A. The first thing that happened was
13 US Airways came to Charlotte, to the -- to the
14 USAPA headquarter and met in front of the board of
15 pilot representatives and some pilots in the
16 audience, I believe, and met with us to tell us
17 about what they had already done.

18 Q. What they had already what?

19 A. What they had already done.

20 Q. About when did that happen?

21 A. That would have been first -- first week
22 of May, I believe.

23 Q. Okay.

24 A. We met, we asked, you know, the
25 US Airways what -- what they needed from us at the

1 time. They said they didn't need anything from us
2 at the time, but that they gave us their reason why
3 they thought the merger was good for us and good
4 for them. And we then committed to, as a union,
5 that we would reach out to our counterparts at
6 American Airlines at the APA, and we would go and
7 meet them and try to figure out where we fit into
8 this process and how we were -- how we were going
9 to fit into this process because we didn't -- we
10 were just going to sit on the sidelines.

11 Q. Okay. So this meeting is in May of 2012?

12 A. Yes.

13 Q. So between the time that November of 2011,
14 when you understand USAPA put a bargaining proposal
15 on the table to negotiate with Airways, and May of
16 2012, are you aware of any negotiations that occurred
17 between USAPA and Airways on those proposals?

18 A. No, I am not, sir.

19 Q. Okay. Do you know -- so you're not saying
20 there were none, you're just not aware of any?

21 A. I am not aware of any.

22 Q. Okay. So that brings us then to the
23 meeting, you said you would go -- not you, but the
24 union said it would go try and make friends with APA
25 and figure out what to do, correct?

1 A. Correct.

2 Q. About. Play nice for a while, anyway,
3 correct?

4 A. Correct.

5 Q. Okay. What happened after that May meeting
6 then?

7 A. We, the USAPA, did depart for
8 headquarters of Dallas for the APA. Dean Colello,
9 who was on the negotiating committee at the time,
10 and chairman of the negotiating committee, Paul
11 DiOrio, and myself, as the business intelligence
12 chairman, went to Dallas to meet with the APA for
13 the first time. The negotiators -- met with the
14 negotiators. I, of course, shook hands. And then
15 I met with the secretary treasurer who gave me a
16 tour of his building and his facility and the
17 history of his organization. And I wrote a short
18 paper and published that to the membership.

19 Q. Okay. How long were the three of you in
20 Dallas to do this?

21 A. Two days.

22 Q. Now, there was no collective bargaining
23 negotiation going on at that point in time during
24 those two days, correct?

25 A. No, sir.

1 Q. Okay. So it was no give and take over
2 wages, conditions or other rates during that period
3 of time?

4 A. No, sir.

5 Q. Okay. What happened after the two-day
6 meeting in Dallas then?

7 A. I believe that there -- from that point
8 forward, the negotiating advisory committee had
9 structured a certain schedule and they continued to
10 meet with the APA negotiators through a period of I
11 think -- I want to say until their last best final
12 offer came. So that was probably June, July time
13 frame. And -- but I did not -- I did not accompany
14 them at these negotiations.

15 Q. Now, the last best offer, explain what you
16 mean by that?

17 A. American Airlines offered the Allied
18 pilots what they called the last best final offer.

19 Q. Okay. So between the May meeting, the
20 Dallas get-together and the last best offer, there
21 were negotiations that were going on between
22 US Airways and APA?

23 A. There were meetings between APA and
24 USAPA.

25 Q. Yeah, but do you know if also during that

1 time period there were meetings between APA and
2 Airways trying to lead up to a collective bargaining
3 arrangement?

4 A. I believe that APA continued out -- to
5 negotiate with American Airlines, and they also
6 continued to negotiate with US Airways in that
7 process.

8 Q. What do you mean by negotiate with US
9 Airways? What were they negotiating with Airways?

10 A. Well, they had a conditional labor
11 agreement with them.

12 Q. Okay. So they were negotiating trying to
13 reach a conditional labor agreement?

14 A. They were, I think, discussing -- I think
15 they had already signed the conditional labor
16 agreement. So they were discussing, you know -- I
17 honestly, I don't know what they were discussing.
18 I think they were -- no, I correct that. I think
19 there were some discussions about a scheduling
20 system, PBS. That was one of the issues that was
21 important.

22 Q. Let's go back.

23 Do you know -- prior to the meeting in May
24 here in Charlotte with the Airways executive, do you
25 know if APA and Airways had reached their conditional

1 labor agreement by that point in time?

2 A. I believe that the -- as we learned of
3 this conditional labor agreement, it was executed.

4 Q. Okay. So they come to Dallas early May to
5 tell you what they had done?

6 A. They came to Charlotte, yes.

7 Q. Charlotte.

8 And did they tell you we've already entered
9 into a conditional labor agreement?

10 A. Yes.

11 Q. Okay. So you knew that at that meeting?

12 A. I did, yes.

13 Q. Okay. So that negotiation was all done by
14 that point?

15 A. Between US Airways and the APA.

16 Q. The first time that USAPA has a meeting
17 over a potential merger, that is already done?

18 A. Just reframe that one more time.

19 Q. Okay. I don't mean to -- by the time you
20 have the first meeting with Airways in Charlotte --
21 USAPA, the first meeting with Airways in Charlotte,
22 the conditional labor agreement had already, as you
23 understand it, been negotiated between US Airways and
24 APA?

25 A. That's my understanding.

1 Q. That was a done deal?

2 A. My understanding, yes.

3 Q. Okay. And then the times after that when
4 USAPA sat down with APA, what was USAPA attempting to
5 accomplish?

6 A. It was more of a -- I think it was a
7 learning experience, wanted to learn about them.
8 They wanted to learn about us. We wanted to learn
9 about their collective bargaining agreement and the
10 way they did business. They wanted to learn about
11 ours. And we also wanted to learn as much as we
12 could as to how they arrived at the conditional
13 labor agreement with US Airways so quickly.

14 Q. So over what period of time did that
15 activity take place? The first meeting in Dallas?

16 A. And I think it -- I think it -- like I
17 said, I think it terminated sometime around the
18 last best final offer from American Airlines to
19 APA, and I believe that the APA said that they
20 would -- they wanted to focus on their internal
21 negotiations at the time.

22 Q. So I'm just trying to get a date for the
23 last best offer, as best as you can tell me.

24 A. Let's see. I -- I don't recall. There
25 was several iterations of it last best -- this is

1 the last best final offer. Well, maybe not really.
2 This is the last best last best final offer. But I
3 would have to say June and July of 2012.

4 Q. Just for convenience, can we pick July 1?

5 A. That would be acceptable for me, yes.

6 Q. Right.

7 Okay. So last best offer time, whatever
8 that means, about July 1, 2012, approximately, APA
9 says to USAPA, guys, we need to go back and basically
10 concentrate on doing final type of go around with
11 Airways over --

12 A. No.

13 Q. No? Okay.

14 A. They needed to focus on negotiations with
15 AMR management.

16 Q. Okay. So they go now back to AMR at that
17 point in time?

18 A. Yes, sir.

19 Q. And over what period of time did that
20 condition exist where they were -- APA was talking
21 with AMR and not really talking with USAPA anymore?

22 A. Through late November, early December.

23 Q. So July 1 to whenever the nondisclosure
24 agreement ban was lifted?

25 A. Yeah.

1 Q. Late November, early December?

2 A. We had -- we continued communicating with
3 them. And I think we did travel to Dallas on a
4 couple of occasions. But the sense of urgency for
5 them at that point was their negotiations with AMR.

6 Q. And then eventually you came to learn that
7 APA and AMR had actually entered into a labor
8 agreement, correct?

9 A. Late in 2012, correct.

10 Q. Okay. So after you had a few meetings to
11 get to know -- not you, again, USAPA, to get to know
12 APA, there came a point in time, about July 1, 2012,
13 when those get-togethers stopped because APA had
14 other things that it need to pay attention to,
15 correct?

16 A. Correct.

17 Q. So what did USAPA do beginning July 1
18 through the end of December, if anything, to try to
19 reach a labor agreement with anyone?

20 A. I know -- and I can't give you specific
21 dates. I don't remember them offhand.

22 Q. Okay.

23 A. But I do know that US Airways, USAPA,
24 attempted to reengage US Airways in a collective
25 bargaining negotiations several times during that

1 period. I do know that --

2 Q. But you were on the committee, so you were
3 involved in those activities?

4 A. No, I was not. Chairman Colello, the
5 professional negotiator, Roland Wilder, met with
6 the National Mediation Board.

7 Q. So I understand you -- your testimony is
8 you know that during this time period, July 1, 2012,
9 through deeper into the end of 2012, Dean Colello,
10 Roland Wilder, and anybody else made attempts to try
11 to reach out to Airways, or just the two of them?

12 A. No, President Hummel was involved.

13 Q. Okay. So we've got Hummel --

14 A. I mean, USAPA.

15 Q. Well, no, I'm trying to find the people.

16 A. Okay.

17 Q. Hummel, Colello and Wilder?

18 A. Yes, sir.

19 Q. But not the negotiating committee as such?

20 A. Well, no, the committee didn't go to
21 Washington, D.C. and meet with the NMB
22 collectively. It was just our negotiating
23 chairman. We all agreed collectively that, you
24 know, he presented that with us. We said is it
25 okay? He said, of course, yes. They wanted a

1 small group.

2 Q. So if I understand now what you're saying,
3 is that the point in time when USAPA tried to
4 reengage with Airways to negotiate a labor agreement,
5 it was in the summer of 2012, and it was under the
6 auspices of the National Mediation Board?

7 A. I'm not sure exactly what occurred in the
8 summer, I don't recall. I believe in the fall
9 there was a meeting for sure.

10 Q. Well, look, John, we get to an MOU I --

11 A. Yes, sir.

12 Q. -- that's presented to the BPR for
13 consideration on or about August 20, 2012, correct?

14 A. Yes, sir.

15 Q. You'll agree with me that that happened at
16 about that point in time?

17 A. I do.

18 Q. How did that come about?

19 A. Okay. So we can back up.

20 Q. Yeah, I just want to -- I'm trying to find
21 out --

22 A. Sure.

23 Q. -- the actual negotiation history here
24 because I'm a little confused.

25 A. That's okay.

1 USAPA repeatedly made requests to
2 US Airways to engage in a process to be included in
3 the collective labor agreement with the APA. The
4 first attempts were thwarted. We continued to
5 internally as a union and as a membership to
6 discuss and talk about what it is we would want and
7 what we would like to do, and so we continued to
8 try to do that. At some point in time APA
9 President Dave Bates requested a meeting with Gary
10 Hummel. And I believe that -- then that is sort of
11 the initiation of what we would call MOU I.

12 Q. And President Hummel told me that occurred
13 approximately mid July 2012?

14 A. Correct.

15 Q. Is that your understanding?

16 A. In July, I recollect.

17 Q. Okay. So now we're in mid July 2012,
18 Bates, Hummel meeting and the beginning of MOU I?

19 A. Correct.

20 Q. How did MOU I go from birth to presentation
21 to the BPR third week of August 2012?

22 A. There were several negotiations that
23 occurred between US Airways and the negotiating
24 advisory committee.

25 Q. Under the NMB?

1 A. No.

2 Q. Okay. I mean, I'm sorry. So we've got a
3 small group of people meeting in D.C. with the NMB
4 during this time period, Colello, Hummel and Wilder?

5 A. Yes.

6 Q. To do what?

7 A. To make sure that we had the opportunity
8 to reengage in our own Section 6 negotiations if we
9 needed to.

10 Q. Okay. Then MOU I springs to life in July,
11 ends up -- and then there are a series of
12 negotiations between the NAC and some people at the
13 company?

14 A. Correct.

15 Q. Who -- and were you involved in those?

16 A. Yes.

17 Q. Okay. Was the entire negotiating committee
18 involved in those?

19 A. Yes.

20 Q. Okay. And what came out of those?

21 A. MOU I.

22 Q. So the actual period of time that USAPA
23 spent negotiating with Airways to come up with MOU I
24 was about a month --

25 A. Correct.

1 Q. -- is that right?

2 A. Yes.

3 Q. Was that adequate time to negotiate MOU I,
4 in your opinion?

5 A. Was -- no.

6 Q. Well, then why was it concluded by
7 August 20, 2012, if you can tell me?

8 A. Because we felt that that's the best we
9 could deliver.

10 Q. Who's the we?

11 A. The NAC.

12 Q. And at that period of time the members
13 were -- you were five members or four?

14 A. Four.

15 Q. You and Colello?

16 A. Correct.

17 Q. Holmes and --

18 A. Rocky Calveri.

19 Q. Rocky, okay. I'll screw up his last name,
20 so it's Rocky.

21 And that -- you guys felt that's the best
22 you could get?

23 A. Yes.

24 Q. Why did you feel that way?

25 A. That's what we do, that's our job.

1 Collectively we felt that was -- we were at the
2 agreement we were going to bring back to our BPR
3 for consideration.

4 Q. Prior to starting the discussions with
5 Airways in the summer on MOU I, did the BPR provide
6 guidance to the negotiating committee as to what it
7 wanted the negotiating committee to achieve during
8 those negotiations?

9 A. Yes.

10 Q. Okay. And did the negotiating committee
11 achieve those objectives in the form of MOU I?

12 A. We believe we did.

13 Q. Okay. So you were given the guidance on
14 what to achieve, so you're telling me today that the
15 NAC thought they achieved all of those and they were
16 embodied in MOU I?

17 A. I would have to clarify that we did not
18 achieve all of those. We believe that it was the
19 best that we could achieve and so we presented it.

20 Q. Okay. And then what happened when it was
21 presented?

22 A. The BPR deliberated over it for a few
23 days and then they voted. They voted to present it
24 to the membership, and then they also added a
25 second piece to recommend the membership vote no.

1 Q. And did that surprise you, personally?

2 A. Yes.

3 Q. Okay. And then what happened after the BPR
4 voted to send it to the membership with the no
5 recommendation?

6 A. We were tasked -- we, being the
7 negotiating advisory committee, were tasked to
8 return to Dallas -- actually, not to return to
9 Dallas, to go to Dallas, because we'd been
10 negotiating with US Airways in Phoenix. And we
11 were going to meet with US Airways there and the
12 APA for the very first time regarding MOU I. We
13 had not met with APA during that time frame at all,
14 it was just US Airways and USAPA.

15 Q. Why did you have to meet with APA at that
16 point over MOU I?

17 A. Because MOU I was attached to the CLA.

18 Q. Oh, okay. So you take the conditional
19 labor agreement that APA and Airways had negotiated,
20 correct?

21 A. Yes.

22 Q. And you have that sitting up here?

23 A. Yes.

24 Q. You know about in May of 2012, correct?

25 A. Correct.

1 Q. USAPA, NAC gets together with Airways mid
2 July of 2012 to negotiate something that's to be
3 attached to the conditional labor agreement.

4 Is that the process that was being
5 followed?

6 A. We met with US Airways in July and August
7 to negotiate a -- an agreement to attach ourselves
8 to the merger.

9 Q. Well, John, I'm trying to find out here,
10 this goes to the BPR and MOU goes to the BPR in
11 July -- August of 2012, correct?

12 A. Yes, sir.

13 Q. And the MOU I is what's presented to the
14 BPR to be considered?

15 A. Yes, sir.

16 Q. Was the conditional labor agreement also
17 presented to the BPR and was it explained, folks,
18 we've got the conditional labor agreement, the MOU is
19 really going to be attached to the conditional labor
20 agreement, so what the pilots all need to understand
21 before they vote is that they are voting on the
22 conditional labor agreement and the MOU as a total
23 package?

24 A. Yes, sir.

25 Q. That was explained?

1 A. Yes.

2 Q. To everybody?

3 A. And the CLA was presented to the
4 membership, or the board, much earlier in the
5 process, early 2012, they saw the term sheet, the
6 CLA. The CLA was executed in April --

7 Q. Um-hum.

8 A. -- before we saw it. Once it was
9 announced, that executed document was approved to
10 be shown to the board pilot representatives for
11 USAPA. That was probably May 2012. So that
12 documents -- it lives, it exists, it's complete.

13 Q. I guess what I'm trying to understand when
14 the pilots down here got the MOU I, what were they
15 told about the relationship between MOU I and the
16 conditional labor agreement?

17 A. The MOU I specifies -- that the MOU I
18 specifies that US Airways, the APA and USAPA have
19 entered into this agreement and that that agreement
20 is associated with the conditional labor agreement
21 already executed and entered into between APA and
22 USAPA.

23 Q. All of that was put together and sent out
24 to the pilots?

25 A. Absolutely.

1 Q. Okay. And what happened then when it was
2 sent out to the pilots?

3 A. There was nothing for the pilots to do.

4 Q. Well, how did they vote?

5 A. They did not vote.

6 Q. Why?

7 A. Because as the vote was taken, the
8 subsequent recommendation to vote no, the tasking
9 to go to Dallas, we arrive in Dallas and the
10 company says hey, nice to see you, go home, we're
11 entering into a nondisclosure period with
12 US Airways, negotiations are going to cease on
13 this. And that was -- that was it. So it never
14 was sent to the membership because those items that
15 the BPR requested for us to finish were not
16 finished.

17 Q. I guess what I'm confused about is I've
18 seen -- and correct me if I'm wrong, I've seen
19 documents that explain that the MOU was a document
20 that was negotiated over an eight-month period of
21 time.

22 You've seen those documents?

23 A. MOU I?

24 Q. Yes.

25 A. Yes.

1 Q. And that's not true, is it?

2 A. It is true.

3 Q. How can that be true when you only met with
4 Airways for 30 days to negotiate MOU I?

5 A. Understood. So your definition of
6 negotiation is only when we're sitting across from
7 US Airways?

8 Q. No, I'm trying to find out why you would
9 say that given what you have just told me, that MOU I
10 was negotiated over an eight-month period of time?

11 A. Maybe -- MOU I, and what went into MOU I,
12 and the desires of the pilots started the day we
13 received the conditional labor agreement from APA.
14 And we from that period forward were -- wanted to
15 be a part of the process. We were afforded the
16 ability to be a part of the process in July, and we
17 met with US Airways, and we structured the MOU I
18 that we delivered to the BPR.

19 Q. So when -- and I don't know if it's the
20 NAC, I think it's the NAC reporting to the pilots,
21 that the negotiations occurred over an eight-month
22 period of time.

23 Is it possible that some of the pilots
24 could have misunderstood what you meant by that?

25 A. No.

1 Q. Okay. So you get the -- you get to Dallas
2 early September, you show up for a meeting and the
3 company tells you to go home, right?

4 A. Yes.

5 Q. I've seen e-mails to the effect that Kirby
6 actually pulled -- or somebody pulled the MOU off the
7 table.

8 Is that what happened?

9 A. We were told that the MOU would not be
10 presented to the US Airways board of directors.

11 Q. Because of the vote of the BPR?

12 A. No, because they had entered into the
13 nondisclosure period.

14 Q. So the BPR decision not to endorse MOU I
15 was not the reason that the MOU I was pulled?

16 A. Not to my knowledge, no.

17 Q. Okay. And it's the nondisclosure agreement
18 that caused USAPA to be told, we can't talk to you
19 anymore for a period of time?

20 A. That's correct.

21 Q. And that period of time lasted until
22 approximately late November of 2012, correct?

23 A. Correct.

24 Q. So you were dark, so to speak --

25 A. A black out.

1 Q. -- from mid September 2012 through October
2 and November.

3 What negotiating activity, if any, did
4 USAPA engage in during that period of time?

5 A. This is where we go back to what you had
6 asked me earlier and there was some confusion.
7 This is when -- when we didn't see any light in the
8 dark period, as you explained it. We felt that we
9 really needed to not just be sitting around waiting
10 for something to happen. So we -- of course,
11 that's when we again tried to reengage the NMB in
12 single Section 6 agreement negotiations.

13 Q. And that some of that activity occurred
14 after Judge Silver entered her award in early
15 October 2012, correct?

16 A. Some of that activity after, yes.

17 Q. And USAPA sent letters to the NMB saying
18 there's no reason now that the negotiations can't go
19 forward because Judge Silver said they can, correct?

20 A. I don't have firsthand knowledge of that,
21 sir.

22 Q. And you weren't involved in that?

23 A. No, sir.

24 Q. Okay. But you do understand that the NMB
25 at some point in time decided not to help USAPA get

1 engaged again with Airways, correct?

2 A. With a qualifier.

3 Q. What's the qualifier?

4 A. That the NMB specifically said that until
5 they knew what the outcome of the American Airlines
6 merger with US Airways was going to be, that they
7 weren't going to do anything.

8 Q. Don't you think that that position of the
9 NMB should have been self-evident to USAPA during
10 that time period?

11 A. No.

12 Q. Why?

13 A. Because a potential merger between two
14 airlines --

15 Q. Okay.

16 A. -- has no relevance on Section 6
17 negotiations. That they owe us.

18 Q. Can we go here for a moment. I'm going to
19 jump around a little bit. I don't mean to
20 necessarily jump around, but I do have a few
21 documents that I think might relate to the time
22 period that we have just covered, which is most of
23 2012.

24 A. Sure.

25 (Exhibit Number 1091: Document entitled

1 USAPA Business Intelligence Report, May 29,
2 2012 marked for identification, as of this
3 date.)

4 Q. Okay. I want to show you what I've had
5 marked, John, as Exhibit 1091, if I can find it in my
6 mess here.

7 A. Yes, sir.

8 Q. It's a lengthy document. But can you just
9 identify this for me, if you can?

10 A. Yes. This was a presentation to the
11 pilots of US Airways that was created very early in
12 the process when we learned that there was going to
13 be a potential merger with American.

14 Q. And from the front page it looks like it's
15 a report from your business intelligence committee,
16 correct?

17 A. Correct.

18 Q. Okay. And you were the chairman of the
19 committee at that point in time?

20 A. Correct.

21 Q. And the date on this is, bottom left-hand
22 corner on Document 1091, militarily I guess for you,
23 29, May '12, correct?

24 A. Correct.

25 Q. It took me a few years to change when I got

1 out too, so looks like it took you longer than me.

2 What was the purpose of this document?

3 A. The purpose of this document was to
4 present a factual analysis of the state of affairs,
5 the industry, and, of course, the potential merger
6 at hand. As you can see that there's a correlation
7 here, there's -- that the two subject matter pieces
8 in here are US Airways and American Airlines for
9 the most part.

10 Q. And just let me ask you, when you were
11 preparing Exhibit 1091, who else was on the committee
12 with you at that point in time?

13 A. I believe Johan and I have stood in front
14 of the -- and been appointed by then. So I think
15 Johan was on with me at that point. Johan de Vicq.

16 Q. So if you could go -- and I don't have very
17 many questions about it, but go to the page in 1091
18 that's got the --

19 MR. SZYMANSKI: They actually have
20 numbers on them.

21 MR. HARPER: That's why I'm going to go
22 to page four.

23 A. Yes, sir.

24 MR. SZYMANSKI: I know we have had other
25 exhibits, but it's multipage exhibits that

1 don't have numbers -- page numbers on them,
2 but this one fortunately does.

3 Q. Fourth bullet down. Let me just read it.
4 It says, no one disagrees that we have invested
5 heavily in the survival of the company and that we
6 are overdue for our fair share. And then you go on
7 to say something more.

8 When you say, we have invested heavily,
9 what did you mean by that?

10 A. Pilots of US Airways.

11 Q. Both East and West?

12 A. Absolutely.

13 Q. So in the documents you tried to put out
14 from the business intelligence committee, and correct
15 me if I'm wrong, it's supposed to be a balanced
16 presentation not distinguishing between East and West
17 as best you can?

18 A. Absolutely.

19 Q. That's what you and Johan were attempting
20 to do?

21 A. Yes, sir.

22 Q. And you were attempting in these documents
23 to present an accurate presentation to all of the
24 US Airways pilots as best you could, correct?

25 A. Educational process, yes.

1 Q. And did the two of you work collaboratively
2 on the presentation -- preparation of this materials,
3 or did you take the lead and do most of it yourself?

4 A. I think on this particular document a
5 good -- a large majority of pieces and parts that
6 were done had been accomplished prior. So I was
7 collecting data that I had done. But I do believe
8 that Johan and I did collaborate on the scope
9 section of this, didn't we?

10 MR. SZYMANSKI: You can't ask him.

11 THE WITNESS: Oh, I'm so sorry.

12 MR. SZYMANSKI: This is only the
13 deposition of your knowledge at this point,
14 not a collective effort.

15 THE WITNESS: My apology.

16 MR. SZYMANSKI: That's okay.

17 Q. And let me just go then and ask a couple
18 questions. If you go to page 20.

19 What do you mean by total cockpit cost per
20 block hour?

21 A. The airlines present data and form data,
22 and in that data this is a standard metric, total
23 cockpit cost per block hour. And basically this is
24 just a comparison of what the cockpit costs per
25 block hour is at US Airways as opposed to what the

1 cockpit cost per block hour is at American
2 Airlines.

3 Q. And if you go to on page 21, what's the
4 difference between the block hour total cockpit cost
5 and what you have on page 21 total cockpit cost?

6 A. Total cockpit cost per block hour is
7 based on -- there's going to be a factor in there
8 that has block hours, you know, flown, okay? And
9 so all those mathematic pieces are going into this.
10 Total cockpit costs on the next page just talks
11 about, as you look at the top, pay rates, profit
12 sharing, premiums, per diem, retirement, health and
13 welfare as it is laid out there.

14 Q. So those items are taken into collective
15 consideration and drive the number, for example, for
16 American Airlines at \$1.7 billion, approximately?

17 A. Correct.

18 Q. And for US Airways, \$667 million,
19 approximately?

20 A. Correct.

21 Q. And why -- why was it important to be -- to
22 present this type of information back in May of 2012?

23 A. What I'm drawing is is a picture of
24 possibly why American is in the bankruptcy position
25 that they're in, and also how woefully below

1 industry standard the pilots of US Airways are.

2 Q. So, in other words, in my terms, you're
3 saying -- this perhaps is saying American Airlines is
4 spending too much in total cockpit cost and you guys
5 are getting paid way less than what you're entitled
6 to be paid?

7 A. I think it's fair to say that I am
8 showing that we are getting compensated below
9 industry standard, yes.

10 Q. But that 667 million is a pretty solid
11 number when you calculated it and put it together, as
12 best you can tell?

13 A. As best I can tell.

14 Q. Can you turn --

15 MR. HARPER: And I'm going to drive you
16 batty, Pat, because it has no number on it.

17 Q. But John, if you go to page 49, and then go
18 two pages after that.

19 A. Yes.

20 Q. There's something here called, look for
21 your year of hire to see percent of pilots who will
22 be more senior.

23 Do you see that?

24 A. Yes.

25 Q. What is that attempting to show?

1 A. I think what this -- if I recall, was
2 basically how with attrition -- this was based on
3 attrition. So what we're trying to show is that
4 the massive impact of attrition that's about to hit
5 the industry, what that's going to do to you.
6 Because it's always about what is it -- in it for
7 me?

8 Q. But this -- I may just be wrong in this,
9 but it seems to me that this page is a presentation
10 based upon date of hire, isn't it?

11 A. It's based on the year of hire, correct.

12 Q. Date of hire.

13 So when you did this, you just assumed
14 going forward that the seniority list would be date
15 of hire?

16 A. Negative.

17 Q. Well, then --

18 A. I just chose a metric to provide a chart.
19 There's so many metrics that we can provide. We
20 can't do that. This is just a simple metric to
21 provide a look. Everybody knows when they were
22 hired, and that's basically what this is about.

23 Q. And so, I mean, one way of reading this is
24 you're telling the West pilots hey, look, even though
25 you were hired a short time ago, just stay with this

1 for a period of time because eventually you're going
2 to get to the top?

3 A. No. My intention on this was purely
4 factual, purely factual. There's a massive
5 retirement coming in the industry, we addressed the
6 retirement. It had nothing to do with addressing
7 East or West or the seniority integration.

8 Q. Go back to page four, Pat will like this,
9 last bullet.

10 A. Sure.

11 Q. You told me earlier that this was a
12 balanced report, East/West, that this -- that
13 bullet's really not, is it? Our true power is
14 solidarity, three dot ellipse, restricted by an
15 injunction.

16 That was all East, wasn't it?

17 A. Well, the airline is under an injunction.
18 The pilots of the airline.

19 Q. It's because of the conduct by the East
20 pilots, not the West pilots?

21 A. Our true power is solidarity. Okay, so
22 solidarity means everyone. And I think I was
23 sending a message that we need to be acting as one.
24 And we -- even as acting as one, within -- with a
25 restriction of an injunction, it limits our ability

1 to do certain things.

2 Q. But you'll agree with me the West pilots
3 didn't cause the injunction to be imposed?

4 A. I don't have enough knowledge about that,
5 sir. I was not part of that.

6 Q. The slow down was only precipitated by East
7 pilots, wasn't it?

8 A. Sir, I was not involved in any of that.

9 Q. But you're writing about it.
10 What was the message you were attempting to
11 communicate?

12 A. I think I've answered your question.

13 Q. Okay.

14 (Exhibit Number 1092: Document entitled
15 APA Term Sheet Comparison, Bates USAPA 237849
16 - 885 marked for identification, as of this
17 date.)

18 Q. I want to show you what I've had marked,
19 John, as 1092. Again, it's a multipage document.

20 MR. HARPER: We've deliberately obviously
21 only copied a portion of the page numbers,
22 Pat, so that --

23 MR. SZYMANSKI: I think that may have
24 happened when we produced them and the Bates
25 numbers were imposed on it --

1 MR. HARPER: Yeah.

2 MR. SZYMANSKI: -- so I don't think you
3 should accept responsibility for that.

4 MR. HARPER: Okay.

5 John -- John wants to blame our
6 paralegal.

7 MS. AXEL: Not our paralegal, the other
8 Susan.

9 MR. SZYMANSKI: Our paralegal.

10 Q. Can you identify 1092 for me, John, please?

11 A. The APA term sheet comparison, John
12 Owens, USAPA business intelligence.

13 Q. Does this mean this document was prepared
14 only by yourself?

15 A. Yes.

16 Q. And was this document disseminated to all
17 of the USAPA, US Airways pilots?

18 A. This document, my -- my recollection was
19 it was disseminated to the Board of Pilot
20 Representatives.

21 Q. Okay. Now, this -- under your name it
22 says, side-by-side comparison of US Airways/APA term
23 sheet and AMR last, best, final, correct?

24 A. Correct.

25 Q. But there's no date on the front page. Can

1 you tell me if -- maybe I missed it.

2 Can you tell me approximately when this
3 document was prepared?

4 A. I think it was prepared probably
5 sometime -- July -- June, July time frame.

6 Q. If we use our previous agreement that the
7 last best offer occurred on or about July 1, 2012, is
8 that in the neighborhood of the date in which --

9 A. Yes, sir.

10 Q. -- you prepared Exhibit 1092?

11 A. As best as I can recollect, yes.

12 Q. Okay. And let's see if I can get some more
13 terms here.

14 You talked about a confidential labor
15 agreement. Is Exhibit 1092 analyzing the
16 confidential labor agreement or conditional labor
17 agreement?

18 A. Correct.

19 Q. Yeah.

20 It is?

21 A. Yes. Side-by-side comparison of
22 US Airways APA term sheet. The term sheet was what
23 we called the document -- over time we -- we've
24 learned that it's best that we all call it the
25 Conditional Labor Agreement, CLA.

1 Q. Okay. So they're one in the same. When
2 you say APA term sheet and the conditional labor
3 agreement, that's what we're talking about?

4 A. Yes, sir.

5 Q. And then if you go to the next page,
6 whatever that number is, top left-hand column, US
7 Airways/APA term sheet, under that you have 4/13/12.

8 Is that the date of the conditional labor
9 agreement then?

10 A. That was the date of the document that I
11 was working off of.

12 Q. Okay. And then as you go through this and
13 talk about the term sheet conditional labor
14 agreement, these are the terms, as you put in the
15 left-hand column, that you derived and took out of
16 the conditional labor agreement, correct?

17 A. Cut and paste.

18 Q. Okay. And then in the right-hand corner,
19 you're comparing that against the American
20 Airlines -- is that American or -- tell me then, the
21 AMR last, best, final offer --

22 A. To the pilots of American.

23 Q. So that's AMR's?

24 A. Yeah, yes.

25 Q. Okay. So Airways on the left-hand side is

1 being compared to AMR's last, best, final offer on
2 the right-hand side?

3 A. Basically, that's exactly correct. What
4 I'm comparing is, is the deal that US Airways put
5 together with Allied pilots, as opposed to the deal
6 that AMR put together with the Allied pilots.

7 Q. And to what purpose did you intend this
8 document to be put?

9 A. Once again, just factual educational
10 data.

11 Q. And you understood it went to the BPR,
12 correct?

13 A. Yes, sir.

14 Q. Did Exhibit 1092 -- maybe I've asked you
15 this, and I apologize, go to the US Airways pilots?

16 A. I don't recall if it ever did or not.

17 Q. Okay.

18 (Exhibit Number 1093: US Airline Pilots
19 Association Legal Update - Change of Control
20 dated 5/5/12, Bates WP020388 - 392 marked for
21 identification, as of this date.)

22 Q. Can you identify Exhibit 1093, John?

23 A. Yeah. August 20, 2013.

24 Q. Well, I'm sorry.

25 A. US Airline Pilots Association.

1 Q. No, it's May 5th, 2012?

2 A. Oh, I see. I was reading at the top, Ken
3 Holmes' e-mail, I'm sorry.

4 May 5th, 2012, legal update change of
5 control. This is a publication by the US Airline
6 Pilots Association.

7 Q. Did you have any involvement in preparing
8 this update?

9 A. Give me a minute to read this particular
10 update.

11 I -- yes. I've simply provided the -- I
12 cut and paste the -- or I actually cut the -- these
13 pay charts out and provided the pay charts.

14 Q. And where did you get the pay charts from?

15 A. The document library on the website, one
16 of the -- one of the many, many letters of
17 agreement. I don't recall exactly which one.

18 Q. And what do -- do you have any
19 understanding of what these rates that you clipped
20 and were attached to Exhibit 1093 represent?

21 A. These represent rates that would -- that
22 were published to take effect if a change of
23 control -- a change of control was triggered.

24 Q. And they were published in a prior letter
25 of understanding or letter of agreement that

1 addressed change of control, what it was and what
2 would happen if there was a change of control,
3 correct?

4 A. Yeah, it was part of the collective
5 bargaining agreement.

6 Q. Right.

7 Also referred to as snap back rates?

8 A. I don't -- I never used that term myself,
9 no.

10 Q. But the idea is that if there's a change of
11 control that triggers -- that is triggered by a
12 merger transaction, then the East pilots would be
13 entitled to higher rates of pay, correct?

14 A. Yes, this was a part of the East
15 collective bargaining agreement and that if certain
16 provisions of this change of control language were
17 triggered for whatever reason, these were to
18 represent the rates of pay.

19 Q. For the East pilots only?

20 A. Correct.

21 Q. And not even all of these East pilots,
22 because I understand there were certain categories of
23 East pilots that weren't covered by this labor
24 agreement at the point in time that it was entered
25 into?

1 A. Correct.

2 Q. Okay. Did you personally ever do any
3 calculations on if this happened under this scenario
4 that arose in MOU I or MOU II, how much value would
5 be associated with that to the East pilots?

6 A. I did.

7 Q. Okay. Do you know where you -- were those
8 calculations found someplace?

9 A. Yeah, there was --

10 Q. So it's in a document that -- that went
11 out?

12 A. Sure. Yes, sir.

13 Q. Did Johan help you calculate those docu-
14 -- rates or did you do it yourself?

15 A. Let me think.

16 I -- I think I did share with Johan some
17 of my work on that. I do believe I did. But I
18 will, for the record, I predominantly did the math
19 involved.

20 Q. All right. And you did that approximately
21 when?

22 A. I think that would be in the October,
23 November time frame of 2012.

24 Q. Right.

25 And if you can recall -- 2012. That's

1 before MOU -- MOU II was negotiated?

2 A. Correct.

3 Q. In your work you did in October of 2012,
4 did you anticipate the point in time when the change
5 of control might be triggered by a merger and
6 therefore theoretically the book rates that you have
7 here would be available to the East pilots?

8 A. Yes.

9 Q. And what did you use as the assumption, all
10 of 2013 and all of 2014?

11 A. No.

12 Q. What did you use?

13 A. An anticipated plan of reorganization
14 date. And I believe I used August -- or
15 September 1st. I'm not exactly sure exactly --
16 well, looking at it -- but that basically
17 precipitated a mid-year POR, and if the provisions
18 were to be triggered, that's how I conducted my
19 math moving forward.

20 Q. For what period of time, 13 to 15 months or
21 18 months?

22 A. Yeah, I think 18 months out, I believe --

23 Q. Why did you pick 18 months?

24 A. Because we felt that based on the, you
25 know, assumptions, assumption, assumption,

1 assumption, that 18 months would most likely be the
2 time -- could be the time -- the earliest time that
3 US Airways may be -- or not US Airways, excuse me,
4 USAPA could be -- I'm looking for a particular
5 word. I'm sorry. Replaced by APA, collective
6 bargaining agent.

7 Q. Okay. And in that answer you just gave me,
8 you used the word, we assumed. Who is the we?

9 A. I mean, I think it was we collectively --
10 what -- what information the organization had at
11 hand.

12 Q. Who did you work with in putting this
13 evaluation together?

14 A. Oh, I worked with Pat Szymanski. I
15 worked with -- ran a lot of my work by Dean
16 Colello. And I also shared my work with Ken
17 Holmes, and some of it with Rocky.

18 Q. Okay. And in doing this work, did you just
19 assume that if there was a change of control, US
20 Airways would agree and say, okay, guys, tomorrow
21 afternoon we're going to start applying the book
22 rates, or was there any risk analysis that you
23 utilized to evaluate this?

24 A. My assumption was that I didn't get into
25 that -- that's -- that's out of my pay grade.

1 Those discussions were had between the organization
2 and their advisors as to what the likelihood was.
3 My analysis was purely if -- if you change control
4 rates did happen, what would it look like? Or if
5 we do get a POR and these rates, what would they
6 look like over the same period of time? To try to
7 deliver something for the pilots to make a decision
8 on.

9 Q. So you were trying to put together a
10 comparison, and let me just see if we can get on the
11 same page here.

12 Did you assume in your work that if an MOU
13 was agreed to and a plan of reorganization eventually
14 came about, that the MOU rates would go into effect
15 at a certain period of time going forward?

16 A. I assumed that the MOU rates -- I used
17 apples-to-apples comparison. So if change of
18 control were triggered, it would be triggered at
19 the POR. So from that date to a period in time, I
20 took the rates for a change of control and that
21 same date and the same period of time, I took the
22 rates of the new.

23 Q. But you also assumed for that work that the
24 East pilots wouldn't get both the change of control
25 rates and the MOU rates, correct?

1 A. Correct.

2 Q. So they would get the change of control
3 rates only if the MOU was not -- theoretically, they
4 would get the change of control rates only if the MOU
5 was not ratified?

6 A. I'm not sure I understand your question.
7 If the pilots did not elect to use a procedure to
8 go to an MOU and decided to go to the merger as a
9 stand-alone as we sit today, and change of control
10 was triggered, that's the math I did. If you take
11 and negotiate and agree to an MOU with these pay
12 rates from that same date forward, this is the pay
13 you would make.

14 Q. Yeah, let's stay on track one, track two.
15 Track one, they approved the MOU, as we did, as the
16 pilots did in February. And if the POR had gone
17 final when Judge Lane approved it last Friday, a week
18 ago, then from that point on the East/West pilots
19 would be given the rates that are included in the APA
20 Green Book, correct?

21 A. Correct. We would -- I used those rates
22 from that period of time, yes.

23 Q. Okay. And if the MOU had not been
24 ratified, then you're assuming that the merger would
25 have gone through without USAPA, correct?

1 A. No, I'm assuming that the merger would
2 have gone through with the APA and US Airways
3 having a term sheet.

4 Q. Right. Okay. That's right.

5 And so at some point in time the rates and
6 those term sheets would be applicable to all
7 US Airways pilots when and if a joint collective
8 bargaining agreement was negotiated between APA and
9 new American.

10 And APA was the exclusive bargaining
11 representative for all pilots, correct?

12 A. Well, not exactly. It assumed that up
13 until a period of time where USAPA could be forced
14 to a contract --

15 Q. Yeah.

16 A. -- these are the figures we knew.

17 Q. Right.

18 A. I knew change of control, and I knew what
19 was in the term sheet. I didn't know what was
20 going to happen from --

21 Q. I think we're going to get to that. But I
22 think we're on the same page.

23 A. Yeah.

24 Q. There are perhaps two ways of going.

25 Either ratifying the MOU or not ratifying the MOU,

1 and then assuming certain things are going to happen
2 if the MOU was not ratified by USAPA pilots, correct?

3 A. Well, I don't know that I was assuming --
4 it's -- I don't know that it was dependent upon --
5 and I'm not trying to be difficult, Marty. I don't
6 know that it was dependent upon ratification.
7 Remember, when I do math, I'm doing it very -- just
8 unemotionally and factually. So what I look at
9 is -- is if the pilots of US Airways had a change
10 of control event at the plan of reorganization,
11 here's the math.

12 Q. Okay.

13 A. If you take the MOU and -- which
14 ratified, and this is the math.

15 Q. I got it. Okay.

16 We'll get to it. I think we're both on the
17 same page, I'm just not as astute in this area as
18 you. And I just need at some point in time to figure
19 out how you did the math. So...

20 Now, you also indicated that you took --
21 and I think you made reference when we were looking
22 at 1093, that change of control, numbers, risks and
23 other things were done between USAPA and its
24 advisors, I think those are the words that you used.

25 What advisors did you mean?

1 A. The grievance committee, the attorneys
2 for USAPA.

3 Q. Didn't USAPA use some other outside
4 consultants to do some analysis of the value of
5 change of control?

6 A. Not during this -- not during the process
7 that you and I are talking about.

8 Q. No, but afterwards, after October of 2012?

9 A. I did not, no.

10 Q. Before did they use some outside advisors
11 to do an analysis of the value of the --

12 A. I believe so.

13 Q. And do you know who that was?

14 A. I believe a gentleman by the name of Rick
15 Salamat.

16 Q. And did you ever see his work?

17 A. I did.

18 Q. What did you see from Rick Salamat?

19 A. Numbers.

20 Q. One page with some numbers at the top?

21 A. I saw a roll up of his analysis, a very
22 vanilla analysis of what this would entail.

23 Q. And how did his numbers compare to your
24 numbers?

25 A. They were -- they were close, but they

1 weren't exactly the same.

2 Q. Were yours higher or lower?

3 A. My number on change of control was, I
4 believe, lower than his number.

5 Q. Did you do any evaluation of the value of
6 the co-chair if USAPA was to give it up as part of
7 the negotiations for the MOU?

8 A. I did not personally.

9 Q. Why not?

10 A. I was -- I was engaged at the time in
11 full-time negotiations, and I just did not have --
12 I did not have the time to physically do it myself.

13 Q. Do you know if anybody did an analysis for
14 USAPA as to the value of the co-chair --

15 A. Yes.

16 Q. -- And if it was to be given up, what was
17 the value associated with that?

18 A. I believe there was an analysis done on
19 route -- the combined route structure of the two
20 airlines and with an attempt to address co-chair.

21 Q. Did you see that work?

22 A. I did.

23 Q. Do you recall what they --

24 A. It was in numerous pages, and I was in
25 Dallas when -- and I just -- I did not study it.

1 Q. Earlier today we had Crimi in here for a
2 deposition, and he made the statement that he thought
3 that the combined value of all of the scope issues --
4 and I think, in scope for sure, he was putting change
5 of control and co-chair, and he may have had some
6 other items that he was unable to recall in there.
7 But he put the total value for those at one billion
8 dollars.

9 Would you agree with that?

10 A. I wouldn't -- I can't comment on Steve's
11 math.

12 Q. Why?

13 A. I have no idea what went into his math.

14 Q. Do you get along with him?

15 A. Yes, professionally.

16 Q. You know, he sat in here this morning and
17 said that you were dishonest.

18 Is there any reason for that?

19 A. Is this -- this is truth? You're telling
20 me the truth?

21 Q. I wouldn't tell you a lie.

22 A. I have no idea why Steve Crimi would say
23 that about me.

24 Q. We couldn't tell if he just didn't think
25 you were providing honest numbers to the membership

1 for evaluation.

2 You tried to do that, didn't you?

3 A. Absolutely.

4 Q. And everything you've tried to give at the
5 BPR you -- I've been told you tried to do it
6 straightforwardly and analytically, the way you and
7 Johan do this, I've come to learn. And that's what
8 you attempted to try, correct?

9 A. Yes.

10 Q. Okay. You want to take a break?

11 A. Yes, please.

12 Q. Okay.

13 A. Thank you.

14 (A BRIEF RECESS WAS TAKEN.)

15 (Exhibit Number 1094: E-mail document
16 from John Owens dated 6/18/12, Bates USAPA
17 226899 - 902 marked for identification, as of
18 this date.)

19 Q. John, I want to show you what I've had
20 marked as Exhibit 1094. It's a two-page document.
21 Is that what you have?

22 A. Yes, sir.

23 Q. Okay. This is a e-mail from you to the
24 officers. And I assume that's USAPA officers,
25 June 18, 2012, correct?

1 A. Yes, sir.

2 Q. What is it that you prepared here?

3 A. Actually --

4 Q. Did you prepare this?

5 A. I did not. I copied it off the internet.

6 Q. Okay.

7 A. And it looked like a very nice, quick, to
8 the point summary on what McCaskill-Bond is. I
9 think it's from the perspective of flight attendant
10 union or something.

11 Q. So you just took this from someplace and
12 passed it onto the officers?

13 A. Yep.

14 Q. You were asked to do that?

15 A. No, just informational, you know,
16 business intelligence guy.

17 Q. Okay. Do you personally have any position
18 as to whether or not the West pilots as a group are
19 entitled to a seat at the table in the McCaskill-Bond
20 process?

21 A. I do not.

22 Q. So you don't have a position one way or the
23 other?

24 A. No, sir.

25 Q. Okay. I appreciate that.

1 A. All set with this, sir?

2 Q. We're done.

3 (Exhibit Number 1095: E-mail string with
4 the top from John Owens dated 8/16/12, Bates
5 USAPA 211141 - 142 marked for identification,
6 as of this date.)

7 Q. I want to show you what I've had marked,
8 John, as 1095. The reason I do show you this is
9 because of my previous point. This is a memo from
10 yourself to Bradford and King, August 16, 2012.

11 Do you see that?

12 A. Yes.

13 Q. So this is after the campaign, correct?

14 A. Yes.

15 Q. And you write to them, please keep this off
16 the USAPA server.

17 Do you see that?

18 A. I do.

19 Q. What were you -- why were you writing that
20 in connection with this document in August of 2016?

21 A. I think this -- I recall why. I think
22 that they sent this to my -- they elected to send
23 me this conversation unsolicited, and I believe
24 they -- I'm not sure if -- is that my USAPA e-mail
25 address. And I don't want to be associated with

1 this conversation.

2 Q. Why?

3 A. Because as a negotiating chairman -- or
4 negotiating committee member, I am seniority
5 defunct, neutral. I'm not -- I do not want to
6 address it. I want to work on a contract. So I
7 don't want to get into these discussions.

8 (Exhibit Number 1096: Document entitled
9 Memorandum Of Agreement Regarding Negotiations
10 Over Contingent Agreement, Bates USAPA 205034
11 - 037 marked for identification, as of this
12 date.)

13 THE WITNESS: I need to have a quick
14 conversation with counsel.

15 MR. SZYMANSKI: You don't have a question
16 pending, so...

17 MR. HARPER: Yeah, you can.

18 (A DISCUSSION WAS HELD OFF THE RECORD.)

19 Q. Can you identify Exhibit 1096 for me, John?

20 A. USAPA proposal dated 7/13/2012,
21 Memorandum of Agreement Regarding Negotiations Over
22 Contingent Agreement.

23 Q. So this is a proposal put together to USAPA
24 in July of 2012 to present to US Airways; is that
25 correct?

1 A. This is a -- I don't know if this was a
2 -- this was obviously a work product of some sort
3 in transition. Based on the date, I would have to
4 say MOU I.

5 Q. Right.

6 Okay. So I'm just trying to put it into
7 the time period. Exhibit 1096 is a document -- a
8 proposal from USAPA put together at the point in time
9 when AMR has the last best proposal to APA. They're
10 over there talking and USAPA and Airways -- USAPA's
11 attempting to get Airways to engage in negotiations?

12 A. Yes, I think we're starting to -- we're
13 trying to work up something.

14 Q. Okay.

15 A. We're working on something.

16 Q. Do you have any recollection, is this the
17 first proposal that USAPA put together?

18 A. No, I don't believe it is, you know. I
19 mean, I don't -- there were, as you can imagine, so
20 many iterations of this.

21 Q. Well, I can't imagine that because we don't
22 have very many documents that were produced during
23 this time period.

24 A. Well, between, you know, the term sheet
25 MOU I, MOU II, you know, all the way through.

1 Q. Oh, I'm just looking at the beginning --
2 the 30 days leading up to MOU I.

3 A. Okay, okay. Yeah, this -- okay.

4 Q. Okay. And you put -- you were on the
5 committee, though, at that point in time for
6 negotiations; is that correct?

7 A. I don't --

8 Q. You may not have been?

9 A. I don't think I was on the committee at
10 this time.

11 Q. I thought you told me you went on the
12 committee about --

13 A. I mean, this is right around that area.
14 I think this -- this particular document was a
15 product of the previous NAC.

16 Q. Well, under DiOrio?

17 A. I believe -- I believe so.

18 Q. Okay. And so you distinguish between the
19 old NAC under DiOrio and the new NAC under Colello
20 with you coming on the committee?

21 A. Oh, absolutely, because I wasn't privy to
22 any of this.

23 Q. Okay.

24 A. Can I look at my affidavit again or my
25 declaration again, please?

1 Q. Sure.

2 MS. AXEL: It should be in there.

3 THE WITNESS: It is. I just wanted to
4 make sure I did and want to just reach for it.

5 MR. SZYMANSKI: 1090.

6 A. Okay. I didn't specify a date for when I
7 was appointed.

8 Q. No, no.

9 A. Okay. Thank you.

10 Q. Okay.

11 (Exhibit Number 1097: Document entitled
12 Memorandum of Understanding Regarding
13 Contingent Collective Bargaining Agreement,
14 Bates USAPA 222128 - 133 marked for
15 identification, as of this date.)

16 Q. I'm going to show you what I've had marked
17 as 1097. John, see if you can identify it for me.

18 A. Yes, Memorandum of Understanding
19 Regarding Collective Contingent -- Contingent
20 Collective Bargaining Agreement marked against
21 US Airways August 3rd, 2012 proposal.

22 Q. Okay. And just to help me again, this is a
23 document that was prepared in August of 2012,
24 correct?

25 A. Yes, sir.

1 Q. By the USAPA negotiating committee?

2 A. Yes, I believe so.

3 Q. And it purports to be at least a working
4 draft of a potential agreement between US Airways,
5 APA and USAPA, correct?

6 A. At this point in time, it would have been
7 a working agreement between US Airways and USAPA.

8 Q. Only?

9 A. Only.

10 Q. Because APA was -- hadn't come back and
11 wasn't talking to USAPA during this time period?

12 A. Well, they weren't in the room with us.
13 That's what I mean. It was -- when this document
14 was being written, it was just the US Airways
15 management team and the USAPA negotiating advisory
16 committee.

17 Q. What was the anticipated plan to get APA to
18 sign onto whatever agreement USAPA and Airways would
19 reach?

20 A. Well, we were basing it off of the
21 conditional labor agreement that they had already
22 executed with US Airways, and we were attaching
23 ourselves in some way, shape or form of trying to
24 do that. So I don't know that at this point in
25 time, we really even had that discussion as to how

1 we were going to convince them or not convince
2 them. I don't think it was -- it really wasn't
3 ever discussed in that fashion.

4 Q. In this document, does it reflect, John,
5 the points in the substantive elements that USAPA was
6 attempting to negotiate with US Airways?

7 A. If your question is that our -- the
8 substantive portions of this -- the substantive
9 portions of this were protections that we go back
10 to -- we've been working on for quite some time.
11 And so we're trying to incorporate those
12 protections into an agreement with US Airways.

13 Q. And protections in the sense that these
14 were points you needed to have to make sure that
15 USAPA didn't lose some benefits that they already
16 have or perpetuated new benefits going into the
17 future? Is that --

18 A. You know, basically we were trying to
19 make sure that the -- that the interest of the
20 pilots were being, you know, covered. That there
21 wasn't going to be any -- there's -- I mean, it's a
22 long, long conversation. But what this does is it
23 seeks to protect the pilots of US Airways during a
24 transition phase to a joint collective bargaining
25 agreement.

1 Q. Okay. And then McCaskill-Bond provisions
2 in Exhibit 1097 are set forth in paragraph nine on
3 USAPA 222131. That's the Bates number down at the
4 bottom right corner.

5 A. Okay, I see that, sir.

6 Q. Yeah.

7 Do you see that paragraph?

8 A. Paragraph?

9 Q. Nine.

10 A. Oh, nine. I was looking at nine, it's
11 crossed out.

12 Q. No, the new nine.

13 A. Yes, sir.

14 Okay. And your question is, sir? Please
15 repeat it.

16 Q. These are the McCaskill-Bond provisions
17 that was included in the USAPA proposal in August of
18 2012 in the form of Exhibit 1097, right?

19 A. This was the -- yeah, I mean, this is --
20 paragraph nine talks about McCaskill-Bond --

21 Q. Yeah.

22 A. -- as we were in this process of
23 negotiating with the company.

24 Q. And this -- the paragraph nine language is
25 the language on McCaskill-Bond that the NAC, on

1 behalf of USAPA, was advancing in August of 2012,
2 correct?

3 A. I believe, to answer your question most
4 correctly, this was the language presented to us by
5 the company, and we were working off of that.

6 Q. And you were making, at least at this
7 stage, a couple minor amendments to that, or
8 proposing a couple minor amendments, correct?

9 A. Yeah, it looks like there were some
10 mark-ups here, yes, sir.

11 Q. All right. Would you agree with me that
12 paragraph nine, as you read it, in Exhibit 1097 is
13 seniority neutral?

14 A. Okay. So the -- from -- after the first
15 sentence it's all boilerplate language. The pilot
16 representative shall deliver an integrated
17 seniority list in accordance with the
18 McCaskill-Bond process within 24 months of the
19 effective date. Basically, it doesn't address it
20 either way. It just says that if you guys have an
21 MOU, and we get this together, that we -- you want
22 to make sure that we don't have this problem again,
23 and we want a list in 24 months.

24 Q. But it's neutral, doesn't address seniority
25 one way or the other, does it?

1 A. No.

2 Q. So you agree with me that this language in
3 paragraph nine in Exhibit 1097 is seniority neutral?

4 A. It does not -- it just talks about --
5 yeah, for the most part, yes.

6 Q. Okay. So the answer is yes?

7 A. Yes.

8 Q. After we hem and hawed, I get a yes answer.

9 A. I mean, I just -- I don't even -- that
10 question doesn't really -- it's hard to -- that
11 question doesn't -- isn't even reflected in nine.
12 So that's why it's hard to answer the question.

13 What it says in nine is there will be a process
14 that within 24 months you will -- these pilots will
15 get together and give the company a seniority list.

16 Q. Is doesn't say anything about which list,
17 how it's going to be -- the list is going to be --
18 just seniority neutral?

19 A. Correct.

20 Q. And what --

21 A. But it doesn't say seniority neutral.

22 Q. I'm just asking your impression of this?

23 A. My impression is that this lays out a
24 timetable for which the merged entity will deliver
25 a integrated seniority list to the company.

1 Q. Right.

2 Now, previously you said, yes, this is
3 seniority neutral. Now you're wanting to talk about
4 it more.

5 Are you changing your prior answer?

6 A. I am.

7 Q. Why?

8 A. Because seniority neutral -- neutrality
9 is not -- is really not a part of the discussion in
10 nine.

11 Q. Why not?

12 A. I mean, it's a definition. I mean, this
13 is basically just spells out a timetable.

14 Q. Yeah, but it doesn't say --

15 A. Are you asking me -- are you asking me
16 whether this was designed to be seniority neutral?

17 Q. No. I'm just asking you if you agree with
18 me the way it's written back in October of 2012 that
19 it was seniority neutral?

20 A. Back in October of 2012, this paragraph
21 does not discuss any particular seniority list
22 other than the combined seniority lists in
23 24 months, correct, yes.

24 Q. Yes, what?

25 A. Yes, it does not discuss any other list

1 than a combined seniority list 24 months from the
2 effective date. So I'm not trying to avoid your
3 question. I don't want to get into a discussion of
4 seniority neutrality in a discussion of a procedure
5 that specifies a time frame when the joint merged
6 airline will deliver a list -- a single list to the
7 company.

8 Q. Well, you were more than willing to engage
9 in that discussion in August of 2012 when you
10 presented your first declaration, weren't you?

11 A. Absolutely. I mean --

12 Q. So you were willing to do it then, but
13 you're unwilling to do it now?

14 A. You're not asking me the question, Marty.
15 Ask me the question.

16 Q. I did.

17 A. No, you didn't. You're asking me --
18 you're asking me about this paragraph. And if I'm
19 answering your question, this paragraph isn't
20 seniority neutral. Did the negotiating advisory
21 committee want to be seniority neutral?
22 Absolutely. And we still do today.

23 Q. Why isn't this seniority neutral?

24 It talks about a process that's going to
25 lead to a list without saying anything about the

1 lists that are going to be involved.

2 Why isn't that neutral?

3 A. Neutral to what?

4 Q. Whatever your definition of neutral is.

5 A. Well, that's -- that's the problem. It's
6 your definition of neutral.

7 Q. No, it isn't.

8 A. You're asking the question.

9 Q. I'm working off your definition of
10 seniority neutral in paragraph ten of the MOU -- of
11 your declaration.

12 A. Okay. In my declaration -- my
13 declaration --

14 Q. I've just got to take what you're going to
15 give me. But you've given me yes, it is neutral, no,
16 it's just a process --

17 A. Okay.

18 Q. -- I really don't want to answer the
19 question.

20 A. But how is my declaration of MOU II that
21 you're trying to force upon me in MOU I, that those
22 two don't work together?

23 Q. I'm not. I'm not trying to force anything.
24 I'm just saying, you're back in August of 2012 on the
25 NAC trying to reach an agreement with US Airways over

1 terms and conditions of employment, correct?

2 A. And I would agree with you that I
3 preferred the language to not address the current
4 seniority lists.

5 Q. Right.

6 You just got really upset with me with that
7 other one. You said, get it out of here, I don't
8 want to take a position because I'm on the NAC.

9 A. That's correct.

10 Q. Paragraph nine --

11 A. Does not take a position.

12 Q. So that's neutral?

13 A. If that's your definition of neutral,
14 yes, Marty, that's neutral.

15 Q. Okay. Is there anything in this
16 Document 1097 that is not seniority neutral?

17 A. Jeepers, I'd have to go back through it.
18 But I -- I would say that I don't know without
19 rereading it. But I can assure you the intention
20 was for it to be seniority neutral.

21 Q. Okay. Do you want to read it to make sure
22 that there's nothing in here that would be contrary
23 to your answer then?

24 A. Sure.

25 My answer will remain the same.

1 Q. There's nothing in there that is not
2 seniority neutral?

3 A. Correct.

4 Q. So the document, after you've had a chance
5 to look at it, is seniority neutral?

6 A. The document was designed to address the
7 economics and the working conditions and to remain
8 neutral on seniority, yes.

9 Q. When you were negotiating MOU I, were you
10 negotiating a collective bargaining agreement on
11 behalf of USAPA?

12 A. No.

13 Q. Why?

14 A. We -- we had tried to get into Section 6
15 negotiations with the NMB, but as we talked about
16 earlier, they said no. So we were attempting to
17 create a -- an opportunity to arrive at the merger
18 with at least equal compensation as our peers at
19 American Airlines. That was our goal.

20 Q. And you think you accomplished that in the
21 negotiations of MOU II?

22 A. In MOU II do I think I accomplished that?
23 As best -- the best that we could.

24 Q. Or you simply took what APA told you to
25 take --

1 A. No, that's not correct.

2 Q. -- and negotiate -- in the negotiations for
3 MOU II, didn't you?

4 A. No, sir.

5 Q. You took the Green Book, the comp and the
6 rates in there?

7 A. That's not correct.

8 Q. Why is that not correct?

9 A. Those rates have been modified per the
10 MOU. We modified those rates.

11 Q. We'll get to that.

12 Tell me about the -- the negotiations in
13 Dallas. When did they start again?

14 A. December -- early December 2012.

15 Q. December 10th, 2012?

16 A. Early -- yeah, I think -- I don't -- I
17 don't recall the exact date.

18 Q. And did you participate in all of the
19 negotiation sections in Dallas in connection with the
20 negotiation of MOU II?

21 A. No.

22 Q. Pardon me?

23 A. No.

24 Q. Well, what ones did you participate in? I
25 mean, tell me your involvement beginning on or about

1 December 10 and whatever --

2 A. Can I have a copy of MOU II, please?

3 Q. Oh, where is it?

4 MR. JACOB: 1023.

5 THE WITNESS: Gentlemen, when you're
6 ready, and lady.

7 A. I was involved -- in the first few days
8 there were substantial meetings between lots of --
9 lots of people in a room, 20 people at times. And
10 we talked about a process that --

11 Q. Well, first of all, you were in the Weil,
12 Gotshal offices in Dallas?

13 A. Oh, yes, sir. Yes.

14 Q. Okay. That's where all of these
15 meetings --

16 A. Correct.

17 Q. -- that you were involved in took place?

18 A. Correct.

19 Q. Okay.

20 A. Yes, sir. Okay.

21 Q. Okay.

22 A. So we met and there were US Airways
23 representatives, USAPA representatives, APA
24 representatives, American Airlines representatives
25 and, of course, the unsecured creditors committee

1 representatives. And we met, and we discussed --
2 there was a lot of discussion in the beginning as
3 to how are we going to proceed? What the procedure
4 was going to look like, you know, what the timeline
5 was for -- to get it done. You know, some basic,
6 you know, how are we going to work together over
7 the next few weeks here. We -- in the first few
8 days there was a few documents, I think after about
9 day two or day three of the first iteration of a
10 document came from the company to USAPA. There
11 were -- APA was already working on things that we
12 weren't privy to at that point.

13 Q. What do you mean by that?

14 A. They -- they were sort of in their
15 cubicles, and we were in our cubicles. And we
16 would get together in a collectively around the
17 table with everyone. And then everybody would sort
18 of go back to their cubicles. And then we sort
19 of -- we found our way. And what happened was --

20 Q. First version of Exhibit 1023 came from the
21 company?

22 A. I think actually first version came from
23 APA. Maybe APA put the first pass across. I don't
24 recall for sure. I'm sorry. But either way.

25 So there was some discussions and, you

1 know, people getting to see who we were working
2 with from APA and USAPA and the other folks. And
3 in the process, probably three or four days into
4 the process, it became apparent that on a pass from
5 the company that there was going to be discussion
6 regarding the seniority integration.

7 Q. What do you mean on a pass from the
8 company?

9 A. In other words, you know, the company
10 hands us a version of a document to consider.

11 Q. Okay.

12 A. And they were -- in that version they
13 were going to address -- and there was
14 discussions -- in face-to-face discussions they
15 were going to address -- they wanted to address the
16 seniority integration.

17 Q. And what --

18 A. McCaskill-Bond.

19 Q. The process?

20 A. The process. Yes, the process.

21 Q. Kind of like the process -- not exactly
22 like it, but the process that's in paragraph nine
23 of -- the early draft of MOU I?

24 A. Well, the -- that was what I'm trying to
25 get to in my --

1 Q. Okay.

2 A. -- discussion with you is that it was a
3 much more involved process. And so as a
4 negotiating committee, we met with President
5 Hummel, and we voiced our concern that it was
6 inconsistent with how we had been operating to date
7 in that the negotiating advisory committee was
8 purely interested in the economics and the working
9 conditions, and we did not want to get -- we wanted
10 to remain, in your words, seniority neutral. We
11 did.

12 So President Hummel said no problem,
13 we'll take care of that. And my understanding is
14 he engaged counsel, Pat Szymanski, I believe our
15 merger committee Jess Pauley was involved, and then
16 there were lawyers from either side of the company
17 and APA.

18 From that point forward, I was basically
19 tasked with -- my area of concern or my area of
20 focus was going to be scope. So I met with -- I
21 went and started working very heavily with the APA
22 scope people. Dean Colello and Rocky and Ken, you
23 know, continued to focus on the remaining areas of
24 this. And the paragraph ten area was -- I had no
25 involvement in at all.

1 Q. You feel relieved by that now?

2 A. God, I do.

3 Q. That's what I thought.

4 Okay. Let's see if I can go back and flush
5 this out.

6 General get together, greetings on or about
7 December 10, 2012?

8 A. Right.

9 Q. For a period of time after that, meet and
10 greets, let's figure out how we are going to make
11 things work?

12 A. Correct.

13 Q. And everybody's involved in those types of
14 decisions, for the most part?

15 A. Yes.

16 Q. And you were involved in those?

17 A. Yes.

18 Q. Okay. And then there at some point in
19 time, you say that Airways made a pass -- or
20 presented a pass at the initial draft of the MOU?

21 A. I believe that's the case, yes.

22 Q. And in that initial draft there was
23 something that caught the NAC's attention about
24 seniority going to be discussed?

25 A. Yes. And in what I recollect even more

1 so is that Bob Siegel, of US Airways, in one of the
2 meet-and-greet meetings, had decided that this was
3 an area that we were going to have to get into.
4 And it was at that point that, you know, we went
5 all back to our caucus rooms and we told Gary that
6 this is what the deal is.

7 MR. SZYMANSKI: Can I stop for just a
8 minute before you ask your next question?
9 We're clearly into the negotiations of MOU II
10 at this point. We're going to have to mark
11 this portion of the deposition as
12 confidential, pursuant to our agreement with
13 Bob Siegel, US Airways and American, under the
14 nondisclosure agreement.

15 MR. HARPER: All right. That's fine with
16 me.

17 MR. SZYMANSKI: We'll just go forward.
18 But it's helpful to flag it on the record at
19 this point so we can find it when we get back
20 to it.

21 MR. HARPER: No, that's fine. I mean, I
22 don't disagree with that. We are into MOU II,
23 and we'll be into it tomorrow again with
24 Colello at some point in time. So we have to
25 live by whatever the agreement we made, even

1 if we don't like it. I didn't mean to be that
2 way, okay.

3 MR. JACOB: We like it at this end of the
4 table.

5 MR. SZYMANSKI: Water off the duck's
6 back.

7 MR. HARPER: Okay. So as I understand it
8 though, Pat, we don't -- we don't extract this
9 part of the depo from the depo and --

10 MR. SZYMANSKI: No, no, no.

11 MR. HARPER: It's just going to be marked
12 confidential. And when we get done doing
13 this, which will be when I get to January, it
14 will be non-confidential at that point in
15 time, I think. Okay?

16 MR. SZYMANSKI: Right, right. And we
17 will have to give a copy to them and so on and
18 so forth.

19 MR. HARPER: Okay.

20 MR. SZYMANSKI: But we'll work all that
21 out.

22 Q. Now, what is it -- two things now that are
23 on the table I need to explore.

24 A. Sure.

25 Q. Can you recall what was in the -- what it

1 was in the document that was passed by Airways to at
2 least USAPA negotiators that raised the question
3 about this isn't going to -- this is going to address
4 seniority?

5 What phrase or phrases can you recall?

6 A. I can't. I'm sorry. I can't recall.

7 Q. Can you help me, what did the first
8 document look like that came from Airways?

9 A. I think it's -- the first documents that
10 came from Airways that was being discussed were
11 based off of the conditional labor agreement, the
12 CLA, okay? You with me on that so far? And at
13 some period of time in around day three or four
14 there was a discussion had as to whether or not we
15 were going to build this agreement off of the CLA
16 or -- and -- or were we going to build the
17 agreement off the Green Book and work back to the
18 CLA, which gave us like \$87 million in money to
19 spend for improvements. So that's -- that's --
20 that's what occurred. We decided collectively to
21 go Green Book, backwards.

22 Q. And that was fairly early in the process,
23 correct?

24 A. I believe it was, yes.

25 Q. Yeah, okay.

1 So you had the -- USAPA people had the
2 choice to make, you had some conversations, and you
3 chose to go with the Green Book?

4 A. We chose to work that direction, yes.

5 Q. Work that direction which gave some more
6 money to be spent because it didn't exceed the cap,
7 correct?

8 A. Right.

9 Q. It was \$314 million versus 200 and
10 something million dollars?

11 A. That's correct. Yes, sir.

12 Q. Picked up \$87 million about?

13 A. Yes, sir.

14 Q. Okay. So that decision was made.

15 And was the draft from Airways, did that
16 come before or after USAPA negotiators made that
17 decision?

18 A. I don't recall.

19 (Exhibit Number 1098: E-mail from John
20 Owens dated 12/14/12, Bates USAPA 284128 - 130
21 marked for identification, as of this date.)

22 Q. John, can you identify Exhibit 1098 for me?

23 A. Sure. Exhibit 1098 is an e-mail from me
24 sent to Gary Hummel on 12/14 at 1 o'clock in the
25 morning. And basically this is -- as you can see,

1 it talks about seniority -- seniority integration
2 and, you know, the process and the timing and all
3 of that, yes.

4 Q. Well, did Exhibit 1098 come before or after
5 the document that you say was first provided by
6 Airways?

7 A. I don't recall.

8 Q. Well, this appears to be a document -- do
9 you see the -- in the comment box PJS1, PJS2?

10 A. Yes, Paul Jones.

11 Q. Paul Jones?

12 MR. SZYMANSKI: No, I will stipulate that
13 PJS is Patrick J. Szymanski.

14 MR. HARPER: Right.

15 A. Right. I'm sorry. I guessed. I
16 shouldn't have.

17 Q. So these are -- at least on the body of
18 this page two, it looks like Pat Szymanski is making
19 some comments to the draft that he was asked to look
20 at, correct?

21 A. It appears to be so.

22 Q. And this is happening apparently on or
23 about December 14, 2012?

24 A. About four days in.

25 Q. Because for whatever reason, you're sending

1 this to Hummel, correct?

2 A. Yes.

3 Q. And he had asked you to keep him apprised
4 of what was --

5 A. Well, I think --

6 Q. No, let me get it out.

7 A. Oh, I'm sorry.

8 Q. He had asked you to keep him apprised of
9 what was going on in negotiations, right?

10 A. Okay. So the question first question you
11 asked me is are you sending this to Hummel,
12 correct? Yes.

13 Q. You are?

14 A. Yes. But not for the reason you
15 mentioned. I think this is the -- this may be what
16 -- this is about the time frame we just discussed
17 where we triggered that hey, Gary, this is -- we're
18 getting into -- we, me, the NAC is getting into
19 this stuff and we don't want to be.

20 Q. Okay. If you look past the edits that Pat
21 is suggesting, the five or six comments here --

22 A. Um-hum.

23 Q. -- what is it in the underlying language
24 that triggered your concerns that we were getting
25 into seniority negotiations?

1 A. Okay. I think the best answer for you on
2 that is, the exhibit we just looked at and where we
3 had with the discussion -- you and I had the
4 discussion about seniority neutrality, if you look
5 at the paragraph there, and you look at this, okay?
6 That -- it's grown three times.

7 Q. Yeah.

8 A. Okay. So that's for me --

9 Q. But so what?

10 A. But so what is for me, I'm not going to
11 get into those discussions or negotiations. So
12 that's why we elected to carve out this part of the
13 MOU, hand it off, and we continued on our subject
14 matter that we --

15 Q. So it's just the length of the document
16 that gave -- that you -- gave you personally a
17 concern, John?

18 A. Yeah, it's that this section is being
19 negotiated, and I'm not going to negotiate this
20 section. That's my concern is that they're
21 negotiating this section, and I'm not going to
22 negotiate this section.

23 Q. So you would have preferred to have a -- an
24 MOU that didn't talk about McCaskill-Bond at all?

25 A. No, I would have -- I preferred to have

1 an MOU that said, as -- consistent so far of
2 everything I've said to you -- is that I'm going to
3 make it clear. We would like to bargain for the
4 MOU and establish the pay and working conditions
5 and everything, establish a timeline for a joint
6 collective bargaining agreement, and then, only
7 then, after that time, would the seniority issue be
8 addressed in McCaskill-Bond because of the
9 structure of the two separate unions. But the
10 point is -- still remains the same. We did not
11 want seniority integration to get in the way of a
12 contract, a JCBA.

13 Q. I guess I really don't understand that. I
14 mean, let's say you're down in Dallas, okay?

15 A. Sure.

16 Q. And you're putting on the table, I don't
17 want to negotiate. You're telling the other NAC or
18 maybe Hummel or somebody else, I don't want to
19 negotiate the MOU -- the seniority process until
20 after we're done with the terms and conditions or
21 whatever else --

22 A. No.

23 Q. -- we want to negotiate.

24 A. No.

25 Q. No?

1 A. No, um-um.

2 What I said was, we were -- we had made a
3 collective decision as the negotiating committee,
4 two East, two West pilots, very early on that we
5 were not going to get into seniority integration or
6 seniority negotiations in the MOU. We were going
7 to stick to the economics and the working
8 conditions, and so on and so forth. And that's --
9 we remain that way. We've said that on every
10 chance we can get.

11 So my point is, if you're asking what was
12 our -- our goal as a committee? Our goal was from
13 the beginning, and still is, is that we would get
14 to a joint collective bargaining agreement with
15 APA. And then after that process was complete, and
16 we had a contract in our hands that specified wages
17 and working conditions for a period of six years,
18 only then would we want the seniority integration
19 to start.

20 Q. Out in the future then?

21 A. Out in the future.

22 Q. So you wanted to kick that can down the
23 road until after the JCBA had been finalized?

24 A. Yes, sir. Because based on the industry
25 and what we've seen from Delta and Northwest and

1 some of the others, it seemed to be a good working
2 model.

3 Q. You guys didn't reach your goal, did you?

4 A. We have not reached our goal?

5 Q. You didn't kick the can, did you?

6 A. Who's we?

7 Q. The negotiating committee.

8 A. Well, we're not in seniority integration
9 in McCaskill-Bond.

10 Q. But you sure structured the deal -- the
11 process, correct?

12 A. We --

13 Q. And you went along with that, didn't you?

14 A. Marty, what are you asking me? I cannot
15 follow your line of questioning.

16 Q. You agreed to put language in the MOU that
17 didn't change the lists that are currently in place,
18 right? Which you claim are seniority neutral.

19 A. Okay.

20 Q. And then gave USAPA the opportunity to say
21 that the only lists that are going to be considered
22 in McCaskill-Bond is date of hire.

23 That's what you did, isn't it?

24 A. No, sir.

25 Q. That's where we are today?

1 A. But absolutely not. It's not -- I can't
2 understand how we could be here for two hours now
3 and you can make that statement or surmise that.

4 I've told you repeatedly that I negotiate
5 the economics and the working conditions of the
6 MOU, I do not get into the seniority integration.
7 I did not get into the language. I did not set it
8 out.

9 I will agree with you, however, that the
10 NAC, both East and West collectively, and -- agreed
11 that we would focus on getting to a contract. And
12 we would prefer to get to a contract first before
13 we would continue to have seniority be used as an
14 excuse to not get a contract. That is what we've
15 seen for the last seven years.

16 Q. Well, let me go back here. I get
17 distracted too easily, I believe.

18 Look at 1098 again.

19 A. Okay.

20 Q. Now, you passed this off to Hummel and Pat
21 because you're concerned that whatever is in the
22 underlying language here is not -- addresses
23 seniority, which is what you say the four NAC members
24 didn't want to do?

25 A. Exactly.

1 Q. And it accelerates when you wanted to talk
2 about seniority by a good year or year-and-a-half,
3 correct?

4 A. What accelerates it.

5 Q. Talking about seniority now. That you
6 didn't want it to occur until 18 months down the
7 road?

8 A. No, that has nothing to do with my
9 decision -- or our discussions had nothing to do
10 with the timing of when or where. I've already
11 told you we wanted to get the agreement in place
12 first. My discussions were -- as we remained from
13 day one, we are not going to get into negotiating a
14 seniority integration.

15 Q. But look -- look at the last paragraph
16 here --

17 A. Sure.

18 Q. -- on 1098, which apparently -- did this
19 last paragraph come from Pat? The MOU is not
20 intended to, nor shall it constitute the, quote,
21 single agreement, closed quote, referred to in
22 paragraph, Roman numeral six, period, capital A, of
23 the September 23, 2005, quote, transition agreement,
24 closed quote, applicable to the merger of America
25 West and US Airways.

1 Did that come from Pat?

2 A. I can't -- I can't -- there's no bubble
3 here. So I don't know if he wrote that or not.

4 Q. Well, did it come from Airways?

5 A. I don't know who wrote that, sir.

6 Q. Did it come from APA?

7 A. I don't know who wrote that, sir.

8 Q. Well, what was your reaction when you saw
9 that in this document that you sent to Hummel on
10 December 14th?

11 A. My reaction was to send this to Gary, and
12 put him on notice that I did not want to be
13 involved in this part of the agreement.

14 Q. Okay. But you understood that the
15 transition agreement, upon the negotiation of the
16 single agreement, required the implementation of the
17 Nicolau Award, correct?

18 A. I did not know that.

19 Q. You did not know that?

20 A. Sir, I've got to make myself clear. I've
21 been involved with USAPA for how long, you've asked
22 me these questions. I know -- I have no further
23 prior involvement in any of this situation, and I
24 have maintained from day one that I want to focus
25 on the economics and working conditions in the

1 agreement, and you continue to try to drag me into
2 this process, and I'm not in this process.

3 Q. Well, but as a member of the negotiating
4 committee sitting with proposals in Dallas that are
5 being brought forward, you felt no obligation to sit
6 and talk to somebody there and say, what does this
7 paragraph mean?

8 A. At some point in time, before the final
9 agreement was executed, the NAC reviewed the entire
10 agreement, including East and West, and we agreed
11 that that was an agreement we would take back to
12 the BPR. Of course we reviewed it at some point.
13 But during the process of the language that you're
14 requesting me to look at, I did not write this
15 language, I did not review this language on a daily
16 basis. We got to a final version, and we reviewed
17 it as a committee. That's it.

18 Q. This is on the 14th. How long were you
19 down there dealing with this stuff?

20 A. Me personally?

21 Q. Yeah.

22 A. I didn't go home until Christmas Eve, I
23 believe.

24 Q. Are you telling me that after you went off
25 and talked about scope, you didn't have anymore

1 involvement in the negotiation of the paragraph
2 relating to McCaskill-Bond?

3 A. That's correct. I did conversations with
4 Ken Holmes. That Ken Holmes was upset with some of
5 the language and that -- and I believe --

6 Q. He was upset with this language.

7 A. Okay. And I believe that that's how we
8 ended up -- we arrived at the language that Ken was
9 -- accepted in 10H, because he didn't like this.

10 Q. So you had conversations with Ken about the
11 effect of this clause?

12 A. Ken said he was unhappy with some of the
13 language in the thing.

14 Q. This particular paragraph?

15 A. He pulled me out of scope. He said
16 nobody -- you know, we're not talking -- what are
17 you up to? What are you doing? I'm locked in
18 behind closed doors. He said, I've got some
19 problems with some of the language in the seniority
20 thing. I said, Ken, I have no clue what's going on
21 with that. And he said, well, you know, there's
22 some things I don't like. And he goes, here's what
23 I would like to say and this is what they're
24 saying. And he had something in front of him, and
25 he showed me, okay? And I said present what you

1 will find acceptable. And I'm assuming that --
2 based on the fact that I know Ken looked at 10H in
3 the final draft and said, yes, I accept that,
4 because that's his language.

5 Q. Wow, you got me completely confused.

6 Now, this conversation with Ken, did it
7 occur before you sent 1098 to Hummel?

8 A. No, no.

9 Q. So it was afterwards?

10 A. Yeah, it was afterwards.

11 Q. So how long did this language --

12 A. I don't -- I don't know. That's what I'm
13 telling you, I don't know. I do not know.

14 Q. Well, when did you get back involved in
15 looking at the final language and saying, I agree
16 with this?

17 A. Probably in -- I don't recall. It was
18 down the road. I was literally locked in a room
19 with the scope people from this point forward.

20 Q. From 1098 forward?

21 A. Well, from -- in or around 1098 forward.

22 Q. From the 14th forward?

23 A. I don't know if it's the 14th forward or
24 not. All I know is that at some point Pat
25 Szymanski was asked to deal with the APA,

1 US Airways and American on seniority. I was asked
2 to go be working with the scope people. Dean and
3 Ken were asked to deal with the other areas in the
4 contract -- or in the MOU.

5 (Exhibit Number 1099: E-mail from Roland
6 P. Wilder dated 12/15/12 marked for
7 identification, as of this date.)

8 MR. SZYMANSKI: This is 1099.

9 Q. I want to show you what we've had marked as
10 Exhibit 1099.

11 A. Okay.

12 Q. And it's a e-mail from Wilder to a number
13 of people, again, Hummel.

14 A. Um-hum.

15 Q. December 15, 2012 that you're copied on,
16 correct?

17 A. All the NAC is, yes.

18 Q. And forwarding a e-mail from Pat to Wilder
19 and to Dean and to Jess, he writes, here is a
20 consolidated draft. It isn't red lined from anything
21 in particular because it pulls together the three
22 documents I attached to my earlier e-mail. Comments
23 identified the source of each section for provision
24 in the -- one provision that is new.

25 A. Okay.

1 Q. Do you see that?

2 A. I see this, yes.

3 Q. Were you involved in the -- still involved
4 in the discussions about the McCaskill-Bond portion
5 of the MOU II on the 15th of December?

6 A. I do not believe so.

7 Q. You do not believe so?

8 A. No, sir.

9 Q. So if we put 98 together with 99, at some
10 point in time between 12/14/2012 at 12:50 a.m. --

11 A. Um-hum.

12 Q. Yes?

13 A. 12:50, right.

14 Q. Okay. And December 15, 2012, at
15 11:14 a.m. --

16 A. Um-hum.

17 Q. -- you're out of the process?

18 A. I don't know. I mean, you have an e-mail
19 from -- you have an e-mail here from -- that I
20 forwarded to Gary, I go to bed. You have an e-mail
21 here from Roland that he's sending to the NAC,
22 because that's protocol, from Pat. Pat sends the
23 e-mail to Roland and Dean and Jess. Pat doesn't
24 send the e-mail to me. I'm not -- and so, you
25 know, I don't know what you want me to -- what

1 you're asking me.

2 Q. I mean, you've got Exhibit 1099, didn't
3 you?

4 A. Yeah.

5 Q. Yeah.

6 Were you involved in negotiations of the
7 MOU or not when you got this?

8 A. I was negotiating the MOU, yeah.

9 Q. I mean the McCaskill-Bond portion.

10 A. I don't believe so.

11 Q. So that was my point. Sometime between
12 1:00 a.m. on the 14th and 11:00 a.m. on the 15th
13 you're out and about doing other things?

14 A. Oh, we probably arrived back -- well,
15 let's see, 11:14, we probably went back to the law
16 firm place there and were working on something,
17 yeah. I mean, you know, you've got to remember,
18 there's probably ten rooms there, and in every room
19 there's people.

20 Q. I can't remember because I wasn't there.

21 A. You can imagine.

22 Q. Okay.

23 Okay. Now, the last paragraph here, which
24 is I at this point in time, on December 15th --

25 A. Yes.

1 Q. Well, I'm confused now. At the top,
2 12/12/15, what's that?

3 A. Where are we, sir?

4 Q. We're right at the top. It says USAPA
5 12/12/15.

6 MS. AXEL: I think it's a different date
7 format.

8 Q. Is that December 15th or December --

9 MR. JACOB: There's no year 15, so
10 there's no month 15.

11 MR. HARPER: I understand that.

12 Q. Okay. So are we okay that this is a draft
13 on December 15th or do you know?

14 A. I don't know. I don't know. There is no
15 year 15 yet.

16 MR. JACOB: Right. So first two numbers
17 have to be month and year because the 15th
18 can't be a month or a year.

19 THE WITNESS: Okay.

20 Q. Okay. But let's go to the second page --

21 A. Yes.

22 Q. -- I'm sorry, third page of Exhibit 1099.
23 It says -- the last comment, comment ten, I, over in
24 the comment, our new version.

25 Do you see that?

1 A. Our new version.

2 Q. US Airways agrees that neither this MOU nor
3 the JCBA shall provide any basis for changing the
4 seniority list currently in effect at US Airways
5 other than through the process set forth in this
6 section.

7 Did I read it correctly?

8 A. Yes, you did, sir.

9 Q. Is that seniority neutral?

10 A. Yes.

11 Q. Why?

12 A. It says that it agrees that neither this
13 MOU nor the JCBA shall provide any basis for
14 changing the seniority lists currently in effect at
15 US Airways other than through the process set forth
16 in this section.

17 So my interpretation of that would be
18 that what it's saying is none of this language is
19 going to be used to do anything, it's going to be
20 McCaskill-Bond. McCaskill-Bond -- we're going to
21 go to McCaskill-Bond, that's what my understanding
22 of it is.

23 Q. But it does change circumstances if it is
24 agreed to and passed, doesn't it?

25 A. Repeat the question, sir. Or rephrase

1 it, please.

2 MR. HARPER: Read it back.

3 A. Rephrase the question.

4 (THE QUESTION WAS READ BACK.)

5 A. I don't understand the question, I'm
6 sorry.

7 Q. Well, up until this point in time --

8 A. Right.

9 Q. -- we're talking about December of 2012,
10 correct?

11 A. Yes.

12 Q. The understanding between Airways and USAPA
13 is that if a new single agreement is reached, then
14 the Nicolau award is to be utilized?

15 A. No.

16 Q. What does the transition agreement provide?

17 A. That's not what you just said.

18 Q. What? Why?

19 A. You said that the agreement between USAPA
20 and US Airways up to this point in the process.

21 Q. Well, the transition agreement as picked up
22 by USAPA when it became the bargaining agent, and
23 Judge Silver has already ruled correctly that USAPA
24 became responsible for the TA after it became the
25 bargaining representative, right?

1 A. I'm on the NAC.

2 Q. What does that mean?

3 A. You started off with a NAC question and
4 halfway through it we're on the -- I don't even
5 know where we are.

6 Q. You're saying that this is neutral and it
7 doesn't affect seniority, this language, and that's
8 not true, is it?

9 A. It is. That's what it's intended to do.

10 Q. It's changing the seniority --

11 A. No, it's the exact opposite of that.

12 Q. It's changing the seniority arrangement
13 that was in effect between USAPA and Airways as of
14 December 2015 -- or '12. Now, you've got me saying
15 it.

16 A. No.

17 Q. Because up to that point in time, if they
18 reached a new single agreement, USAPA and Airways
19 were bound to implement the Nicolau, correct?

20 MR. SZYMANSKI: It's a legal conclusion.

21 You're talking to this witness about law
22 school things and issues that are before the
23 court. I think it's inappropriate, and I
24 object on that basis.

25 Q. You can go ahead and answer. You are our

1 representative.

2 A. Yes, sir, I was.

3 Q. Our people were relying upon you to do the
4 right thing, right?

5 A. If it's okay. Let me -- let me sort of
6 make sure you and I are together here, okay?
7 US Airways agrees that neither this MOU, okay, the
8 MOU or the JCBA that's contemplated in the MOU,
9 shall provide any basis for changing the seniority
10 lists currently in effect at US Airways other than
11 through the process set forth in this section. So
12 my understanding of what that says is it's saying
13 that it's remaining seniority neutral. We don't
14 want it to change anything. It's neutral. That's
15 my understanding.

16 Q. So this document at this point in time is
17 neutral?

18 A. Yes, sir.

19 Q. According to you?

20 A. Yes.

21 Q. So any effect that the transition agreement
22 has on seniority still remains in place, according to
23 you, because neutrality cannot effect anything that
24 is already in place, correct?

25 MR. SZYMANSKI: This is another legal

1 question, and I'm continuing my objection on
2 this.

3 A. I would have to --

4 THE WITNESS: I'm sorry, Pat, I didn't
5 mean to overtalk.

6 A. I can't answer that question, Marty. Not
7 that I won't answer the question, I can't answer
8 the question. I don't understand a lot of what you
9 guys are getting into right now. All I know as the
10 guy who was on the negotiating committee and wanted
11 a contract after 25 years, okay, is I -- let me
12 finish. I want to get an MOU that bridges me to a
13 JCBA process where I arrive as an equal with
14 American Airlines pilots, and I get a raise and I
15 get a better life. That was my goal. It is still
16 my goal today. None of this has been my goal. My
17 goal has been to stay as far away from this issue
18 as I can.

19 Q. Let me see -- take the language here that
20 you say is seniority neutral.

21 A. Okay.

22 Q. Project it out to the POR going to final,
23 and we have eliminated the Justice Department
24 objection, okay?

25 A. Sure.

1 Q. So now we are into the McCaskill-Bond
2 process.

3 A. Yes, sir.

4 Q. Okay. And as I understand the process that
5 you guys agreed to in this MOU is that right after
6 the POR, whenever that happens officially now, you go
7 into the process that's set forth here in Exhibit --

8 A. The timeline.

9 Q. -- the MOU, 1023, whatever it is.

10 A. 1097, yeah. Or -- I don't know. I'm
11 lost here, sorry.

12 Q. So unions, or whoever is involved, gets
13 together and they negotiate a protocol, correct?

14 A. Yes.

15 Q. And the next step is attempt to --

16 A. Can we make this easier? There is a
17 timeline associated with the MOU. Do you have that
18 exhibit?

19 Q. Well, it's not that hard. I mean --

20 A. Well, there is. There's three lines and
21 it's very -- at times it can be very confusing.

22 MR. SZYMANSKI: 1023.

23 MR. HARPER: Give me a copy of 1023
24 there.

25 MR. JACOB: They flew me out here just

1 for that.

2 THE WITNESS: You're doing great.

3 Q. I'm just kind of looking at the bottom
4 line, integrated seniority list. POR, 30 days for
5 protocol, 90 days to negotiate a list, if possible,
6 15 days select the panel, and then arbitration
7 starts, assuming that there's a JCBA.

8 A. Okay.

9 Q. Okay. So this is all going to flow after
10 the POR.

11 A. Correct.

12 Q. Does the language in I or H in the MOU, and
13 you can go back here if you want.

14 A. Yes, sir. Okay.

15 Q. 10H.

16 A. Okay.

17 Q. Preclude consideration of the Nicolau in
18 the McCaskill-Bond process?

19 A. No.

20 Q. So you think it's okay for the Nicolau --
21 Nicolau to be presented in the process?

22 A. It's not for me to decide. It's a merger
23 committee's job, and I understand that -- it's not
24 my decision. But it doesn't -- it doesn't provide
25 for either. It just provides a process.

1 Q. And that language just says that the list
2 can't be changed unless there's a change resulting
3 from the process.

4 The two -- the two lists now, status quo
5 lists, and those are the status quo lists, correct?

6 Do you know what status quo means?

7 A. Well, when you say our list and
8 American's, or --

9 Q. No, no, no.

10 A. Okay.

11 Q. Between East/West pilots now.

12 A. Okay.

13 Q. Two lists.

14 A. Okay.

15 Q. Do you know what status quo means?

16 A. I think so, yes.

17 Q. What?

18 A. Remains the same.

19 Q. Okay. So these two lists remain the same
20 under paragraph H under the MOU.

21 A. Correct.

22 Q. And can only be changed as a result of the
23 McCaskill-Bond process, correct?

24 A. I believe that's the case.

25 Q. And there's going to be a new list at the

1 end of the McCaskill-Bond process that -- that
2 shuffles the American list and a USAPA list together?

3 A. There's going to be -- yes, there's going
4 to be one joint -- one seniority list.

5 Q. And that new list at the end is going to
6 change the status quo list at Airways, correct?

7 A. It would have to.

8 Q. At USAPA. It would have to, okay.

9 A. Because there's only one list at that
10 point.

11 Q. But you're taking the position that there's
12 nothing in 10H that would preclude USAPA from
13 shuffling the Nicolau list with the APA list,
14 correct?

15 A. There's nothing in 10H that would
16 preclude USAPA from shuffling -- from -- help me
17 out with shuffling.

18 Q. Integrating a USAPA list with an APA list.

19 A. No, there's nothing that says they can't
20 do that.

21 Q. And the only thing that will stop that from
22 occurring are two things, perhaps?

23 A. Okay.

24 Q. USAPA being the only entity at the table in
25 the McCaskill-Bond process because they are opposed

1 to the Nicolau, correct? And you'll agree with me on
2 that?

3 A. I would not agree with you that -- no, I
4 would not agree with that statement.

5 Q. Why?

6 A. Because I believe that we've -- we now
7 have a merger committee where there are staunch
8 supporters for both sides. But either way, that
9 these guys are going to work out something
10 together. And I -- you know, that's -- that's what
11 their task is to do, and I hope they do their job.

12 Q. They're tasked to come up with a list that
13 is consistent with the USAPA constitution, correct?
14 That's their task.

15 A. They have -- the USAPA constitution says
16 that it -- I think it -- I don't know the exact
17 language, so bear with me. But it said something
18 about USAPA believes in date of hire with
19 appropriate conditions and restrictions, okay? So
20 appropriate conditions and restrictions could mean
21 a lot of things to a lot of people. So...

22 Q. It's the date of hire list with
23 restrictions and conditions.

24 A. Conditions.

25 Q. It starts with date of hire, correct?

1 MR. SZYMANSKI: You're misstating the
2 constitution. But go ahead and ask your
3 question.

4 MR. HARPER: Well, we're close enough for
5 this discussion.

6 MR. SZYMANSKI: No, you're not. But go
7 ahead, ask your question.

8 Q. That's what it says, date of hire with
9 appropriate conditions and restrictions, correct?

10 A. I don't -- I don't -- I'd have to look at
11 it, Marty, because it seems like there's an issue
12 here.

13 Q. We'll get it.

14 MR. SZYMANSKI: It says date of hire
15 principles. It doesn't say strict date of
16 hire. You know that. And you're misstating
17 it. And you're doing it deliberately. And I
18 like the smile on your face. I wish we were
19 on video and we had video on you because it's
20 a --

21 MR. JACOB: We can resolve what 10H means
22 very quickly by asking the person who drafted
23 it to go on the record and explain it. It
24 would be a lot easier.

25 MR. SZYMANSKI: He's exactly right.

1 MR. JACOB: Let's take 20 minutes and get
2 it done.

3 MR. SZYMANSKI: No, I'm not going on the
4 record because I don't think that's
5 appropriate. On the other hand, you have all
6 of the information. You've got all of the
7 information about what was done there. You've
8 got all of the proposals back and forth. If
9 you didn't have them from us, you certainly
10 got them from the company. And you know
11 exactly what was happening there.

12 MR. HARPER: Okay.

13 MR. SZYMANSKI: But you don't like it.
14 You really don't like it.

15 MR. HARPER: What? Don't like what?

16 MR. SZYMANSKI: You don't like what
17 happened here, that it was neutral.

18 MR. HARPER: It's not neutral. What you
19 have done is set up a process, the majority of
20 the East pilots control, they're absolutely
21 committed to doing something other than the
22 Nicolau and that's what this whole thing was
23 designed to accomplish.

24 MR. SZYMANSKI: And that's what we're in
25 court about.

1 MR. HARPER: And they didn't have any
2 legitimate person -- reason for doing it,
3 other than to advance the position of the
4 majority of East pilots. And that's why we're
5 here. And that's what happened here in these
6 negotiations. And, John, you were part of it.

7 MR. SZYMANSKI: And no matter what reason
8 the union had, you would never admit that it
9 was legitimate because --

10 MR. HARPER: Because it's not.

11 MR. SZYMANSKI: Right. Good. So we've
12 finished that. Andy, we've just had it, we've
13 agreed to disagree about legitimacy.

14 Q. You want to take a break?

15 A. Yes, sir.

16 MR. SZYMANSKI: That's why we're before
17 the court.

18 A. Thank you.

19 Q. Nobody's shooting at you.

20 A. I know you're not. I know.

21 MS. AXEL: Just each other at this point.

22 A. No, no, I know.

23 (A BRIEF RECESS WAS TAKEN.)

24 Q. I want to move on, but before I do, I want
25 to go back and revisit your point about a comment

1 made by Bob Siegel.

2 A. Yes, sir.

3 Q. What comment did he make?

4 A. He meant -- I think he made a comment
5 that we're going to have to -- going to have to --
6 at some point he said we're going to have to
7 address seniority integration. I'm pretty sure
8 that was the comment, something to that effect.
9 And I remember he -- I can remember seeing him
10 standing there saying it.

11 Q. Who else was around when he said that?

12 A. There was a packed room, Packed.
13 US Airways, USAPA, AMR, APA.

14 Q. Who was he making the comment to?

15 A. The group at the table.

16 Q. In one of the big joint sessions?

17 A. Yes, sir.

18 Q. Was Paul Jones there?

19 A. Yes, sir.

20 Q. Chris Hollinger?

21 A. I don't think Chris was at that one. I
22 don't remember if Chris was there.

23 (Exhibit Number 1102: E-mail from Douglas
24 Avakian dated 1/28/13, Bates USAPA 290346 -
25 349 marked for identification, as of this

1 date.)

2 A. Okay.

3 Q. Let me show you what I've had marked as
4 Exhibit 1102. The part that I really want to talk to
5 you about is the negotiating advisory committee,
6 January 27th update, and it's change of control.

7 A. Yes, sir.

8 Q. Did you put the numbers together that's
9 included in this update?

10 A. Yes, sir.

11 Q. Okay. And if you go down to the bullets,
12 bullet one is a discussion about what happens if the
13 MOU is ratified and the merger is approved, correct?

14 A. Yes, sir.

15 Q. Certain things are going to happen, and you
16 lay them out here. You're going to be receiving an
17 increase in pension contributions to 14 percent.
18 That was already included in the APA agreement,
19 correct?

20 A. 14 percent was there, yes.

21 Q. Yeah. I mean, I think you're on -- I'm on
22 the bottom --

23 A. Oh, I'm sorry.

24 Q. And all US Airways pilots who will receive
25 the new MOU rates are retrospectively back to the

1 date of ratification, February 8th. That's an
2 addition that the NAC was able to achieve in
3 discussions in Dallas, correct?

4 A. No, sir.

5 Q. Afterwards?

6 A. After, yeah.

7 Q. And that's reflected in the amendment?

8 A. Yes, we had retroactive pay in Dallas
9 only to a certain point in time. We were able to
10 do better once we got back to home base.

11 Q. Okay. On January 1, 2014 the pay rates
12 increased by eight percent and the pension
13 contribution increases to 16 percent.

14 The eight percent raise is as a result of
15 simply getting bumped up to the APA rates, correct?

16 A. No. That's just the next -- that was the
17 next tier of raise.

18 Q. Afterwards.

19 A. Yes.

20 Q. But that's also because of what was in the
21 APA Green Book?

22 A. Actually, there was some -- we did some
23 -- there was some negotiations in Dallas. And even
24 subsequent to this, I believe, you know, once the
25 evaluation piece happened, there was some further

1 changes to the increases in wages.

2 Q. Okay. But to get the APA and USAPA --

3 A. Yeah, this is at the time January 1 of
4 2014 we'd get 16 percent. And then whatever pay
5 was in place at that point, the next raise was --
6 at this time was going to be eight percent more.

7 Q. All of the pilots will share in the \$40
8 million lump sum payment that was in the payment that
9 was agreed to by Airways in order to entice the USAPA
10 pilots to vote for the MOU, correct?

11 A. Signing bonus, yes.

12 Q. Signing bonus.

13 Then it talks about if the MOU is not
14 ratified, then certain things are going to happen --
15 might happen. That's what you and I talked about
16 before. And you'd described here in your own words
17 what you think was going to happen if the MOU was not
18 ratified?

19 A. Yes.

20 Q. This is your description now.

21 A. Yeah, if we arrived at the POR with
22 nothing, correct.

23 Q. Okay. And then -- and that was accurately
24 conveyed to everybody, what was going to happen, you
25 believe?

1 A. Do I believe that we told them what this
2 all -- how this was working?

3 Q. Yeah.

4 A. Yeah.

5 Q. Yeah, yeah.

6 A. Yeah.

7 Q. There would be no MOU rates, pilots would
8 stay at their -- or their in-place contract rates,
9 each pilot would have a change of control claim.
10 Eventually, once APA became a single bargaining
11 representative, the USAPA pilots would come under the
12 pay provisions of the collective bargaining agreement
13 in place between APA and new American?

14 A. Whatever was in place, yes.

15 Q. Right.

16 A. Okay.

17 Q. And then you set out some timelines for the
18 MOU, and then you also put down here calculated --
19 you did the calculations, POR plus 18 months.

20 You and I talked about that before,
21 correct?

22 A. Yes.

23 Q. Okay. And then I asked you previously the
24 change of control numbers that you calculated for
25 2013. It's on the far-right column, the MOU rates

1 are in the center column, \$665.5 million,
2 approximately.

3 Now, the 613 for change of control, is that
4 for half a year or the full 2013?

5 A. I think all of this was POR forward, half
6 a year.

7 Q. So it was \$1.2 billion for the entire year?

8 A. It's 18 months.

9 Q. I'm sorry, 2/13 is only 12 months?

10 A. 2/13 I think is only six months.

11 Q. That's my point. So you calculated change
12 of control wages to the East pilots for half a year
13 to be \$614 million, approximately?

14 A. Well, the value -- the total value of
15 compensation for six months.

16 Q. The change of control?

17 A. No, no, no. You're off there.

18 Q. I'm over in the change of control column.

19 A. Right.

20 This would be the total of the wages for
21 2013.

22 Q. Total of the wages for whom?

23 A. East and West.

24 Q. Under change of control?

25 A. Having applied change of control,

1 correct.

2 Q. So what you did is total up on this column
3 the wages that the West pilots would make under their
4 collective bargaining agreement for half of 2013 --
5 let me finish.

6 A. Okay.

7 Q. And add it to the change of control wages
8 that the East pilots, who are entitled to it, would
9 get for half a year and come to the total of 614
10 million?

11 A. I think, yeah, if I recall, I think --
12 I'm pretty sure that's the way we did that, yeah.
13 Yeah, because change of control language wouldn't
14 make any changes to the East/West guys at all.

15 Q. No, I understand. That's what I
16 understand.

17 I guess I'm just -- because change of
18 control would apply -- I'm just reading this and it
19 seemed to make sense to me. Change of control, the
20 number you put down here, would be applicable only to
21 those pilots who were affected by change of control,
22 which is East.

23 A. No, it says right here, pilots East and
24 West in the black, in the header.

25 Q. Okay. I'm just going to listen. Tell me

1 what the \$614 million number is.

2 A. If I --

3 Q. What do you add to add to add to get to the
4 total?

5 A. So what I would do is --

6 Q. What did you do?

7 A. I recall is -- is I look at a POR date --
8 and I think -- I don't know if we mentioned it
9 here, but whatever we used as the date. And so for
10 2013, with wage and DC currently in place at both
11 East and West, with East getting a change of
12 control increase, of course West wouldn't, I add
13 all those numbers up, and I say for 2013 -- by the
14 end of 2013, that would be the wage we would get,
15 okay.

16 Under the MOU for six months, both sides
17 where each side gets a little -- a raise and this
18 and that and this and that, we get that -- so you
19 understand that. And then we do the same thing for
20 2014. And basically that has a 16 percent and
21 another raise and so on and so forth. So I do -- I
22 draw the comparison here that, you know, the MOU is
23 worth 1.384 and this change of control is worth
24 1.361. But the caveat when we presented this was,
25 but here's the problem, that doesn't include the

1 West pilots or the U190 pilots. So that was our
2 decision. We don't -- we're not going that route.

3 Q. Well, I agree with that. I understand why
4 you made the decision. But in return for not going
5 that route, what you did is you forced the --
6 apparently, the West pilots to give up their claim
7 under the transition agreement to the Nicolau.

8 A. How did I do that?

9 Q. Because if you'd gotten change of control,
10 you would still be under the transition agreement to
11 negotiate a new collective bargaining agreement or
12 get into one that would require the implementation of
13 the Nicolau.

14 A. It's a very, very interesting premise,
15 Marty. But I could tell you that I did, once
16 again, let's go back, math. This is simple math.

17 Q. I -- and but you're presenting this. I
18 understand the math. Let's move on. We have to
19 get -- now, how did you calculate the numbers in the
20 box below, the A320 crew MOU change of control?

21 A. So basically we did, you know, keep it
22 apples to apples.

23 Q. You did all of this yourself, didn't you?

24 A. I believe so, yes.

25 Q. Okay. So it's you.

1 A. Yeah.

2 Q. Not we.

3 A. No, no, no -- I have to say we is
4 because, you know, yes, I did the spreadsheet and
5 the math, but we collectively always review it
6 together and publish it, you know. I mean, it's
7 not -- it's a collective effort. But somebody
8 usually does the bulk of the work, in this case,
9 me.

10 So in this case in the bottom half, we
11 use an apples to apples comparison and we use -- so
12 we pick 85 hours. 85 hours at \$10 or \$85 -- 85 at,
13 you know, hundred hours and you get -- once again,
14 it's very simplified math.

15 Q. Yeah, but using 85 is a distortion, isn't
16 it? It's at the top of the --

17 A. It's an average.

18 Q. No, the average is closer to the mid 70s
19 to --

20 A. Yeah, but I think that the -- that the
21 West guys fly higher hours.

22 Q. Yeah, but -- so you're applying it to the
23 East side too.

24 A. It doesn't matter if I use 40 hours or
25 60 hours or 85 hours. As long as I use 85 hours

1 consistently throughout the math, it's a valid
2 assumption.

3 Q. But pilots across the board are not going
4 to get 85 hours under the MOU?

5 A. No, of course not. Some guys will fly --
6 some will fly 30.

7 Q. Okay. Well, we'll have to talk about that
8 later then.

9 A. Okay.

10 Q. Okay.

11 A. All set with this, sir?

12 (Exhibit Number 1103: Document entitled
13 What The Memorandum Of Understanding Means To
14 You January 2013, Bates USAPA 001785 - 1834
15 marked for identification, as of this date.)

16 A. Thank you.

17 Q. Let me show you what I've had marked as
18 1103. See if you can identify the documents for
19 me -- the document for me.

20 A. Yes, sir. What the Memorandum of
21 Understanding Means To You, Negotiating Advisory
22 Committee of January 2013.

23 Q. And did -- this was put out by the
24 negotiating committee, correct?

25 A. Yes, sir.

1 Q. And you worked on it with the other members
2 of the NAC?

3 A. Yes, I did, sir.

4 Q. And you were primarily responsible for the
5 math of the calculations in this document; is that
6 right?

7 A. Actually, Ken Holmes and I worked on
8 the -- did the bulk of the work on this document,
9 and we did -- we worked on just about everything
10 together on this document. I mean, yes, I -- those
11 are my charts, and I ran the math, but was -- we
12 verified it with each other.

13 Q. When did you start working on this, John?

14 A. Right after New Years.

15 Q. Okay. After -- after you had come back
16 from Dallas?

17 A. Yes, sir.

18 And I actually think that Ken had
19 already -- we had -- this portion of it here, we
20 had a template, and we had started already. So,
21 you know, where I -- what I'm pointing to is, you
22 know, these comparison columns and stuff. So we --
23 this document had been under -- underway for some
24 time, I believe.

25 Q. And this document was sent out to the --

1 all of the pilots, as far as you can recall?

2 A. Yeah, I think it was made available -- we
3 handed them out and then it was made available to
4 all of the pilots electronically.

5 Q. Let me take you to USAPA 1809, Bates
6 number.

7 A. Okay. Yes, sir.

8 Q. Two-thirds of the way down in green on
9 yours -- if I had my in color, you -- it's included
10 here, total economic increase for US Airways pilots
11 wage and DC -- what's DC stand for?

12 A. Defined Contribution.

13 Q. Contributions over six years, \$1.6 billion.

14 A. Yes, sir.

15 Q. And is that an accurate statement?

16 A. Yes.

17 Q. \$1.6 billion increase over what?

18 A. Over where we are currently.

19 Q. Well, you brought to the table a certain
20 amount of wages that were going to be earned over the
21 six-year period of time, correct?

22 A. Yes.

23 Q. And this does not increase \$1.6 billion
24 over that, does it?

25 A. I don't understand what you're --

1 Q. Well, increase is -- these are not
2 increases -- new monies that are coming to the table
3 that the pilots didn't have beforehand, it's not
4 \$1.6 billion?

5 A. No, what this is, is that if you were to
6 remain on your current contracts as of today, okay,
7 at our current rates --

8 Q. For six years.

9 A. -- for six years, with our current DC
10 contributions --

11 Q. You would earn?

12 A. -- you would earn blind.

13 Q. Yeah, what would that have been?

14 A. 1.6 million less than what it would be
15 when we -- with the new contract.

16 Q. 1.6 billion, right?

17 A. Yes.

18 Q. So you are saying if you take current wages
19 and direct contributions --

20 A. Um-hum.

21 Q. -- for six years --

22 A. Yes.

23 Q. -- it would come to X?

24 A. Correct.

25 Q. And what you're saying here is if you take

1 the new wages --

2 A. Yeah.

3 Q. -- new contributions under the MOU, you're
4 going to come to X plus 1.6 billion?

5 A. Correct.

6 1.6 billion in economic gain over a
7 six-year period from where we are today.

8 Q. Okay. And did you go to all the road
9 shows?

10 A. Yes, sir.

11 Q. And did you present --

12 A. Yes, sir.

13 Q. -- the presentation at the road shows based
14 upon this document?

15 A. Yes, sir.

16 Q. And this document was handed out to all the
17 pilots?

18 A. Yes, sir.

19 Q. You didn't miss any of the meetings at the
20 road shows?

21 A. I missed an afternoon of one meeting. I
22 got deathly ill, and we were scheduled to go to
23 Phoenix the next day, so I flew to Phoenix, and
24 they finished the afternoon, a couple hours in the
25 afternoon. But other than that, I made every

1 meeting.

2 Q. Okay. Just so you understand, we're out
3 from under the confidentiality ever since this last
4 document, I think.

5 MR. HARPER: Isn't that correct, Pat?

6 MR. SZYMANSKI: Yes.

7 (Exhibit Number 1104: E-mail from John
8 Owens dated 1/13/13, Bates USAPA 329805 - 869
9 marked for identification, as of this date.)

10 Q. This is -- can you identify Exhibit 1103 --
11 1104?

12 A. Yes, 1104.

13 Q. For the record?

14 A. Yes, sir, 1104.

15 Q. What is 1104?

16 A. 1104 was a mailer that was sent out to
17 the pilots of US Airways.

18 Q. And you helped prepare this?

19 A. I believe this is the mailer. Let me
20 just take a quick look.

21 MR. SZYMANSKI: Looks like there's two
22 copies here.

23 A. No, this is not the mailer. This is
24 basically what you just looked at. It's the same
25 exact document.

1 Q. It's got a different title on the front,
2 doesn't it?

3 The first one is what the Memorandum of
4 Understanding means to you, it's 1103.

5 A. Um-hum.

6 Q. And this has flight plan to merger on it.

7 A. Yeah, it -- but it's essentially the same
8 document.

9 Q. So these are -- except for the face sheets,
10 the same document?

11 A. I'd have to look through these, but --

12 Q. That's what you believe it is, though?

13 A. Yeah, this may have been like an earlier
14 version or something of the document. But
15 essentially these are -- you know, this culminates
16 -- this is the one that we ended up with here.

17 Q. 1103?

18 A. Yes, sir.

19 Q. Okay.

20 MR. SZYMANSKI: There was a document
21 flight plan to the merger that --

22 THE WITNESS: Yeah.

23 MR. SZYMANSKI: -- was a glossy, much
24 smaller program that was actually mailed to
25 all of the pilots.

1 THE WITNESS: Yeah, it was like --

2 MR. SZYMANSKI: But it's not this.

3 THE WITNESS: No, it's not this. It's a
4 fold out, you know, and it was, you know,
5 maybe --

6 MR. HARPER: Okay. I was just confused
7 because I didn't go too far behind it.

8 MR. SZYMANSKI: Yeah, this one looks like
9 it's got two copies of the same thing attached
10 to it.

11 You see?

12 THE WITNESS: Yeah, it does.

13 A. You know what, these may have been
14 drafts, Mr. Harper, you know, getting there along
15 the way that myself or somebody in the NAC
16 submitted.

17 MR. SZYMANSKI: And then there's a couple
18 more pages on the end there.

19 MR. HARPER: Oh, I see.

20 MR. SZYMANSKI: That looks more like it.

21 MS. AXEL: Sorry, that was my bad.

22 (Exhibit Number 1105: US Airline Pilots
23 Association Flight Plan To A Merger, Bates
24 USAPA 001835 - 852 marked for identification,
25 as of this date.)

1 Q. Giving you what has now been marked as
2 1105.

3 A. Okay.

4 Q. Can you identify that then?

5 A. Yes. This is flight plan to a merger.
6 It was a mailer piece that was sent to the pilots,
7 to the USAPA pilots.

8 Q. And you helped prepare this?

9 A. I did, yes. This was the very first --
10 you know, this is the very first -- I think very
11 first piece that the pilots saw.

12 Q. Let me -- looking at 1105 --

13 A. Okay.

14 Q. I don't want to waste a lot of time, but
15 going back also to 1103, which is what you say was
16 handed out at the road shows?

17 A. Yes, sir.

18 Q. Is there anywhere in either one of these
19 documents where the NAC, on behalf of USAPA, says
20 that the MOU is neutral with respect to seniority?

21 A. I believe -- I believe so. I'd have to
22 go through the entire thing here. But I think
23 there is that statement somewhere.

24 Q. See, for example, on page four where you
25 have the timeline, and you have down at the bottom

1 right on Document 1105, it just says the final
2 integrated seniority list will be delivered and the
3 merger will be complete.

4 A. Sure.

5 Q. Okay.

6 A. Yeah.

7 Q. I guess what you're telling me, you think
8 it's here, so if I go through it and find it then
9 it's here?

10 A. I think it is here somewhere. I think it
11 is. I don't -- I remember, you know, this
12 document, you know, the way we're seeing it is not
13 the way it was -- it was mailed. You know, this is
14 purposely a one-page and opened. And so that's why
15 it's -- you know, only so much information you can
16 get here. And then this, of course, becomes the
17 very much expanded version of --

18 Q. 103?

19 A. Yeah.

20 Q. 1103.

21 A. 1103 becomes the expanded version, so to
22 speak, of 1105.

23 Q. So you told me I have my homework, I can go
24 look at it and find out where it says seniority
25 neutral because you think it does?

1 A. I think it does. I mean, I know we've
2 made that statement, you know, several times.

3 Q. Well, who started referring to section 10H
4 as seniority neutral?

5 A. Who started referring to it? I think --
6 I don't think that we said 10H is neutral. I think
7 we said NAC, that we've remained seniority neutral
8 in our negotiations for this stuff.

9 Q. So the statement will say the NAC attempted
10 to be seniority --

11 A. Yeah. Maybe if it's not that way in this
12 document, but you will find that in some of our
13 updates for sure.

14 Q. And the updates are the ones that go out --

15 A. To all the pilots.

16 Q. Starting on or about January 25 where we
17 have an update? That's what it looked like?

18 A. Yeah, I mean, we tried to do an update a
19 week, every week.

20 Q. And January 27th and February 4th, those
21 are the type of documents that are sent out that are
22 supposed to be the updates?

23 A. Yes, sir.

24 Q. Okay. Let me just -- I just can't get this
25 out of my head, John --

1 A. That's okay.

2 Q. -- and I apologize.

3 Who would know best what the purpose of
4 paragraph 10H is, if you don't know?

5 A. Merger committee.

6 Q. Collectively?

7 A. I would assume, yes, sir.

8 Q. Merger committee except for you?

9 A. No, I'm the negotiating committee.

10 Q. Oh, I'm sorry. The merger committee.

11 A. Merger committee.

12 Q. No, but I'm talking about the negotiating
13 committee when the 10H was inserted in the MOU.

14 A. Right.

15 Q. Who in that process would know the purpose
16 of 10H?

17 A. The purpose of -- the purpose of 10H, I
18 think we'd talked about that earlier, we sat
19 together when it was finalized, the committee, all
20 four of us.

21 Q. But when it went into the agreement?

22 A. Who wrote it?

23 Q. Yeah.

24 A. I don't know who wrote it.

25 Q. Who would know best when it was written,

1 what the purpose was?

2 A. Probably Jess Pauley.

3 Q. Why?

4 A. He's merger -- he's the merger committee
5 chairman who's tasked with seniority integration.

6 Q. Was he actively involved in these
7 negotiations?

8 A. He was actively involved in this
9 paragraph ten.

10 Q. In Dallas?

11 A. No, no, sir, not in Dallas.

12 Q. I'm talking about in Dallas, John.

13 A. He was -- this went on virtually with
14 him. He wasn't physically in Dallas, but he was
15 involved in negotiations of that during that time
16 frame, but he was on the phone. But he wasn't in
17 Dallas personally.

18 Q. So you think Jess Pauley is the best person
19 to ask about the purpose of 10H when it was put into
20 the paragraph ten of the MOU?

21 A. Yes, Jess along with counsel.

22 Q. Along with Pat?

23 A. Yes. And, I mean, if I must, APA,
24 US Airways and AMR.

25 MR. HARPER: Yeah, let's just use that.

1 Q. Maybe you don't know the answer to this.
2 The way this has been going I suspect that you don't.
3 But I want to show you 1106, what we're marking as
4 1106.

5 A. Okay.

6 MR. HARPER: I think it's one document.

7 (Exhibit Number 1106: E-mail from John
8 Owens to Dean Colello dated 12/25/12, Bates
9 USAPA 285080 - 081 with attachment marked for
10 identification, as of this date.)

11 A. Okay.

12 Q. Can you identify 1106?

13 A. Dean Colello from Dean -- from John to
14 Dean, 12/25/2012. 12/25, Christmas Day. Seniority
15 list AA -- AA list, AAUSAW, tech seniority list
16 AAUSAW, okay.

17 Q. And look at what's attached.

18 A. Okay.

19 Q. What is that?

20 A. It looks like a -- well, AA -- there's
21 American -- looks like American Airlines seniority
22 list and a US Airways seniority list --
23 US Airways -- US Airways people in here. So I see
24 US Air, I see AA, okay?

25 Q. What -- take your cover e-mail plus --

1 A. Um-hum.

2 Q. -- what you have in your hand there and
3 tell me what --

4 A. I know where this came from.

5 Q. Pardon me?

6 A. I know where this came from.

7 Q. We're making progress here.

8 A. Yeah, we are.

9 Q. What -- what is it?

10 A. It's a -- it says a projected merge pilot
11 seniority list for American Airlines, US Air
12 East/West based on seniority date.

13 Q. Right.

14 A. Um-hum.

15 Q. And somehow it comes into your possession
16 on Christmas or before?

17 A. That's correct.

18 Q. And you pass it onto Dean?

19 A. That's correct.

20 Q. Why?

21 A. Because he's the NAC chairman.

22 Q. How did you get it?

23 A. I think it was sent to me by Ken Holmes.

24 Q. Ken Holmes?

25 A. I believe so, yes.

1 Q. And he's on the merger committee?

2 A. Ken Holmes is on the negotiating
3 committee.

4 Q. So you're telling me that Ken -- you think
5 Ken Holmes sent you on Christmas a integration --
6 seniority integration list between American Airlines
7 and AWA projected on date of hire?

8 A. This list -- I have no idea who created
9 this list. I have no idea what this list was
10 created for. Like everything you've seen from me
11 so far, when it has anything to do with seniority
12 or seniority integration, I get away from it as
13 soon as I can, and I forwarded it onto Dean
14 Colello.

15 Q. He's on your committee.

16 A. It's from me to Dean.

17 Q. How are you getting rid of it? You're just
18 passing it on --

19 A. He's the chairman of the committee. It's
20 his -- he is in charge overall. I am a committee
21 member. And I do certain things and, you know, you
22 see what I do.

23 Q. See, what is bothering me here, and I think
24 you're trying to -- you're getting the drift, is
25 you're telling me that 10H is seniority neutral,

1 correct?

2 A. Correct.

3 Q. Concurrently USAPA's coming up with a
4 seniority list merging -- merging -- running -- runs,
5 merging Airways pilots with American pilots based
6 upon date of hire.

7 A. Is that what this is?

8 Q. Yeah.

9 A. This is a date of hire list?

10 Q. Yeah.

11 A. I have no idea. I have no idea who
12 produced this list. And I have no idea what for
13 and why -- why -- I just don't. I don't. I
14 honestly don't.

15 Q. And the committee you say that is supposed
16 to be neutral is playing with this list back and
17 forth?

18 A. What do you mean playing with this list
19 back and forth?

20 Q. Well, you're sending it amongst yourselves
21 for some purpose.

22 A. Remember, I just told you, anything that
23 I get as a committee member, I share with Dean
24 Colello because he's the chairman of this
25 committee.

1 Q. And then you tell me the documents we've
2 just been talking about supposedly have language in
3 it that says the MOU is seniority neutral, correct?

4 A. Yes, MOU is seniority neutral.

5 Q. USAPA is putting together lists already
6 that are supposed to be runs on a potential
7 integration of pilots based upon date of hire.

8 A. How do you know USAPA put this letter
9 together -- this together?

10 Q. It's been produced by USAPA.

11 MR. JACOB: Show him Exhibit 1069 and see
12 if he thinks American would put it together.

13 MR. HARPER: 1069?

14 MR. JACOB: That's the colored one.

15 A. I really would love to be able to tell
16 you more about this, but... What would the purpose
17 of this be?

18 Q. To get ready for pilot seniority
19 integration. What else would it be the purpose,
20 John?

21 A. I know nothing about it. I honestly know
22 nothing about it.

23 I feel like you're -- there's an effort
24 here to attach me to something that I have worked
25 very hard to not be attached to.

1 Q. All I'm doing is trying to read the facts.
2 And when you're on all sides of this stuff, you are
3 going to get attached to it, John.

4 A. That's a fact. The question I have here
5 --

6 MR. SZYMANSKI: Is this what you're
7 talking about?

8 MS. AXEL: Yeah. I don't know where the
9 exhibit --

10 THE WITNESS: That's a -- that's --
11 that's -- that's a product of West and
12 United's.

13 MS. AXEL: No, it's not.

14 A. I've seen these types of charts before,
15 and all of these charts that I've seen have come
16 from United guys and their brochures.

17 Q. Well, this is a run that attempts to put
18 East/West and American together based upon date of
19 hire.

20 A. And who did this?

21 Q. We did that.

22 Do you see where the blue is and where the
23 West pilots show up on date of hire?

24 MR. JACOB: That illustrates those --
25 that stack of paper.

1 MR. SZYMANSKI: So why don't you think
2 that stack of paper came from the same people
3 who did that list?

4 MR. HARPER: Because we know it didn't.

5 Q. But see, you take this stuff here --

6 A. Okay.

7 Q. -- and you put it out in --

8 A. How?

9 Q. -- into a graph.

10 A. How?

11 Q. On a computer.

12 A. Okay. I'm going to have to stop you
13 guys. I'm going to have to stop you. Because this
14 is getting to be -- how would -- you're telling me
15 that somehow you were able to take what you just
16 handed me, you manually typed all this in and
17 created this?

18 MR. HARPER: I didn't do it, but we did.

19 THE WITNESS: You manually typed all
20 these in?

21 MR. JACOB: No. I took the document and
22 I cut out the column with the dates, and I put
23 it into an Excel spreadsheet and made it from
24 that.

25 THE WITNESS: And when did you produce

1 this?

2 MR. JACOB: You produced that.

3 A. No, when did you produce this?

4 Q. We just showed it to you yesterday.

5 All this is, John, is a visual -- all this
6 is is a visual, Exhibit 1069 -- or 7, whatever it is,
7 is simply a visual to the exhibit I have given you,
8 1106.

9 A. Okay. So here's what I --

10 Q. And what it reflects is if you do the pilot
11 integration by date of hire, do you see where the
12 West pilots go?

13 A. I see what you guys are doing, okay? But
14 let me just make a statement.

15 First of all, I have no way to know from
16 what you've handed me -- let me finish, please --
17 if this document is this attachment. You sent me
18 an e-mail, and then you hand me this giant
19 document --

20 Q. I didn't send you an e-mail.

21 A. You handed me an e-mail, then you handed
22 me this giant document that I can't tell you
23 whether it correlates to this or not. And then you
24 tell me that somehow in the last few days you
25 manually typed all these in and created this. As I

1 said, I have no idea what this list is for. I have
2 no idea why it was produced. That's my final -- my
3 final answer.

4 MR. SZYMANSKI: You have a copy for me,
5 by the way?

6 MS. AXEL: Of what?

7 MR. SZYMANSKI: Of what you're holding in
8 your hand.

9 MS. AXEL: Oh, sure.

10 MR. SZYMANSKI: Thank you.

11 MR. HARPER: Okay.

12 MR. SZYMANSKI: And what is this? This
13 is 1106. And I want my colored chart back
14 because I like the colors.

15 And is this 1069 or 1067?

16 MS. AXEL: I can't find the original copy
17 in the exhibit, so I --

18 MR. SZYMANSKI: You let somebody -- I'm
19 sorry, we can go off the record.

20 (A DISCUSSION WAS HELD OFF THE RECORD.)

21 Q. What are you upset about, John?

22 A. I just -- you know, it appears that
23 somehow you're making an assumption that A, I agree
24 with this; that B, that I support this; or C, that
25 I had something to do with it. And I don't have

1 anything to do with A, B or C, never have. I'm
2 here for one reason, to see that we all move
3 forward, period.

4 Q. Yeah, all move forward to the best economic
5 advantage you can get out of this process, correct?

6 A. Absolutely.

7 Q. And the date of hire process is extremely
8 more economically advantageous to the East pilots
9 than the West pilots, right?

10 A. No, sir. That never, ever, never one
11 time came into any of the assumptions or
12 calculations that I have made or shared with the
13 committee or with the pilots. Not one time.

14 Q. But that's a practical effect.

15 A. It's -- that's your assumption. The
16 practical effect is that I don't know how or why we
17 would produce something like this.

18 Q. You didn't. All we did was take what you
19 had in your hands on Christmas Day and make a picture
20 out of it.

21 A. And you're -- that's the other thing too.
22 Can you guys please verify for me that the
23 attachment here is this?

24 MS. AXEL: Yeah, that is the attachment.

25 I found that document, and I printed it and it

1 has your name on it. And that's actually an
2 image, so we didn't even manipulate it at all
3 either.

4 THE WITNESS: So if it's only an image,
5 then you can't put it into this form.

6 MS. AXEL: No, you can't. You can
7 convert it, because we also got it as a PDF.
8 That document with the Bates number is an
9 image. You guys produced things to us as both
10 images and natives. We took the native file,
11 converted it to --

12 MR. SZYMANSKI: You don't have to get --

13 THE WITNESS: Don't yell at me.

14 MR. SZYMANSKI: Wait a minute, you don't
15 have to get angry at him. He's just trying to
16 figure this out because obviously he doesn't
17 recall it.

18 THE WITNESS: No, no, no.

19 MS. AXEL: Of course not, he doesn't
20 recall it at all.

21 THE WITNESS: Oh, I see.

22 MR. JACOB: Let me be --

23 THE WITNESS: You know, Ms. Axel, I
24 really take offense to your trying to -- you
25 know, it's just not fair. It's not fair.

1 MS. AXEL: I agree.

2 THE WITNESS: It's not fair.

3 MS. AXEL: I agree that list is not fair.

4 THE WITNESS: I'm not talking about the
5 list. I'm talking about you yelling at me,
6 and I'm talking about you casting aspersions
7 upon me.

8 MS. AXEL: Okay.

9 THE WITNESS: Not fair. Thank you very
10 much.

11 MR. HARPER: Okay. I think I'm done.

12 (TIME NOTED: 5:20 p.m.)

13 (SIGNATURE RESERVED.)

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WITNESS' CERTIFICATE

I, JOHN P. OWENS, do hereby certify that I have read and understand the foregoing transcript and believe it to be true, accurate, and complete transcript of my testimony, subject to the attached list of changes, if any.

JOHN P. OWENS

This deposition was signed in my presence by _____, on the _____ day of _____, 2013.

NOTARY PUBLIC

My commission expires:

1 Huseby, Inc.
1230 West Morehead Street, Suite 408 (Page 1 of 2)
2 Charlotte, North Carolina 28208

3 E R R A T A S H E E T

4 RE: Don Addington; et al.
vs. US Airline Pilots Association, et al.

5 DEPOSITION OF: John P. Owens

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22 Page:____ Line: ____ should read: _____

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1 (Page 2 of 2)

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24 Page:____ Line: ____ should read: _____

25 Page:____ Line: ____ should read: _____

1 STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

2

3

REPORTER'S CERTIFICATE

4

I, V. Dario Stanziola, a Notary Public in

5

and for the State of North Carolina, do hereby

6

certify that there came before me on Thursday,

7

September 19, 2013, the person hereinbefore named,

8

who was by me duly sworn to testify to the truth

9

and nothing but the truth of his knowledge

10

concerning the matters in controversy in this

11

cause; that the witness was thereupon examined

12

under oath, the examination reduced to typewriting

13

under my direction, and the deposition is a true

14

record of the testimony given by the witness.

15

I further certify that I am neither

16

attorney or counsel for, nor related to or employed

17

by, any attorney or counsel employed by the parties

18

hereto or financially interested in the action.

19

IN WITNESS WHEREOF, I have hereto set my

20

hand, this the 26th day of September 2013.

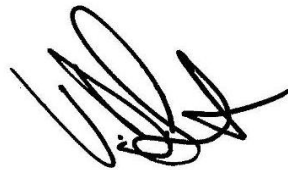
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V. DARIO STANZIOLA, CSR, RPR, CRR
Notary Public No. 20011200120

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