

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF ARIZONA
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4))
4 DON ADDINGTON, ET AL.,)
 No. CV-1300471-PHX-ROS)
5))
 PLAINTIFFS,)
6))
 v)
7))
 US AIRLINE PILOTS ASS'N, ET)
8 AL.,)
9))
 DEFENDANTS.)

10
11 DEPOSITION OF ROBERT STREBLE
12 (TAKEN by PLAINTIFFS)
13 CHARLOTTE, NORTH CAROLINA
14 SEPTEMBER 19, 2013
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18 REPORTED BY: Meredith R. Johnson
19 Court Reporter
 Notary Public
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A P P E A R A N C E S

For the Plaintiff:

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1 Deposition of Robert Streble, taken by the plaintiffs
2 at Huseby, Inc., 1230 West Morehead Street, Charlotte, North
3 Carolina, on the 19th day of September, 2013, at 1:43 p.m.,
4 before Meredith R. Johnson, Notary Public.

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C O N T E N T S

7

The Witness: ROBERT STREBLE

8

Examination By Mr. Jacob4

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I N D E X of the E X H I B I T S

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NUMBER	DESCRIPTION	PAGE
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12

Exhibit 1101	LM-2	21
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1 P R O C E E D I N G S

2 Whereupon,

3 ROBERT STREBLE,

4 having been duly sworn,

5 was examined and testified as follows:

6 EXAMINATION BY COUNSEL FOR PLAINTIFFS

7 BY MR. JACOB:

8 Q Good afternoon, Mr. Streble.

9 A Good afternoon.

10 Q Mr. Streble, how would you like me to refer
11 to you?

12 A Rob.

13 Q Good. You can refer to me as Andy. For the
14 record, my name is Andy Jacob. I'm one of the
15 attorneys representing the plaintiffs in this action.
16 And today's the time for us to take your deposition.

17 Could you state your full name for the
18 record, please?

19 A Robert Edward Streble.

20 Q Thank you. Have you given a deposition
21 before?

22 A Yes.

23 Q Do you understand how it works? We take
24 turns answering?

25 A (Nods head up and down.)

1 Q We don't nod our heads. We say --

2 A Yes.

3 Q -- our answers out loud.

4 A You may have to remind me more than once.

5 MR. O'DWYER: I think actually you take turns
6 questioning and answering, Andy. I don't know that you
7 answer in turns.

8 MR. JACOB: Well, wait a second. Based upon
9 my experience --

10 MR. O'DWYER: Lately that may not be so. But
11 all right.

12 BY MR. JACOB:

13 Q Good. Could you explain to me what your
14 duties are as the secretary/treasurer of USAPA?

15 A As the treasurer I handle all the finances of
16 the association. And as secretary I keep records,
17 minutes, membership files of the association.

18 Q When you say that you handle all the
19 finances, let me go through a list of some things, and
20 tell me if those would be your responsibility. Do you
21 review the bookkeeping of the bank accounts?

22 A Yes.

23 Q Do you make a budget for the organization?

24 A I compile a budget, which is based upon
25 information from committee members, other officers, and

1 then present it to the board.

2 Q You don't set what limits will be spent. You
3 receive the limits and make a spreadsheet that sets
4 those out?

5 A Literally, yes, a spreadsheet.

6 Q Did I get that right?

7 A People request, I review, then it goes to the
8 board for discussion, adjustment, and then the board
9 votes on the budget.

10 Q Do you participate on the decisions to set
11 dues?

12 A That's constitutional. But it's -- that's a
13 constitutional item.

14 Q Is it fair to say that dues are set and you
15 sort of receive what the dues are supposed to be?

16 A Correct.

17 Q And do you ensure that pilots pay their dues?

18 A Yes.

19 Q If there were special assessments, would it
20 be your responsibility to do the bookkeeping that
21 allocates how that is being spent?

22 A Yes. Repeat that question, if you don't
23 mind.

24 MR. JACOB: Could you repeat that, please?

25 (Record Read as Requested)

1 THE WITNESS: To the keep the records of how
2 it's being spent.

3 BY MR. JACOB:

4 Q Right.

5 A Yes.

6 Q Not the spending --

7 A Yes.

8 Q -- but the bookkeeping part of it.

9 A Yes.

10 Q Do you keep the rolls that determine who is a
11 member of the union?

12 A I'm responsible for that. I have other
13 people who assist in that work.

14 Q Are you responsible for keeping the rolls
15 that determine who's a member in good standing or not?

16 A Yes.

17 Q Am I correct that you don't make the decision
18 who is in good standing or not?

19 A That is correct. That is correct.

20 Q And who would make that decision?

21 A Those are governed by the constitution and
22 the UOM. It sets the parameters.

23 Q But who would decide if somebody meets those
24 or not?

25 A It's actually not decided by an individual.

1 It's decided by software based upon the rules.

2 Q So the determination when someone gets moved
3 from one column to the next from good standing to not
4 in good standing is done within the purview of what you
5 are in charge of?

6 A Yes.

7 Q Okay. And you review the bank statements. I
8 think we said that.

9 A Yes.

10 Q Okay. At this time approximately how much
11 funds does USAPA have in its bank accounts?

12 A Approximately 7 million.

13 Q And is there just one bank account or does it
14 have several?

15 A That's -- three. That's the summation of
16 three.

17 Q Okay. Have you been -- do you know if there
18 has been any discussion within the governance of USAPA
19 as to what it will do with its funds if this merger
20 goes through and other unions, such as APA, becomes the
21 bargaining representative for the pilots that are
22 currently represented by USAPA?

23 A There have been discussions by the board in
24 open session concerning that and the constitution
25 details of what will occur.

1 Q Okay. And have you heard those discussions?

2 A Yes.

3 Q Okay. What's your understanding of what the
4 plan is?

5 A Once all the expenses of the association are
6 paid, any remaining funds will be distributed to the
7 membership based upon their contributions of the
8 previous 12 months is exactly what the constitution
9 says, I believe.

10 Q Will the pilots who are agency fee pilots,
11 not members but are paying agency fees, has there been
12 any discussion whether they will get any money back?

13 A No, there has not.

14 Q Does the constitution address that?

15 A I believe that's something that will have to
16 be discussed at the board.

17 Q And that's not been raised yesterday?

18 A No.

19 Q Do you have an opinion yourself as to what
20 should be done about that?

21 MR. O'DWYER: I think that calls for a legal
22 conclusion.

23 MR. JACOB: And I'm asking him if he has an
24 opinion.

25 THE WITNESS: I'd really have to consult with

1 an attorney before expressing an opinion on that
2 because we have to abide by the constitution and the
3 law.

4 BY MR. JACOB:

5 Q Okay. Assuming that the law and the
6 constitution allowed you to share equally with the
7 pilots who pay agency fees, is it your personal opinion
8 that it would be fair to share with them or that it
9 would be fair to not share with them?

10 A To apply the formula, not share equally,
11 because an agency fee payer may actually pay less than
12 a member does.

13 Q Right.

14 A I don't -- you could make a very strong
15 argument that they should also receive a refund.

16 Q Will -- as far as you understand, if another
17 entity becomes the bargaining agent, will USAPA
18 continue to exist?

19 A It will cease to exist when it's no longer
20 the bargaining agent except it will have certain
21 responsibilities to handle during the wind-down period.

22 Q Do you intend to continue on as the
23 secretary/treasurer in that time period?

24 A If my office is still -- I'm elected for a
25 three-year term. Assuming that occurs during that

1 term, yes, I would be ineligible after that point.

2 Q When does your term expire?

3 A I'm doing the math. April 17, 2015.

4 Q Have you gotten any advice -- and I'm not
5 asking you what the advice is. But have you gotten any
6 legal advice as to whether your responsibilities and
7 obligations as treasurer would change when USAPA is no
8 longer a union?

9 A No.

10 Q Have you given any thought to seeking such
11 advice?

12 A No.

13 Q What are the dues that are currently assessed
14 by USAPA?

15 A It's 1.9 percent basic dues with an increase
16 of a half a percent for merger-related expenses.

17 Q Okay. Are you keeping a separate account of
18 what happens with that half percent for merger
19 expenses?

20 A It is accounted for separately.

21 Q How do the dues today compare to what USAPA
22 was assessing for dues, let's say, in 2009?

23 A I'm not sure I understand your question.

24 Q You said that you're assessing 1.9 percent
25 dues plus the --

1 A 1.95.

2 Q -- plus the extra half percent -- 1.95?

3 A 1.95.

4 Q Okay. Plus the extra half percent. What was
5 the dues' rate in 2009?

6 A 1.95 percent without the extra half percent
7 assessment. Some pilots back then paid additional
8 assessments for other items.

9 Q Okay. Were you involved with the USAPA
10 bookkeeping prior to becoming the secretary treasurer?

11 A Not with the bookkeeping, no.

12 Q Have you reviewed USAPA's books going back
13 prior to when you became the secretary/treasurer?

14 A In association with an independent audit,
15 yes.

16 Q Do you know approximately how much money
17 USAPA has expended in its existence defending or
18 bringing lawsuits against west pilots or west pilot
19 class, Plaintiffs, that whole group?

20 A I could not answer that question. I
21 couldn't.

22 Q Do you have --

23 A I have not sat down to figure out the answer
24 to that question. So, no, I could not answer it.

25 Q Do you know how much USAPA has expended on

1 attorneys, outside attorneys, in that time period?

2 A I could not give you a quantitative number.

3 Q If you had to guess, would you say it's more
4 than 4 million, less than 4 million, or you have no
5 idea?

6 A I would guess more than.

7 Q Okay. More than 10 million, less than
8 10 million?

9 A I've already stated that I have not figured
10 out the answer to this question. To attempt to give me
11 ranges to try to narrow down something I'm not sure of
12 the answer, I cannot do that.

13 Q That's fair. What other positions have you
14 had on a committee or other offices as a member of
15 USAPA?

16 A In the beginning, I was chairman of what was
17 called the finance and administration committee. I
18 believe that was the title.

19 Q Anything else?

20 A That was it.

21 Q When you were a member of ALPA, did you have
22 any positions on a committee or a union office of any
23 sort?

24 A No.

25 Q When did you join USAPA?

1 A When the union was formed, April 18, 2008.

2 Q And were you a member of ALPA right up until
3 that date?

4 A Yes.

5 Q What activities were you engaged in prior to
6 April 18, 2008, that were directed towards promoting
7 the election of USAPA to replace ALPA?

8 A I didn't do any work to promote the election
9 of USAPA to replace ALPA.

10 Q Were you part of the group of individuals
11 who, over the summer of 2007, made plans to form an
12 entity to replace ALPA?

13 A No.

14 Q Do you know who was in that group?

15 A Actually, I could only -- I'm not sure what
16 group you're referring to. I know that the initial
17 four officers were involved with the formation of
18 USAPA. And I believe the first COM chairman was
19 involved. But other than -- I can't say there was a
20 group in 2007 who did any particular work.

21 Q And who were the first four officers?

22 A It was Steven Bradford. Actually, Mike
23 Cleary, I don't think was involved in any of the
24 formation of USAPA. So it would be three officers, not
25 four. Mark King. Gary Bahum.

1 Q Can you spell his last name?

2 A B-a-h -- B-a-h-u-m, I believe. Asking me to
3 spell is a dangerous task.

4 Q Then this end of the table is very dangerous
5 because if you ask me, I have the same problem.

6 A I know where the F7 key is in the dark.

7 Q Okay. So those three. And, then, anybody
8 else that you think was involved in the organization?

9 A I'm not -- I don't know -- I wasn't involved.
10 So I'm pretty much guessing at this point. Scott
11 Theuer may have been involved, first COM chairman.

12 Q That's T-h-e-u-e-r?

13 A I think so.

14 Q Have you ever been on furlough?

15 A Yes.

16 Q When were you on furlough?

17 A For a period of years in the '90s and then
18 again in the 2000s.

19 Q About how many years during the '90s?

20 A I'm trying to figure it out. You probably
21 know the answer. You can tell me.

22 Q No, no. I honestly don't. I know it's less
23 than 10 but only because there's only 10 in the '90s.

24 A Was it six maybe? I really don't know.

25 Q Approximately five to six, somewheres in that

1 range.

2 And in the 2000s, do you know what years you
3 were on furlough then?

4 A I think it began in 2002 ended in 2005
5 possibly. And I'm not sure of that.

6 Q But two to three years, not two to three
7 months --

8 A Yes.

9 Q -- not 10 years. Okay. What kind of work
10 did you do in those time periods when you were on
11 furlough?

12 A On the first one I worked for U.S. Airways as
13 an instructor. And the second one I flew for a program
14 for -- it was called J4J that ALPA set up with the
15 regional carriers, and then I also flew for an
16 international carrier.

17 Q Now, when you were on furlough in the '90s,
18 you were on furlough from a predecessor to U.S.
19 Airways?

20 A No, from U.S. Airways.

21 Q But it wasn't called that in the '90s, was
22 it?

23 A Originally it was U.S. Air, and then it
24 changed to U.S. Airways.

25 Q So you were on furlough as -- I don't know

1 what you would call it -- a line pilot but you were
2 working as an instructor for them?

3 A Yes.

4 Q And that was a different job?

5 A Yes.

6 Q What role do you play as secretary/treasurer
7 in reporting election results?

8 A They're reported by the ballot certification
9 committee.

10 Q So you play no role in that?

11 A They will send me what they're going to send
12 out. I'll review it quickly. I try to let them work
13 as independently as possible.

14 Q You don't have input into the format in which
15 they report the results?

16 A Define "format."

17 Q Whether you put the numbers in the right-hand
18 column or the left-hand column?

19 A No. They decide that.

20 Q Did you play any role in the decision to
21 report the results of the MOU ratification by domicile?

22 A No.

23 Q When did you first become aware that the vote
24 of the ratification of the MOU would be reported by
25 domicile?

1 A Actually, I think it was after John Scharf
2 asked me a question.

3 Q Can you put that as a point in time for me?

4 A No. It was after the results. I'm not sure
5 what point after the results.

6 Q Is it fair to say that after the voting
7 closed was when you first became aware that it would be
8 reported by domicile?

9 A No. Let's roll back here a little bit. We
10 try to do things in a very consistent basis. Back when
11 we had the other assessments, particularly the pension
12 assessment, that was reported by domicile. And it was
13 from a conversation with either members of the
14 negotiating committee or previous counsel.

15 Q Are you telling me what your personal
16 knowledge is now?

17 A Yes.

18 Q You heard these conversations?

19 A I was a party to them.

20 Q Okay.

21 A That really we should be reporting referendum
22 by domicile. So at that point --

23 Q I'm sorry. Finish.

24 A Go ahead.

25 Q My question was asking you when you first

1 became aware that the MOU ratification vote was going
2 to be reported by domicile. Did you know it was going
3 to be reported by domicile before the voting was
4 finished?

5 A I hadn't given it any thought.

6 Q Okay. When the voting closed did you know
7 that it was going to be reported by domicile?

8 A I didn't give it any thought. That was the
9 job of ballot certification.

10 Q You weren't part of any discussion deciding
11 to report the MOU ratification vote by domicile?

12 A That is correct.

13 Q You said that the pension vote was reported
14 by domicile?

15 A Correct.

16 Q How many pension votes were there?

17 A There were three. The last one was reported
18 by domicile.

19 Q How about the second one?

20 A No.

21 Q How about the first --

22 A No.

23 Q -- one? Are you aware of any other votes
24 conducted by USAPA other than the third pension vote
25 that were reported by domicile?

1 A Each referendum after the third pension were
2 reported by domicile.

3 Q How many referendums?

4 A Two. The pension and the MOU.

5 Q Was it your understanding prior to the close
6 of the MOU vote that the MOU ratification was intended
7 to resolve the east/west seniority dispute?

8 A No.

9 Q Are you aware that in, I believe, late 2000,
10 early 2001 there were steps that weren't completed to
11 merge United Airlines with U.S. Airways?

12 A That there was a proposed merger?

13 Q Proposed. I believe some letters agreeing on
14 certain steps but they never finalized the merger.

15 A I'm not sure exactly what you're referring
16 to. I know there was the concept of merging with
17 United that was eventually withdrawn, if you will.

18 Q Okay. At the time that was being talked
19 about, did you pay attention and give thought to how
20 the seniority might be integrated between the
21 U.S. Airways pilots --

22 A No.

23 Q -- and United?

24 A No.

25 Q Do you participate in preparing the

1 LM-2 reports that are given to the Department of Labor?

2 A Yes.

3 (Exhibit 1101 Marked for Identification)

4 BY MR. JACOB:

5 Q I'm giving you an exhibit, which I will tell
6 you is a copy of the Schedule 13 from the latest
7 LM-2 filed by USAPA. Do you recognize this?

8 A Yes.

9 Q Do you have any reason to doubt that this a
10 copy of that Schedule 13 that I referred to?

11 A No.

12 Q Okay. Am I correct that this shows that
13 there are 354 members of USAPA who are not eligible to
14 vote?

15 A Correct.

16 Q Can you explain why those individuals
17 wouldn't be eligible to vote?

18 A They'd be on LTD or other category that makes
19 them an inactive member.

20 Q Might some of them not be in good standing
21 because they haven't paid up dues?

22 A No.

23 Q So am I correct that you're either a member
24 and you can vote or you're not a member, but there's no
25 such thing as you haven't paid up and you're still a

1 member but you can't vote?

2 A Repeat your question.

3 Q Let me rephrase that. What category would
4 somebody be in if they were a member and they failed to
5 pay dues?

6 A They'd be in line 1, active member per --

7 Q And they could vote?

8 A No. If they're in bad standing, they cannot
9 vote.

10 Q They'd be in line 2?

11 A No. You're confusing two separate issues.
12 You're confusing the LM-2, which is a document for the
13 Department of Labor, with the constitution and bylaws.

14 Q Let me rephrase this so I understand it. And
15 I think I get it now. Voting eligibility does not mean
16 they have a right to vote. They're in row 1 that, for
17 the Department of Labor, that's a voting eligibility
18 category. But under USAPA constitution, if they're
19 behind on their dues, someone in that line 1 might not
20 be able to vote.

21 A You're referring to voting here.

22 Q Yeah.

23 A Okay. From the individuals who prepared this
24 LM-2 for us, active members are both members in good
25 standing and bad standing. They are active. The

1 inactive members are essentially people who are on a
2 leave of absence or a medical situation. As this is
3 not referring to being able to vote, not being able to
4 vote, active, inactive here.

5 Q I'm -- just not to seem too foolish, I only
6 commented because of Column C that has the mark for
7 voting eligibility.

8 A Okay. But I understand from the people who
9 prepared this for me up in Connecticut that that's the
10 guidelines for active, inactive.

11 Q Gotcha. And then it's got 622 agency fee
12 payers; is that correct?

13 A At the time, yes.

14 Q Okay. Do you have any understanding whether
15 that's a large number of agency fee payers for a union
16 of this size, an expected number, a low number?

17 A I've worked for one union in my lifetime,
18 this union. So I do not have experience or knowledge
19 of any other union as far as something like that.

20 Q Have you heard any discussion amongst the BPR
21 or officers of the union discussing the size of the
22 group of agency fee payers?

23 A No.

24 Q Have you heard any discussion about whether
25 some inquiry should be made as to why there's that

1 number of agency fee payers?

2 A No. It's an individual's right.

3 Q Has there ever been an invitation as far as
4 you know asking for input from agency fee payers asking
5 them why they don't join the union?

6 A Has there ever been input --

7 Q Discussion about asking them to explain why
8 they're not joining?

9 A No.

10 Q Do you have any idea as to how those agency
11 fee payers break down between east and west pilots?

12 A No.

13 Q Do you expect -- never mind.

14 Am I correct to say that the agency fee
15 payers don't get to vote for the MOU ratification --
16 they didn't get to vote on it?

17 A An agency fee payer doesn't get to vote.
18 That is correct.

19 Q Am I correct that a pilot who's on furlough
20 doesn't even show up on this list?

21 A That would be incorrect.

22 Q Where would a pilot on furlough be?

23 A If they were a member, they would be an
24 inactive member.

25 Q Can you be a member if you're on furlough?

1 A You can be a member, but you are an inactive
2 member.

3 Q And you don't pay dues as an inactive member?

4 A That is correct.

5 Q Can you be an agency fee payer if you're on
6 furlough?

7 A Now we're getting into terminology. You
8 would be a nonmember, technically, agency fee payer and
9 on furlough.

10 Q Okay. Are all the inactive members pilots
11 who potentially could return to flying?

12 A Repeat the question again.

13 Q Maybe if I be more specific, it'll help. Can
14 somebody over 65 be classified as an inactive member?

15 A If they have honorary membership, yes.

16 Q Okay. Can someone who is permanently
17 disabled be --

18 A Actually, I'd have to look at -- I'm going to
19 have to correct myself. Without looking at the
20 LM-2 rules for that line, I'm not going to be able to
21 answer that question.

22 Q That's fine. Someone who is permanently
23 disabled, can they be an inactive member?

24 A Someone who's on LTD, can they be an inactive
25 a member?

1 Q Right. Permanently disabled, that we don't
2 expect them to come back to work.

3 A I do not know. I only know if someone's on
4 LTD. I do not know the condition behind that. So I
5 could never tell you if we have anyone who is
6 permanently disabled on LTD. I just do not have that
7 information.

8 Q But you believe the 45-some-odd pilots who
9 were on furlough, assuming that's the number, if they
10 were members when they went on furlough, they'd be
11 showing up on Row 2?

12 A Mm-hmm.

13 Q If they weren't a member when they were on
14 furlough, they wouldn't be showing up on this document
15 at all.

16 A I really need to check the LM-2 rules because
17 I'm not sure if they would be showing up as agency fee
18 payers. I'm not sure. I would have to check the
19 LM-2 rules, which is why I have someone who actually
20 prepares this for us.

21 MR. JACOB: That's understandable. Take a
22 break for five minutes. We'll be back.

23 (Off the Record 2:15 p.m. to 2:15 p.m.)

24 MR. JACOB: I'm done. I apologize to you for
25 bringing you all the way out just for this, but those

1 are all my questions.

2 (Signature reserved.)

3 (Whereupon, at 2:16 p.m., the taking of the
4 instant deposition ceased.)

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Signature of the Witness

SUBSCRIBED AND SWORN TO before me this _____ day of
_____, 2013.

NOTARY PUBLIC

My Commission Expires: _____

1 E R R A T A S H E E T

2 RE: Don Addington, et al., v. USAPA, et al.

3 DEPOSITION OF: Robert Streble

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

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

9 Page ____ Line ____ should read:

10 _____reason_____

11 Page ____ Line ____ should read:

12 _____reason_____

13 Page ____ Line ____ should read:

14 _____reason_____

15 Page ____ Line ____ should read:

16 _____reason_____

17 Page ____ Line ____ should read:

18 _____reason_____

19 Page ____ Line ____ should read:

20 _____reason_____

21 Page ____ Line ____ should read:

22 _____reason_____

23 Page ____ Line ____ should read:

24 _____reason_____

25

CERTIFICATE OF REPORTER

STATE OF NORTH CAROLINA)

COUNTY OF MECKLENBURG)

I, MEREDITH R. JOHNSON, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

This, the 20th day of September, 2013.



MEREDITH R. JOHNSON
Notary Public in and for
County of Mecklenburg
State of North Carolina
Notary Number 200814200186

DON ADDINGTON, ET AL. vs. US AIRLINE PILOTS ASS'N, ET AL.

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