

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 PAUL J. DiORIO
(Taken by Plaintiffs)
Charlotte, North Carolina
Friday, September 20, 2013

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

1 APPEARANCES

2 ON BEHALF OF THE PLAINTIFFS:

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18 Also Present:

19 BRIAN STOCKDELL
20
21 JOHAN de VICQ

22 DEPOSITION OF PAUL J. DiORIO, a witness
23 called on behalf of the Plaintiffs, before V. Dario
24 Stanziola, CSR (N.J.), RPR, CRR, Notary Public, in
25 and for the State of North Carolina, held at the
offices of Huseby, Inc., 1230 West Morehead Street,
Suite 104, Charlotte, North Carolina, on Friday,
September 20, 2013, commencing at 12:06 p.m.

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5 INDEX OF EXHIBITS

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7 Exhibit Number 1115: Negotiating 14
8 Advisory Committee Negotiations and the
9 NMB Document dated 2/3/12, Bates
10 WP023757 - 758

11 Exhibit Number 1116: US Airline Pilots 18
12 Association Negotiating Advisory
13 Committee Update dated 5/4/12, Bates
14 WP023765 - 766

15 Exhibit Number 1117: US Airline Pilots 23
16 Association NAC Update dated 6/6/12,
17 Bates WP023774 - 775

18 Exhibit Number 1118: US Airline Pilots 43
19 Association NAC Question Bank on the
20 MOU, Bates WP024183 - 191

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1 PAUL J. DiORIO,
2 having first been duly sworn, was examined and
3 testified as follows:

4 EXAMINATION

5 BY MS. AXEL:

6 Q. All right. Good afternoon, Mr. DiOrio. I
7 introduced myself earlier, but my name is Jennifer
8 Axel, and I represent the certified class of West
9 pilots in the current lawsuit against USAPA?

10 And as I understand it, you were the
11 chairman of the negotiating committee for a number of
12 years; is that correct?

13 A. Yes.

14 Q. And what years were you the chairman?

15 A. From May 2008 until July of 2012.

16 Q. Okay. And during that time period what was
17 your responsibilities as the chairman of the NAC?

18 A. To attempt to negotiate a single
19 collective bargaining agreement.

20 Q. Okay. With the company?

21 A. Yes.

22 Q. And by the company, I mean US Airways?

23 A. Yes.

24 Q. Okay. And were you ever able to achieve
25 that?

1 A. No.

2 Q. Okay. And are you familiar with a Nicolau
3 award?

4 A. Yes.

5 Q. Okay. And do you know when that came out?

6 A. 2007, May of 2007.

7 Q. And were you on the East merger committee
8 at that point?

9 A. No.

10 Q. Okay. Were you on furlough when the
11 Nicolau award came out?

12 A. Yes.

13 Q. And how long had you been on furlough?

14 A. Since January of 2003.

15 Q. How many years have you been employed by US
16 Airways?

17 A. Since July of 1989.

18 Q. Between 1989 and January of 2003, did you
19 have any other furloughs?

20 A. Total of three.

21 Q. Okay. For how long total?

22 A. First one was six months or so. Second
23 was about two months and then the third one was
24 four years, I guess.

25 Q. Okay. And that was the furlough that

1 started in January of 2003?

2 A. Correct.

3 Q. Okay. So you came back sometime in 2007?

4 A. Correct.

5 Q. And how did you get onto the NAC committee?

6 A. I was called. I think contacted by a
7 gentleman who was kind of in charge of putting
8 people on committees and asked me if I was
9 interested.

10 Q. And who was that?

11 A. Steve Szpyrka. I believe it was Steve
12 Szpyrka.

13 Q. And he asked you if you wanted to be on the
14 NAC committee?

15 A. Um-hum. Yes.

16 Q. And you agreed?

17 A. I think initially I didn't. I think
18 initially just with the time commitment and I was
19 based in Boston at the time and there was a Boston
20 base and I knew I would never be -- I wouldn't be
21 home a lot and do I really want to trade this? So
22 initially I think I said thanks, but no thanks, and
23 then subsequent to that I agreed.

24 Q. Okay. And were you the first chairman of
25 the NAC?

1 A. Yes.

2 Q. And as I understand it, the NAC received
3 its directives from the BPRs; is that correct?

4 A. Correct.

5 Q. Okay. And before I go on, I should say do
6 the members of the NAC need to be appointed by the
7 president?

8 A. Yes.

9 Q. And then confirmed by the BPR?

10 A. Correct.

11 Q. So the president that appointed you was
12 Stephen Bradford?

13 A. Correct. You know, I think that's the
14 way it occurred on the first meeting. I can't
15 remember, it's been four years. I think
16 technically it was discussed, the board discussed
17 it, and I think technically he did the appointment
18 and it was confirmed, it was kind of a discussion.

19 Q. Okay. Now, at the time that you became the
20 NAC chairman, were there any proposals pending by
21 either USAPA or the company?

22 A. Yes.

23 Q. And what was that?

24 A. The company, they had the Kirby proposal
25 and with -- we inherited -- I shouldn't say

1 inherited. We looked at the ALPA proposals and we
2 accepted some of them and others we needed to
3 review and reopen.

4 Q. Do you specifically remember what about the
5 ALPA proposals that you accepted?

6 A. No. I know we were tasked with looking
7 at everything. And if we thought something had
8 been agreed to that we thought was inferior we
9 would reopen it. I think there were a lot of areas
10 in scheduling. Hours of service, pay. Actually,
11 pay, I shouldn't say pay, we were very close in
12 pay. Scheduling and hours of service were the
13 biggies. They were -- we just -- and PBS would
14 jump out as being the biggest part of scheduling.

15 Q. So the scheduling and hours of service were
16 things that you did not agree with with the ALPA
17 proposals; is that correct?

18 A. Yes, I think -- those were the biggest, I
19 believe. There were other areas that were...

20 Q. Was seniority one of the other areas that
21 you did not agree with?

22 A. I didn't deal with seniority. That was
23 the merger committee. We really didn't -- we
24 didn't deal with seniority. Section 22 and some
25 other areas, like when the list would be provide --

1 when an updated list every year, just very minor
2 issues. But seniority was dealt with the merger
3 committee.

4 Q. In your tenure on the NAC did the company
5 ever withdraw the Kirby proposal?

6 A. No.

7 Q. So it was essentially on the table during
8 the entire time that you were on the NAC committee?

9 A. Correct.

10 Q. Did you ever present it to the BPR?

11 A. The Kirby proposal?

12 Q. Correct.

13 A. I think we discussed it early on, you
14 know, what was unacceptable. And there were so
15 many -- it was -- there were so many areas that was
16 unacceptable that we kind of just looked at it and
17 said this is almost like a nonstarter.

18 Q. Okay. Did you ever advise the BPR that the
19 Kirby proposal was still on the table?

20 A. I'm sure I did. I can't -- I can't
21 remember. I think I said something. I'm sure I
22 did.

23 Q. And did the NAC submit any counterproposals
24 to the company during the time period when you were
25 the chairman?

1 A. Many.

2 Q. Do you have -- five, ten?

3 A. Gosh, hundreds.

4 Q. Hundreds.

5 And the company didn't accept any of those?

6 A. They were -- they came back with their
7 original proposal almost every time. Unmodified.

8 Q. Are you familiar with a document called the
9 transition agreement?

10 A. Um-hum.

11 Q. And --

12 A. Yes.

13 Q. I'm sorry, I should have asked you --

14 A. I know I should say yes.

15 Q. -- have you ever been deposed before?

16 A. Yes.

17 Q. Okay. So we just -- we have to try and not
18 talk over each other and answer in complete
19 sentences. And I'm sure I will talk over you, and I
20 apologize in advance.

21 A. I understand.

22 Q. So what's your understanding of the
23 transition agreement and its requirement in terms of
24 seniority, if you have one?

25 A. I really, as far as seniority, I didn't

1 pay attention to that part of it. I didn't
2 negotiate seniority, it wasn't really my issue. I
3 looked at other issues, block hours, things like
4 that. But I really didn't -- it was the merger
5 committee that took care of that, so...

6 Q. Okay. Who was the head of the merger
7 committee during the time that you were chairman of
8 the NAC?

9 A. I think it -- initially I think it was
10 Randy Mowrey. And then it may have gone to I
11 think -- I believe Bob Davison and then to Jess
12 Pauley, who's the current chairman.

13 Q. Did you guys do anything -- work together
14 on any tasks?

15 A. No. Generally, no.

16 Q. Are you familiar with the requirement that
17 under the transition agreement once a new collective
18 bargaining agreement is negotiated and ratified that
19 the Nicolau award must be used?

20 A. Must be used? I wouldn't say must be
21 used.

22 Q. You're familiar with that's the position at
23 least of the West pilot class, correct?

24 A. Yes.

25 Q. Okay. Did that ever come up in your

1 negotiations with the company?

2 A. Never.

3 Q. I'm going to have you look at what we had
4 previously marked as Exhibit 1089.

5 And have you seen this document before?

6 A. I have to look at it.

7 This is before I was on the BPR, so
8 this -- this is a motion -- these are just the
9 minutes from BPR meeting.

10 Q. Yeah. And I'll have you go to -- about
11 four or five pages in, and it's 10:45 is the number
12 next to it, it says the negotiating committee briefs
13 the board.

14 A. Okay. Found it.

15 Q. Would you -- would you have been the person
16 that briefed the board?

17 A. Yes.

18 Q. Okay. And on number six you say,
19 negotiations have been on -- have been going on for
20 3.5 years, the committee will not give in, but having
21 a difficult time. Not a question about being
22 ineffective. Quote, if it is not the Kirby, they are
23 not interested, unquote.

24 And that was your presentation to the BPR
25 in August of 2011 regarding the Kirby proposal,

1 correct?

2 A. Correct.

3 Q. Okay. And then the attachment to this
4 document, if you go towards the end, it appears there
5 is a Power Point presentation?

6 A. Okay. Okay.

7 Q. And it's the negotiating committee update.
8 Was this a presentation that you had prepared?

9 A. Yeah, Dean and I prepared all the
10 presentations.

11 Q. And Dean is Dean Colello?

12 A. Yes.

13 Let me rephrase that. Dean put this
14 together with the input of myself and the
15 committee. But Dean's the one that actually made
16 the slides.

17 Q. If you go into slides ten and 11.

18 A. Okay.

19 Q. And, again, you're talking about the Kirby
20 proposal, and that's the only proposal that the
21 company is willing to consider; is that correct?

22 A. Correct.

23 Q. And then paragraph 12 -- or I'm sorry,
24 paragraph -- slide 12 on the next page -- -

25 A. Um-hum.

1 Q. -- you say -- or this presentation says,
2 company refuses to move off the Kirby proposal from
3 four-plus years ago; is that correct?

4 A. Correct.

5 Q. And we deposed Mr. Crimi yesterday and he
6 testified that the NAC had never informed the BPR
7 that the Kirby was still on the table during this
8 time period. Do you think that's accurate?

9 A. From this, no.

10 Q. Okay. And were you involved in
11 negotiations with the NMB?

12 A. Yes.

13 Q. Okay. And when did those negotiations take
14 place?

15 A. When did they begin?

16 Q. Yes. I'm sorry.

17 A. I'm guessing 2009 or '10. I don't
18 remember the exact date.

19 Q. And what was the purpose of engaging with
20 the NMB?

21 A. Well, just to try to get to an agreement.
22 We weren't -- we weren't successful. We were
23 looking for help.

24 Q. Okay. And I'm going to mark 1115.

25 (Exhibit Number 1115: Negotiating

1 Advisory Committee Negotiations and the NMB
2 Document dated 2/3/12, Bates WP023757 - 758
3 marked for identification, as of this date.)

4 Q. And I've handed you what has been marked as
5 Exhibit 1115, which is a document dated February 3rd,
6 2012, and it's titled -- Negotiating Advisory
7 Committee is in the header and I believe the title is
8 Negotiations in the NMB; is that correct?

9 A. Yes.

10 Q. Are you familiar with this document?

11 A. Yes, I'll read them. Should we put it
12 out? I have to read it.

13 Yes.

14 Q. And did you have any understanding of
15 what -- why the NMB took a break from overseeing
16 contract negotiations?

17 A. Their position -- there was no progress
18 and then they said that one of their reasons was
19 that the seniority dispute had to be resolved to
20 get an agreement.

21 Q. All right. And the seniority dispute
22 refers to the current dispute between the East and
23 West pilots --

24 A. Correct.

25 Q. -- about whether the Nicolau award should

1 be implemented?

2 A. The current dispute between East and West
3 pilots, yes.

4 Q. Okay. And was the company's position that
5 the -- that the seniority dispute needed to be
6 resolved prior to any other additional negotiations
7 with the company as well?

8 A. At that point, yes, it had changed over
9 the four years.

10 Q. Okay. And did you report that back to the
11 board?

12 A. I'm sure I did.

13 Q. Do you have any understanding of what the
14 board's position was on the seniority issue in
15 February of 2012?

16 A. In February of 2012?

17 Q. Yes.

18 A. Can you be more specific?

19 Q. Was the board willing to enter into any
20 negotiations or discussions with the West pilots on
21 the seniority dispute issue?

22 A. I wasn't -- I wasn't on the board at that
23 time. So really don't know what the board's
24 position was.

25 Q. At some point in the first or second

1 quarter of 2012 did you learn that the company had
2 been negotiating with APA?

3 A. Yes.

4 Q. Okay. And how did you learn that?

5 A. You know, I don't know -- I can't
6 remember exactly how I learned, whether it was when
7 it was announced or I may have had a heads up. I
8 think I received a heads up just prior to that from
9 Gary Hummel. I think, I can't remember, but I seem
10 to remember that I found out ahead of time what was
11 going on.

12 Q. Were you surprised by that?

13 A. Yeah.

14 Q. And the company had never given USAPA prior
15 notice that it had been negotiating with APA?

16 A. I can't answer whether USAPA had --
17 members of USAPA had prior notice. I had no prior
18 notice.

19 Q. The MEC had no prior notice --

20 A. Correct.

21 Q. -- is that fair?

22 Okay. And what actions did the NAC take
23 after learning about the negotiations between the APA
24 and US Airways?

25 A. As far as negotiations or --

1 Q. Just what did you do when you found out?

2 A. We had looked at the term sheet, which
3 was negotiated. We were -- reviewed that. I think
4 we reported back to the board and then we started
5 interacting with APA and a little bit with the
6 company.

7 Q. Why were you interacting with APA?

8 A. I think at that point that they -- since
9 the cat was out of the bag, so to speak, they
10 included us in some of the negotiations with the
11 company.

12 Q. Okay. And was that because you intended to
13 try and negotiate a contract with the company as
14 well, similar to APA's?

15 A. I'm trying to remember back when we met.
16 I think they were still trying to resolve some
17 issues. I think they agreed in principle on some
18 parts. I'm trying to remember. We went to Dallas
19 a couple of times and met and I think there was
20 still issues that needed to be resolved, vacation
21 jumps out, vacation bidding I think jumps out,
22 certain scheduling.

23 (Exhibit Number 1116: US Airline Pilots
24 Association Negotiating Advisory Committee
25 Update dated 5/4/12, Bates WP023765 - 766

1 marked for identification, as of this date.)

2 Q. I'm going to -- I have handed you what has
3 been marked as Exhibit 1116, which is a NAC update
4 dated May 4, 2012; is that correct?

5 A. Yes.

6 Q. All right. And this is discussing some of
7 the discussions in Dallas or negotiations in Dallas
8 with APA; is that correct?

9 A. Yes.

10 Q. And it says here that the NAC went with the
11 business intelligence committee chairman, John Owens.
12 Was he part of the NAC at this time?

13 A. No, I don't think we went with him. He
14 was -- I think he was just there.

15 Q. Okay. Do you know why he was -- why he was
16 there?

17 A. No. He was asked to go. We didn't ask
18 him to go.

19 Q. Do you know who asked him to go?

20 A. Gary Hummel.

21 Q. Gary Hummel.

22 Okay. And was it your intent at this point
23 to negotiate a conditional labor agreement with APA
24 and the company?

25 A. When you say conditional labor agreement.

1 Q. Well, that's what's referenced in --

2 A. Okay. I -- you know, I don't remember
3 really -- I know the term sheet was -- had been
4 negotiated and it might have been -- I think it was
5 called that before it was called the MOU, I think.

6 Q. Okay. So the MOU -- it -- it refers to the
7 memorandum of understanding. When did you -- or did
8 you have any involvement in negotiating what has come
9 to be known as MOU I?

10 A. I was involved initially, and then when I
11 was replaced, it was -- that's when the real
12 negotiations took place.

13 Q. So do you know how -- I mean, how far along
14 had you gotten in terms of negotiating the MOU by the
15 time that you were -- I believe you were removed from
16 the -- as the NAC chairman, correct?

17 A. In July -- mid to late July, yes.

18 Q. All right. Now I want to talk about that.

19 A. Okay.

20 Q. But prior to that time period, had you --
21 how far had you gotten in terms of negotiating the
22 MOU?

23 A. As far as percentage, I can't really give
24 you a percentage halfway. I just can't remember.
25 I think the foundation was there.

1 Q. Okay. I want you to take a look at what
2 has been previously marked as Exhibit 1006.

3 And this is a tentative agreement on a MOU
4 dated August 20th, 2012. And I know that you were no
5 longer on the NAC at this point. But how much of
6 this document had been negotiated prior to your
7 removal?

8 A. I don't remember. I'd have to look at a
9 side by side the day I was removed, what was
10 negotiated, I don't remember.

11 Q. Okay. Were there a number of drafts that
12 had gone back and forth?

13 A. Um-hum. Yes.

14 Q. And who -- who were those drafts with?

15 A. I believe it was between us -- it was
16 between USAPA, APA and US Airways management.

17 Q. Okay. Did -- seniority didn't come up at
18 all in those discussions or those drafts?

19 A. I don't believe so.

20 Q. Are you familiar with a change of control
21 provision in the current East contract?

22 A. Yes.

23 Q. Okay. And did you consider that when you
24 were negotiating the MOU I?

25 A. I'm sure we did.

1 Q. Did you try to do any evaluations of the
2 value of what the change of control would be?

3 A. I think we did -- I think we had that
4 done, yes.

5 Q. Do you know who did that?

6 A. I think Rick Salamat did it for us.

7 Q. And did he actually give you a written
8 report?

9 A. He gave us a number. I'm guessing,
10 150 million. Maybe -- maybe higher, I don't know.
11 I don't think it's lower than 150 million.

12 Q. Okay.

13 A. Maybe 250. I don't remember.

14 Q. I'm going to show you what has been
15 previously marked as Exhibit 1009.

16 Is that what Rick Salamat gave you?

17 A. Yeah, it looks like it. Could be. Does
18 it say change of control anywhere on it?

19 Q. I don't believe it does, but...

20 A. This could be it.

21 Q. Okay. And do you --

22 A. Yeah, that's what I think it is.

23 Can I look at it for a second? Maybe I
24 can...

25 Yeah, this looks likes it's it because it

1 doesn't effect the West, so it would be a change of
2 control. The West stays the same current to snap
3 back.

4 Q. And do you recall approximately when you
5 received that from him?

6 A. No, I don't remember when it was done.

7 Q. Okay. Was it before or after the APA term
8 sheet; do you recall?

9 A. It would have to be after because AMR is
10 listed here.

11 Q. Okay. So sometime between April 2012 and
12 July 2012 when you were removed from the NAC
13 chairmanship, right?

14 A. Correct.

15 (Exhibit Number 1117: US Airline Pilots
16 Association NAC Update dated 6/6/12, Bates
17 WP023774 - 775 marked for identification, as
18 of this date.)

19 Q. Okay. And I've handed you what has been
20 marked as Exhibit 1117, which is a NAC update dated
21 June 5th, 2012.

22 Did you put this document out?

23 A. I'm sure I did, yes.

24 Q. Okay. And this document references both
25 Ken Holmes and Rocky Calveri as being members of the

1 NAC; is that correct?

2 A. Yeah, they're at the bottom, yes.

3 Q. And when were they added?

4 A. May -- I believe May of 2012.

5 Q. Prior to May of 2012, were you and Dean
6 Colello the sole members of the NAC?

7 A. No, you have to define prior. I mean,
8 there were times we were both -- we were the only
9 members, there were other times other people were
10 on, so yes and no.

11 Q. Okay. Yes and no.

12 When -- at what point were -- well, when
13 the APA term sheet came out, were you and Dean the
14 only members of the NAC?

15 A. I believe so.

16 Q. Okay.

17 A. I'm not sure. I'd have to look. It was
18 kind of a revolving door there for a period.

19 Q. Yeah.

20 And in the second paragraph of this update,
21 in the second sentence here you say, we advised the
22 pilots that US Airways management views USAPA's role
23 as only advisory and any suggestions, changes to this
24 negotiation, even if it is current East or West
25 language, must go through APA and be cost neutral.

1 In other words, we must pay for what we currently
2 have.

3 When was that communicated to you by the
4 company?

5 A. I -- I don't know the exact time. I
6 believe it's in the term sheet. It's defined in
7 the term sheet that any changes must be cost
8 neutral.

9 Q. Okay. And what about the fact that your
10 role was only advisory, when was that communicated to
11 you?

12 A. I'm not sure it was actually
13 communicated, but it was clear that the company was
14 negotiating with APA and we were kind of -- I
15 called it the -- you know, that people would say
16 seat at the table and I always referred to it as a
17 -- a spectator seat at the table.

18 Q. It seems like to me, and correct me if I'm
19 wrong, that APA was basically negotiating for both
20 the USAPA pilots and the APA pilots with the company
21 and sort of leaving you guys not involved; is that
22 correct?

23 A. That was very kind of them, yes, that's
24 correct.

25 Q. That's correct?

1 A. In my opinion, that's what they did, yes.

2 MR. JACOB: And it made you very happy?

3 THE WITNESS: I was thrilled.

4 Q. And by the time you had gotten involved, we
5 -- you had already referenced there had already been
6 a term sheet and a lot of the terms of the Airways
7 was willing to agree to it had already been set,
8 correct?

9 A. Correct.

10 Q. And were you able to negotiate off of those
11 terms while you were on the NAC?

12 A. No.

13 Q. Okay.

14 A. I don't believe anything meaningful was
15 changed.

16 Q. Okay. I'm going to show you what we marked
17 earlier today with Mr. Colello. Exhibit 1107.

18 And are you familiar with this document?

19 A. Yes.

20 Q. And did you prepare this document?

21 A. Yes.

22 Q. Okay. I'd like to go over a little bit on
23 the first page here. It's talking about the recent
24 activities with APA. And are these all the meetings
25 that you recall attending?

1 A. I'm not sure if they're all the meetings.
2 But I'm sure that it's accurate.

3 Q. Okay. And at any of these meetings did
4 USAPA add any language or any working conditions to
5 the agreements that had been negotiated between the
6 APA and USAPA?

7 A. I have --

8 Q. Or APA and US Airways, I'm sorry.

9 A. I'm sorry, there's no way I can remember
10 that just by looking at this. I would have to look
11 at notes, no idea.

12 Q. Okay. So you took notes during these
13 meetings?

14 A. Notes were taken, yes.

15 Q. Okay. And who was at these meetings with
16 you?

17 A. For USAPA?

18 Q. Correct.

19 A. I don't know the exact dates that Holmes
20 and Calveri came in prior to that. I think we
21 had -- we had Burdick and Fife on the committee.
22 So I don't know, you know, if it was before that
23 changeover or after that changeover. So I can't
24 answer that. I know Dean and I -- I can tell you
25 Dean and I were there and either Holmes and Calveri

1 or -- well, this is June 5th, so it must have been
2 Holmes and Calveri.

3 Q. Okay. Was there anybody else from USAPA
4 with you other than the members of the NAC?

5 A. Owens was probably there. I'm not sure
6 if he went with us, but he was kind of always
7 walking around.

8 Q. What about Gary Hummel, was he there at
9 all?

10 A. I don't think so.

11 Q. Okay.

12 A. Can I back up a second?

13 Q. Yeah.

14 A. As far as if we're talking about the
15 sessions with the company, it would have just been
16 negotiating committee there. If it was an internal
17 session with APA, then John may have been there.
18 He was there some of the time. He may not have
19 been there also. But I don't -- can't remember.

20 Q. Do you recall seniority was discussed at
21 any of these meetings?

22 A. No.

23 Q. Okay. And did you continue to have
24 meetings with APA and/or the company after the
25 June 1st meeting referenced there?

1 A. After June 1st? I'd have to look at -- I
2 can't remember.

3 Q. Okay. Now, you earlier referenced you
4 were -- that you were removed as the chairman of the
5 NAC. Do you recall when that was?

6 A. Late July, third week of July.

7 Q. And do you recall why you were removed?

8 A. There was an issue where the president
9 had other people negotiating directly with the
10 company and drafting proposals and the committee,
11 we took offense to that. We were excluded from the
12 process. And we -- I called and requested a
13 meeting with the board without the attorneys or the
14 officers present to advise them what was going on.

15 Q. And did you get to have that meeting with
16 the board?

17 A. I did.

18 Q. And what was the board's reaction to what
19 you were telling them?

20 A. I think it went down -- you know, I'm not
21 sure if it went down political lines or not. I
22 think they were surprised at what was going on. I
23 really don't remember.

24 Q. And you said that the other people had been
25 negotiating with the company and not including the

1 NAC?

2 A. Drafting proposals I guess is a better.

3 Q. And who were those other people?

4 A. Dave Ciabattoni and John Owens with Brian
5 O'Dwyer.

6 Q. And was Brian O'Dwyer, I believe he's
7 general counsel for USAPA; is that correct?

8 A. Yes.

9 Q. Was he in that position at that point in
10 time?

11 A. I believe so, yes.

12 Q. Okay. And so they were sending proposals
13 to the company without any input from the NAC?

14 A. We -- the members didn't know about it.

15 Q. Right.

16 So the BPR had not authorized it based on
17 your meeting that you had with them?

18 A. No.

19 Q. Okay. After the BPR meeting, what
20 happened?

21 A. After the private meeting?

22 Q. Right.

23 A. I think I was fired the next day.

24 Q. So --

25 A. It might have been a day or two, I don't

1 remember the exact.

2 Q. Who -- who fired you?

3 A. Gary.

4 Q. Gary Hummel?

5 A. Hummel.

6 Q. And did he say why?

7 A. No.

8 Q. He just called you up and said you're no
9 longer --

10 A. He never told me. It just happened.

11 Q. Okay. How did find out?

12 A. I was actually -- we were prepping in
13 another room and it was the committee and someone
14 came running in and said you better get back in
15 here, he's firing you right now. So I got up and
16 went into the room.

17 Q. Okay. And who did he replace you with?

18 A. John Owens.

19 Q. John Owens.

20 Okay. Do you recall if there was any
21 backlash to that, to your firing?

22 A. By whom?

23 Q. Any of the pilots?

24 A. Some were probably happy, others were
25 not. Just the nature of the beast in the union

1 politics.

2 Q. After you were removed as chairman, did you
3 just go back to flying?

4 A. There was a little bit of a transition.
5 I sat in on some BPR meetings as a DDR. And there
6 was a little bit of a transition.

7 Q. Okay.

8 A. But I would -- Dean would call me up and
9 it was generally about, you know, block hours,
10 certain areas where I was very familiar with, he
11 would ask me questions.

12 Q. And when you were removed, how far along do
13 you recall in the MOU negotiation process were you?

14 A. We had never sat down and met with like
15 Kirby and upper management. I had never. And that
16 happened -- it was actually in the process of
17 happening. I think it was setting up a meeting --

18 Q. Okay.

19 A. -- right when that happened.

20 Q. Okay. And you're currently on the BPR,
21 correct?

22 A. Correct.

23 Q. And when were you elected to the BPR?

24 A. I was elected in February and effective
25 April 1st.

1 Q. Okay.

2 A. Of this year.

3 Q. Of this year.

4 And from the Philadelphia domicile,
5 correct?

6 A. Philadelphia, correct.

7 Q. Okay. And prior to that you said that you
8 had sat in as a DDR for other --

9 A. I'm sorry.

10 Q. -- for other reps?

11 A. For the Philadelphia, both chairman and
12 one of the vice chairman on different occasions.

13 Q. Okay. Approximately how many BPR meetings
14 had you sat in?

15 A. Five or six.

16 Q. Did they have any specific agendas that you
17 recall? Were those meetings discussing the MOU?

18 A. I think they were discussing the MOU,
19 yeah, it was right in the middle of all that.

20 Q. Okay. And you're generally aware that at
21 some point MOU I came off the table; is that correct?

22 A. Yes.

23 Q. And then there was a period where there was
24 no negotiations and then negotiations began again, I
25 want to say in the November/December time period; is

1 that your understanding?

2 A. Yes, yes.

3 Q. Okay. And were you involved at all in
4 those negotiations in the November/December time
5 period regarding MOU II?

6 A. The only thing I was involved in, and I
7 wasn't involved with direct negotiations, was
8 developing block hour numbers for proposals.

9 Q. How did you become involved with that?

10 A. I was asked by -- Dean I think asked me.

11 Q. Okay. And when was the first time you saw
12 the full MOU?

13 A. At the BPR meeting in early January when
14 I had a DDR for one of the Philly reps. I don't
15 remember which one.

16 Q. Okay. And who presented the MOU?

17 A. At the meeting?

18 Q. Yeah.

19 A. I think Dean. I think. I can't
20 remember.

21 Q. So it was the NAC that presented it?

22 A. I think so.

23 Q. And did they do a -- an explanation of the
24 different provisions in those kind of things?

25 A. Yes.

1 Q. Did they make any representations or
2 statements about seniority when they were going
3 through the MOU for the BPR?

4 A. That it was neutral -- seniority neutral
5 and neutral on seniority.

6 Q. Did you have any understanding what that
7 meant, seniority neutral?

8 A. Yeah, I didn't take a position one way or
9 another.

10 Q. Okay. Did they make any statements about
11 the McCaskill-Bond process?

12 A. There may have been something just on the
13 lines of education, how the process worked. There
14 may not have been. I don't remember.

15 Q. Okay. Were you familiar with the
16 McCaskill-Bond process through your previous work on
17 the NAC?

18 A. I wouldn't say familiar with it from my
19 work on the NAC.

20 Q. Okay. General -- generally?

21 A. Generally, yes. Generally.

22 Q. Did you believe that the MOU II was a
23 improvement off of the terms of the MOU I?

24 A. Yeah -- yes, it was -- I can't remember
25 if MOU I, what was actually included in it.

1 Q. It's in there. I think you have it if you
2 want to take a look at it. It's Exhibit 1006.

3 A. Well --

4 Q. And MOU II is actually 1000 --

5 A. I guess specifically -- I'm not sure if
6 MOU I had to do with -- I know APA renegotiated --
7 if MOU I was specific to the term sheet and then
8 MOU was specific to what they negotiated subsequent
9 to the term sheet, that's what I was referring to,
10 not so much the MOU.

11 Q. Okay. So there was different -- there was
12 subsequent negotiations after MOU I between APA and
13 the company?

14 A. M -- MOU I -- and I believe this is
15 what -- the way it was. MOU I revolved around the
16 term sheet, which was negotiated between US Airways
17 management and APA. And MOU II centered around
18 their -- APA's contract, which was negotiated with
19 AMR management.

20 Q. Okay. Were the terms and conditions for
21 the US Airways pilots in the MOU II negotiated
22 basically via APA in their contract negotiations with
23 AMR?

24 A. Yes.

25 Q. Okay. Do you know if there was anything

1 specific that any USAPA pilots negotiated in the
2 MOU II?

3 A. I don't think there was -- in MOU II or
4 the --

5 Q. II?

6 A. MOU II, yeah, USAPA was involved. I
7 don't know specifically. I wasn't involved, so I
8 have no idea.

9 Q. Okay. Were you -- I know you said that you
10 had sat in on a couple of BPR meetings. Were you in
11 the BPR meeting where MOU I was presented?

12 A. I believe I was in August. I believe --
13 I'm not sure. I know there was one in August. I
14 know there was one right after I was replaced,
15 which was kind of funny to be there. But I can't
16 remember if the MOU II -- I'm sorry, the end of
17 August if I was there or not.

18 Q. Okay. And you're generally familiar that
19 the BPR had recommended that the MOU I go to
20 ratification, but that the pilots not vote in favor
21 of it; is that correct?

22 A. Correct.

23 Q. Okay. And are you generally aware that the
24 BPR sent the NAC back to the negotiating table with
25 certain additional things that they wanted?

1 A. For MOU II?

2 Q. For MOU II, is that your understanding?

3 MR. SZYMANSKI: No, we were talking about
4 MOU I. All of a sudden you've switched from
5 MOU I to MOU II, just so you know.

6 Q. Well, we just talked about how the BPR was
7 not in support of MOU I; is that fair?

8 MR. SZYMANSKI: And then you were talking
9 about sending them back to the table for
10 improvements --

11 MS. AXEL: Well, Pat --

12 MR. SZYMANSKI: -- improvements in MOU
13 II, and I just wanted him to understand you're
14 now talking about II rather than I.

15 MR. JACOB: Maybe she meant I.

16 MR. SZYMANSKI: Then go ahead, I'm sorry,
17 ask your question.

18 Q. Were you in a BPR meeting where the BPR
19 told the NAC to go back to the negotiating table and
20 come back with additional improvements over what was
21 contained in MOU I?

22 A. I don't recall. I may have been, I just
23 don't remember.

24 Q. When the MOU was first presented to the
25 BPR, did it vote on it at that point?

1 A. MOU I?

2 Q. MOU II now, in January.

3 A. Can you repeat the question, please.

4 Q. So I think we were earlier talking about
5 how MOU II was presented to the BPR in January; is
6 that correct?

7 A. Correct.

8 Q. And you were DDR at that meeting for
9 another Philadelphia rep, correct?

10 A. Correct.

11 Q. Okay. And did the BPR vote on whether or
12 not to send the MOU II to ratification at that point?

13 A. Not initially, no.

14 Q. Okay. What happened with the MOU from
15 between the point that it was recommended for
16 ratification and the first presentation in the BPR?

17 A. We had -- I believe we had some debate
18 within the -- within the BPR about what
19 improvements were going to be needed, and one of --
20 in some of our minds there were many improvements.
21 But the big issue was money, the way that we were
22 being treated compared to APA. APA was getting
23 their raise effective January 1st and we were told
24 that we would have to wait until basically the POR
25 or the effective date, which we were told would

1 have been -- was going to be in early -- I think
2 July, I can't remember. And we said no, we wanted
3 that money retroactive back to, and we went back
4 and forth with a couple of dates, and we concluded
5 the ratification date and the board would approve
6 it or send it out.

7 Q. Okay. And is that generally the \$40
8 million retroactive pay lump sum?

9 A. No, that's separate.

10 Q. That's separate.

11 A. Yeah.

12 Q. Okay. So what was this payment for?

13 A. This is just -- it's a retroactive pay as
14 if we were getting paid the APA rates from the date
15 of ratification up to the POR.

16 Q. Okay. And the pilots haven't received that
17 yet though, correct?

18 A. No.

19 Q. Okay. They will -- they'll only receive it
20 if the POR -- once the POR goes effective, correct?

21 A. Correct. Unless some of them have spent
22 it.

23 Q. I'm sure they have.

24 Were there any other ways that you thought
25 the American pilots were treated better than the US

1 Airways pilots under the MOU II?

2 A. Under MOU II? Well, they just received
3 the benefits right away, whether it's DC
4 contribution or pay, better vacation, at least for
5 the East, not for the West. Maybe -- I'm not sure
6 if it's a little better for the West pilots or not.
7 Other than just getting the benefit of working
8 under that agreement earlier.

9 Q. Right.

10 I think I've heard someone tell me that the
11 American pilots also got an equity stake in the new
12 American company; is that your understanding?

13 A. Yes.

14 Q. And did the US Airways pilots get that?

15 A. No.

16 Q. Okay. Were you in support of the MOU II?

17 A. No.

18 Q. And why was that?

19 A. I just thought we left so much on the
20 table. It was just a rush to get an agreement.

21 Q. Were you -- you're aware that the BPR voted
22 unanimously in support of the MOU II and to send it
23 to ratification, correct?

24 A. Since I was one of the members that
25 voted, yes.

1 Q. Okay. That's my second question. Were you
2 -- were you there at that BPR meeting?

3 A. Yes.

4 Q. Okay. And why did you vote in favor of the
5 MOU?

6 A. Just because it was an improvement, you
7 know, a huge improvement. I think there's two
8 separate issues. I think the process that led up
9 to that point and leaving stuff on the table and
10 getting to that point and sending it out, let the
11 members decide.

12 Q. Did the retroactive pay have anything to do
13 with your vote?

14 A. I'm not sure that -- 40 million -- I'm
15 sorry, the retroactive pay? Yeah, that had
16 something to do with the vote.

17 Q. It was my understanding that the BPR had to
18 unanimously approve the MOU II to get the \$40
19 million; is that correct?

20 A. No, the 40 million was already in there.
21 The unanimous vote was for the retrospective.

22 Q. Oh, okay.

23 And did that play a role in your
24 determination to vote in favor of the MOU?

25 A. The retrospective?

1 Q. Yeah.

2 A. Yes.

3 Q. Did you -- are you familiar with the NAC
4 question bank?

5 A. Question bank?

6 Q. Yeah, I'll show you the document, maybe
7 that will help.

8 MS. AXEL: I don't think that has been
9 previously marked, but somebody can tell me if
10 I'm wrong. The NAC question bank.

11 (Exhibit Number 1118: US Airline Pilots
12 Association NAC Question Bank on the MOU,
13 Bates WP024183 - 191 marked for
14 identification, as of this date.)

15 Q. Are you familiar with this document?

16 A. No. I was just hoping it was something I
17 didn't produce when I was the chairman and I
18 couldn't remember what it was, but this came after
19 me.

20 Q. And just for the record, I've handed you
21 what has been marked as Exhibit 1118, which is a
22 USAPA document that is entitled The NAC Question Bank
23 on the MOU.

24 And if you go in about the third to last
25 page. This is the discussions on seniority; is that

1 correct?

2 A. Yes.

3 Q. And did you go to any of the road shows?

4 A. Yes.

5 Q. Which ones did you go to?

6 A. I went to the Philadelphia road show and

7 I can't remember if I went to one or two of them.

8 Q. There was more than one in Philadelphia?

9 A. Yeah.

10 Q. Yeah.

11 Do you remember there being any statements

12 made about the seniority list that would go into

13 McCaskill-Bond at that Philadelphia road show?

14 A. Specifically I don't remember anything
15 being said.

16 Q. Generally what do you remember?

17 A. It was seniority neutral. And that was
18 like the theme, it was neutral on seniority.

19 Q. Do you recall if anyone mentioned date of
20 hire at that Philadelphia road show?

21 A. I'm sure someone did, but no, I don't
22 recall.

23 Q. It's my understanding that for purposes of
24 the merger committee that it is -- it is tasked with
25 coming up with a seniority list; is that correct?

1 A. I mean, ultimately I think their job is
2 to resolve the seniority issue, yes.

3 Q. Okay. So for -- let's assume that the
4 merger goes forward and McCaskill-Bond happens and
5 the USAPA can't negotiate a list with APA and there
6 is an arbitration, what USAPA entity will determine
7 what list goes into the arbitration process?

8 A. What USAPA entity, so...

9 Q. Is it the merger committee or the BPR or
10 some other group?

11 A. It wouldn't be another group. I think
12 the merger committee in concert with the BPR.

13 Q. Okay.

14 A. I mean, ultimately the merger committee
15 is the one there. But I think it's...

16 Q. Is it your understanding that the BPR has
17 to approve any seniority list that would be advanced
18 in McCaskill-Bond process?

19 A. I would assume so.

20 Q. Okay. Why would you assume so?

21 A. Well, just because the BPR is the
22 governing body.

23 Q. Do you know if there's any
24 constitutional -- USAPA constitutional requirements
25 that it do so?

1 A. The only constitutional requirement that
2 I'm aware of is date of hire principles with
3 reasonable conditions and restrictions. I've heard
4 that once or twice.

5 Q. I'm sure you have.

6 What does that mean to you, date of hire
7 principles?

8 A. It means that it's -- you know, date of
9 hire principles meaning that a restriction or a
10 condition could mean an adjustment to it somehow.
11 It's not date of hire that's it. You know,
12 protections for certain pilots.

13 Q. Do you think that the Nicolau -- the
14 Nicolau award that came out in 2007, do you think
15 that complies with date of hire principles?

16 A. Absent conditions and restrictions?

17 Q. Just in general.

18 A. No.

19 Q. So the Nicolau award that came out, you're
20 aware there was a list and it was all the pilots were
21 on it?

22 A. Yes.

23 Q. That list, does that comply with date of
24 hire principles?

25 A. No.

1 Q. Okay. So is it your understanding that the
2 USAPA constitution would not allow that list to go
3 forward?

4 A. I think it's the key is the conditions
5 and restrictions probably. That's the key.

6 Q. Well, I'm just talking about the Nicolau
7 list, just without conditions and restrictions, let's
8 start there. The Nicolau -- the Nicolau list that
9 came out in -- as it is in, what, March of 2007?

10 MR. JACOB: May.

11 Q. May of 2007, does that comply with USAPA's
12 constitution?

13 A. In my opinion, no.

14 Q. Okay. If the BPR came to you and said we
15 want to put in the Nicolau list from May 2007 as the
16 USAPA list for McCaskill-Bond arbitration as a member
17 of the BPR, would you vote in favor of that?

18 A. I would say it's in violation of the
19 constitution.

20 Q. And the current makeup of the BPR is, I
21 believe, eight East pilots and three West pilots; is
22 that correct?

23 A. Correct.

24 Q. And are you familiar with -- or when you've
25 been in a BPR meeting, have there been any attempts

1 by the West pilots to amend the USAPA constitution?

2 A. There may have been.

3 Q. Okay.

4 A. I don't remember.

5 Q. You don't recall?

6 A. No.

7 MS. AXEL: Can we take a break for a
8 second?

9 (A BRIEF RECESS WAS TAKEN.)

10 MS. AXEL: All right. Back on the
11 record.

12 Q. Would you support a -- amending the USAPA
13 constitution to make it seniority neutral?

14 A. To making it seniority neutral? How
15 would you -- I'm not sure how you would do that.

16 Q. I'm not sure either. If you would -- I
17 think you would take out the provision that says that
18 you have to comply with date of hire principles?

19 A. No.

20 Q. No, you wouldn't support that?

21 A. No.

22 Q. Who are all of the people that you have
23 DDR'ed for?

24 A. Steve Szpyrka.

25 MR. SZYMANSKI: We'll give you the

1 spellings.

2 A. Yeah, you'll never get that one.

3 And Mike -- Mike Gillies.

4 Q. G-I-L-L-E-S, right?

5 A. I'm not even sure.

6 Q. I think I've seen that on some documents
7 before.

8 And are you familiar with -- with something
9 called a dynamic list for seniority purposes?

10 A. No.

11 Q. No?

12 Okay. Would you support any seniority list
13 that was not date of hire with conditions and
14 restrictions?

15 A. Date of hire principles you mean?

16 Q. Right.

17 A. Would I support anything?

18 Q. Right.

19 A. I'm not sure I can -- that's a pretty --

20 Q. What could you think of other than date of
21 hire with conditions and restrictions -- date of hire
22 principles with conditions and restrictions that you
23 would support?

24 A. Well, it -- it depends on what the
25 conditions and restrictions are. I mean, that's a

1 huge...

2 Q. So it depends on the conditions and
3 restrictions, but it would still have to be date of
4 hire?

5 A. Date of hire principles, you know, the
6 conditions and restrictions are what makes it --
7 you can go from one extreme to the other. I think
8 if you -- you could put so many conditions and
9 restrictions on it you could probably go on the
10 other side of the Nicolau list. It depends on the
11 conditions and restrictions, what they are.

12 Q. Okay. You are aware -- or let me scratch
13 that. Are you aware that in this litigation USAPA
14 has taken the position that the West pilots are not
15 entitled to participate in the McCaskill-Bond
16 process?

17 A. Yes, I'm aware of that.

18 Q. Okay. Are you in agreement with that?

19 A. Yes.

20 Q. And why is that?

21 A. Because USAPA is the bargaining agent and
22 they represent all the pilots.

23 Q. Do you think that USAPA can fairly
24 represent the West pilots?

25 A. Yes.

1 Q. And why is that?

2 A. I just think they -- we represent all the
3 pilots. I can speak to when I was the NAC
4 chairman, I mean, I went out of my way to represent
5 the West pilots, I would say almost to a fault
6 making sure I did stuff that was -- you know,
7 addressed their concerns even before they -- NAC
8 was on -- someone was on the committee. I mean, I
9 think that's the general consensus that we
10 represent every pilot.

11 Q. The general consensus among the East
12 pilots?

13 A. Yeah. Yes.

14 Q. Would there be any -- what would the harm
15 be to USAPA if the West pilots participated in
16 McCaskill-Bond?

17 A. The harm would be not so much that they
18 were there, it's now you say okay, where does it
19 end? The Empire pilots are going to want -- want a
20 seat at the table, the shuttle pilots may want a
21 seat at the table, you have the Mid Atlantic pilots
22 now that are saying that they would want a seat at
23 the table.

24 Q. Are the Empire pilots integrated into the
25 current East seniority lists?

1 A. Yes.

2 Q. Are the shuttle pilots integrated into the
3 current East seniority lists?

4 A. Yes.

5 Q. Are the Mid Atlantic pilots integrated into
6 the current East seniority lists?

7 A. Yes.

8 Q. Are the West pilots integrated into the
9 current East seniority lists?

10 A. No.

11 Q. Okay. Do you believe that USAPA will put
12 forward the Nicolau award that came out in 2007 as
13 one of the seniority proposals in McCaskill-Bond?

14 A. Will they?

15 Q. Yeah.

16 A. No.

17 Q. Would they even consider doing so?

18 A. I think we -- I think they have
19 considered it.

20 Q. And decided not to?

21 A. Yeah.

22 Q. When we took Mr. Crimi's deposition, he
23 told me that there was a BPR resolution passed that
24 allowed for four or more BPR members to meet with
25 legal counsel. Are you familiar with that?

1 A. Yes.

2 Q. Okay. And do you know when that resolution
3 was passed?

4 A. No. It was before I was on the BPR. It
5 was years ago.

6 Q. Have you ever, either when were you acting
7 as a DDR or since you've been elected to the board,
8 had an occasion to use that resolution and meet with
9 legal counsel?

10 A. Yes.

11 Q. And on how many occasions?

12 A. It generally works, we meet when we meet
13 with the BPR, BPR meetings.

14 Q. Are West pilots present when you meet with
15 legal counsel?

16 A. We're updated on the litigation. And we
17 ask questions about the litigation.

18 Q. But are the West pilots present for that?

19 A. No. Just as we're not present when they
20 meet with their counsel.

21 Q. Any other occasions that you meet with
22 legal counsel when the entire board's not there?

23 A. You mean formally or informally?

24 Q. Yeah.

25 A. I see them at dinner, I see them at the

1 hotel, there might have been a discussion in the
2 lobby, in the office.

3 Q. I want to show you what was previously
4 marked as Exhibit 1088.

5 And I've handed you what has been marked
6 Exhibit 1088, which is a joint Charlotte,
7 Philadelphia domicile update dated September 1st,
8 2013, correct?

9 A. Correct.

10 Q. And you were on the BPR on this time,
11 right?

12 A. Yes.

13 Q. Okay. And did you have any part in
14 authorizing -- or authoring this update?

15 A. Yes to both.

16 Q. Yes to both.

17 Okay.

18 A. Authoring and authorizing.

19 Q. Did anyone help you or were you the only
20 author of this?

21 A. No, I was -- I had my input, but I'm not
22 sure where it started. It kind of gets started and
23 goes around.

24 Q. What was the point of this update?

25 A. Just update the pilots, you give an

1 update, you try to do it once a month or so, maybe
2 less than that.

3 Q. And this update came after the DOJ
4 announced that it was suing to stop the merger,
5 correct?

6 A. Correct.

7 Q. And this addresses support for the merger,
8 correct?

9 A. I don't remember what we wrote. Yeah, we
10 support the merger, yes.

11 Q. And USAPA hasn't come out with a statement
12 in support of the -- a public statement in support of
13 the merger, has it?

14 A. A public statement in support of the
15 merger?

16 Q. Correct.

17 A. Since when?

18 Q. Since the DOJ lawsuit.

19 A. I believe no.

20 Q. Okay. And do you know why that is?

21 A. Well, we've been trying to have a BPR
22 meeting to figure out what direction the Union was
23 going to go with respect to what occurred with the
24 DOJ, and there's been no meeting to date.

25 Q. So there hasn't been a BPR meeting since

1 the DOJ filed its lawsuit?

2 A. No.

3 Q. Do you continue to support the merger?

4 A. Yes.

5 Q. Okay. Do you continue to support the MOU?

6 A. Yes. I guess reluctantly.

7 Q. Okay. I was just going to say, the record
8 doesn't show you sort of shaking your head there, but
9 you reluctantly support the MOU. You're pretty --
10 this update, however, is pretty harsh on the MOU; is
11 that correct?

12 A. That's subjective, I guess. What I view
13 as being not harsh, other people would view as
14 being harsh, so I guess...

15 Q. But you're from Boston.

16 A. Yeah, so that explains it.

17 Can you point me to...

18 Q. Sure.

19 Covertly negotiating the term sheet with
20 APA and purposely excluding USAPA from the process.
21 It's mentioning the -- the IOU that the US Airways
22 pilots received.

23 A. Um-hum.

24 Q. It's also talking about the MOU does not
25 include any provisions that protect your career if

1 the merger is not ultimately approved and that you're
2 back to Section 6 negotiations.

3 A. I would say that's factual and not harsh.
4 And if being factual is harsh, then...

5 Q. Do you support USAPA coming out with a
6 statement of support -- a public statement in support
7 of the merger still? Is that something you would
8 personally support?

9 A. I don't think I'd be opposed to it. I
10 think I'm more opposed to the management that's
11 going to run the company than the merger itself,
12 although mergers have a tendency -- labor has a way
13 of not doing as well as others in mergers. I've
14 been through several mergers and not even the West
15 merger, you know, the shuttle merger, the Empire,
16 you can go way back.

17 Q. Right.

18 A. And not just this airline, other mergers.
19 And it seems, you know, synergies is a nice code
20 word for less people.

21 Q. Give me a few minutes, but we may be close
22 to done.

23 A. Okay. Thank you.

24 (TIME NOTED: 1:22 p.m.)

25 (SIGNATURE RESERVED.)

1 WITNESS' CERTIFICATE

2

3 I, PAUL J. DiORIO, do hereby certify that
4 I have read and understand the foregoing transcript
5 and believe it to be true, accurate, and complete
6 transcript of my testimony, subject to the attached
7 list of changes, if any.

8

9

10

11

PAUL J. DiORIO

12

13

14 This deposition was signed in my presence by
15 _____, on the _____ day of
16 _____, 2013.

17

18

19

NOTARY PUBLIC

20 My commission expires:

21

22

23

24

25

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: Paul J. DiOrio

Please read this transcript with care,
6 and if you find any corrections or changes you wish
made, list them by page and line number below. DO
7 NOT WRITE IN THE TRANSCRIPT ITSELF. Return the
Certificate and Errata Sheet to this office after
8 it is signed. We would appreciate your prompt
attention to this matter

9 To assist you in making such corrections,
please use the form below. If supplemental or
10 additional pages are necessary, please furnish same
and attach them to this errata sheet.

11 Page:____ Line: ____ should read: _____

12 Page:____ Line: ____ should read: _____

13 Page:____ Line: ____ should read: _____

14 Page:____ Line: ____ should read: _____

15 Page:____ Line: ____ should read: _____

16 Page:____ Line: ____ should read: _____

17 Page:____ Line: ____ should read: _____

18 Page:____ Line: ____ should read: _____

19 Page:____ Line: ____ should read: _____

20 Page:____ Line: ____ should read: _____

21 Page:____ Line: ____ should read: _____

22 Page:____ Line: ____ should read: _____

23 Page:____ Line: ____ should read: _____

24 Page:____ Line: ____ should read: _____

25 Page:____ Line: ____ should read: _____

1 (Page 2 of 2)

2 Page:____ Line: ____ should read: _____

3 Page:____ Line: ____ should read: _____

4 Page:____ Line: ____ should read: _____

5 Page:____ Line: ____ should read: _____

6 Page:____ Line: ____ should read: _____

7 Page:____ Line: ____ should read: _____

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9 Page:____ Line: ____ should read: _____

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22 Page:____ Line: ____ should read: _____

23 Page:____ Line: ____ should read: _____

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 Friday,
7 September 20, 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 30th day of September 2013.

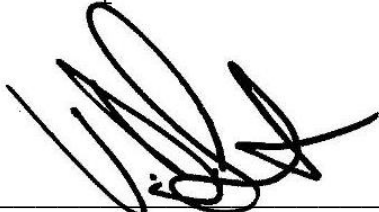
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V. DARIO STANZIOLA, CSR, RPR, CRR
Notary Public No. 20011200120

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