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22

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25

1 VIDEOTAPED DEPOSITION OF STEPHEN HAILE
2 BRADFORD, a witness called on behalf of the
3 Plaintiffs, before V. Dario Stanziola, CSR (N.J.),
4 RPR, CRR, Notary Public, in and for the State of
5 North Carolina, held at the offices of Huseby,
6 Inc., 1230 West Morehead Street, Suite 104,
7 Charlotte, North Carolina, on Wednesday, September
8 18, 2013, commencing at 8:35 a.m.

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11 Exhibit Number 1037: E-mail string with 58
12 the top from John Owens to Steve
13 Bradford dated 10/5/12, Bates USAPA
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15 Exhibit Number 1038: Document entitled 64
16 The History Behind The USAPA
17 Constitution and Bylaws dated September
18 2010, Bates WP019138 - 141

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29 Stephen Bradford dated 1/31/12, Bates
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1 THE VIDEOGRAPHER: This is the beginning
2 of tape number one in the deposition of
3 Stephen Bradford in the matter of Don
4 Addington, et al. versus US Airline Pilots
5 Association, et al.

6 Today's date is September the 18th, 2013.
7 Time is 8:35 a.m.

8 If the attorneys present will please
9 introduce themselves for the record, after
10 which the court reporter will swear the
11 witness.

12 MR. HARPER: My name is Marty Harper.
13 And with me is Jen Axel and Andy Jacob. And
14 we represent the plaintiffs in the suit that
15 is pending -- currently pending in Phoenix,
16 Arizona.

17 MR. O'DWYER: Brian O'Dwyer. With me is
18 Patrick Szymanski and Zach Harkin.

19 STEPHEN HAILE BRADFORD,
20 having first been duly sworn, was examined and
21 testified as follows:

22 EXAMINATION

23 By MR. HARPER:

24 Q. Mr. Bradford, we've met before, correct?

25 A. We have.

1 Q. And you understand that we are here today
2 to take your deposition in the federal lawsuit that
3 is currently pending in Phoenix, Arizona?

4 A. I understand that, yes.

5 Q. And we are videotaping your deposition
6 today.

7 You understand that?

8 A. I do.

9 Q. And you understand that the videotape, if
10 one of us chooses, can be played and utilized in the
11 pending litigation in Phoenix?

12 A. Yes.

13 Q. Okay. You understand that we took some
14 depositions here yesterday in this case?

15 A. I do.

16 Q. And between yesterday and today, were you
17 shown any of the exhibits that were utilized in the
18 depositions yesterday?

19 A. Yes, I was.

20 Q. Which ones were you shown?

21 A. I -- I don't know what the numbers were.
22 They were just -- there was some e-mail traffic,
23 there was a -- was something from Delta Airlines,
24 an MEC chair. I think that's it.

25 Q. Just -- the e-mail traffic, can you explain

1 a little bit more what you mean by that?

2 A. One was one that I had written, authored,
3 it was in a string about some commentary made by
4 some USAPA members. That's the one I remember.

5 Q. E-mail traffic commentaries that occurred
6 shortly after Judge Silver entered her order last
7 October 2012?

8 A. I'm not sure if that was the one. It
9 was -- it was concerning -- I think it was earlier
10 than that, it was from one of our -- an East pilot
11 named Jim Portale alleging that the president was
12 acting in some kind of conspiracy. And I sent -- I
13 believe I sent a letter to Dave Ciabattoni --

14 Q. Okay.

15 A. -- who used to work with this fellow.

16 Q. Okay.

17 A. That's the one I remember.

18 Q. So you remember only being shown e-mail
19 traffic and the letter from the Delta MEC?

20 A. There -- no, there was -- there was more,
21 I just don't -- I don't recall, they were -- they
22 were a bunch of exhibits. Those are the ones I
23 remember that -- where I was in the -- in the
24 e-mail chain.

25 Q. And how much time last night did you spend

1 reviewing those documents?

2 A. Oh, it was only peripheral to listening
3 to the conversation where they reviewed Gary
4 Hummel's deposition.

5 Q. Okay. And who did you meet with last
6 evening or this morning?

7 A. Last evening it was current counsel,
8 all -- all three here seated, President Hummel was
9 present, Rob Streble, in-house counsel Matt
10 Bradley. And there were others that may have
11 walked in or out during the time. Door was open
12 most of the time.

13 Q. And where did this meeting occur?

14 A. President Hummel's office at the
15 headquarters, union headquarters.

16 Q. Okay. And approximately how much time did
17 you spend with these folks last evening?

18 A. Two hours, maybe.

19 Q. Okay. From our prior meeting, I know you
20 understand the procedure we're going to follow here
21 today, correct?

22 A. Yes.

23 Q. It's a question-and-answer session, and in
24 order to make the video better and the court
25 reporter's ability to put everything down better, I

1 think we should agree that we don't -- we try not to
2 talk over each other. So if I ask a question, can
3 you wait for the answer and then I will wait until
4 your answer is done before I submit another question
5 to you. Is that okay?

6 A. Yes.

7 Q. Okay. And if any point during the dep- --
8 deposition today you do not understand a question
9 that I have posed to you, will you let me know and I
10 will either have it read back or restated for you?

11 A. Yes.

12 Q. Okay. And we can take a break at any time
13 you want during the course of the deposition. My
14 practice, however, is to break at about an hour so
15 that each of us have an opportunity to get up and
16 stretch. Is that okay with you?

17 A. Yes.

18 Q. But if you want to break at any other time,
19 just let me know and that's fine. And the only
20 courtesy I request is that if there is a question
21 pending, that you will answer that before you take
22 the break. Is that acceptable to you?

23 A. Yes.

24 Q. Okay. What is your current flying status?

25 A. My current flying status is Captain,

1 Boeing 737, Charlotte.

2 Q. And how long have you held the position of
3 Captain?

4 A. This current, in this current form, since
5 February 2010. That's on this airplane. There was
6 -- Airbus Captain prior to that -- Boeing 737
7 Captain prior to that. Airbus first officer going
8 back to -- now we're back to 2009, 2008, right
9 around there.

10 Q. But are you currently flying?

11 A. Yes, I am.

12 Q. How often do you fly?

13 A. I try to fly once a month.

14 Q. Okay. Out of Charlotte?

15 A. Out of Charlotte.

16 Q. Are you pretty successful in flying once a
17 month or are there times when you can't get away?

18 A. There are times when you can't get away,
19 but it's -- it's -- I maintain -- I maintain the
20 minimum currency, I try to fly once a month.

21 Q. I think the last time that we met you were
22 first officer; is that correct?

23 A. That's correct.

24 Q. Would have been back in 2009?

25 A. That's correct.

1 Q. How long have you been -- well, strike
2 that.

3 Before the merger in 2005, you were a -- a
4 pilot for US Airways; is that correct?

5 A. That's correct.

6 Q. How long were -- had you been with US
7 Airways?

8 A. Now or at that time?

9 Q. No, at that time, prior to the merger?

10 A. Was 22-and-a-half years.

11 Q. Okay. And during most of that time you
12 were a union member; is that correct?

13 A. Yes, um-hum.

14 Q. And the union that represented you during
15 most of that time was ALPA?

16 A. That's correct.

17 Q. And then who have you worked for since May
18 of 2007?

19 A. Since May of 2007 who have I worked for,
20 I've worked for US Airways.

21 Q. US Airways as a pilot?

22 A. Correct.

23 Q. When the last time we met, you were the
24 president, I believe, of USAPA; is that correct?

25 A. That's correct.

1 Q. And over what period of time were you the
2 president of USAPA?

3 A. From April 18th, 2008 to April 17th,
4 2009.

5 Q. And what position do you currently hold at
6 USAPA, if any?

7 A. Vice president.

8 Q. And when did you become vice president of
9 USAPA?

10 A. April 18th, 2012.

11 Q. And how long of a term do you have as vice
12 president of USAPA?

13 A. Three years.

14 Q. In general, what are your duties as vice
15 president of USAPA?

16 A. Those duties assigned to me by the
17 president to serve in his absence. And such duties
18 as he may delegate.

19 Q. And indeed for a period of time earlier
20 this year, you served as interim president of USAPA,
21 correct?

22 A. I served -- I was the vice president
23 performing the duties of the president during that
24 period where the president was unable to perform
25 his duties.

1 Q. And what period of time did that occur?

2 A. May of 2013. I can't remember the exact
3 date to I think late June or early July.

4 Q. Now, you say you -- you performed the
5 duties that are assigned to you by the president.

6 Can you articulate those duties? What --
7 what duties has President Hummel assigned to you?

8 A. Right now one of the projects is the
9 intra-union merger of basic services,
10 representation, things like that, with APA.

11 Q. What other duties?

12 A. That's the only current pending project
13 right now.

14 Q. And how long have you been given the
15 responsibility to manage that project by the
16 president?

17 A. Well, for as long as it takes to --

18 Q. When did -- when did it start?

19 A. Shortly after the merger when we thought
20 it would be in the interests of the organization to
21 explore that.

22 Q. President Hummel told me yesterday that
23 shortly after taking office in April of 2012 he was
24 notified that a potential merger might occur between
25 Airways and American Airlines. So were you given

1 that assignment at that point in time?

2 A. No, no, no, it was a little bit later.
3 We -- we didn't know what form the merger was going
4 to take. This was first public announcement.
5 There had been no contact with APA. We didn't --
6 we didn't know.

7 Q. Okay. So can you tell me when you were
8 given the assignment then, approximately?

9 A. Sometime mid summer 2012.

10 Q. Yesterday Captain Hummel told me that in
11 July of 2012 he had a meeting in D.C. with Mr. Kirby
12 from Airways and Captain Bates from APA.

13 Were you aware of that meeting?

14 A. I was aware of that after the fact. I
15 was aware of the -- him meeting Bates at the time,
16 but then Kirby showed up. I guess he was out there
17 with Bates and it was an after the fact that I was
18 aware that that was happening, yeah.

19 Q. Okay. But were you given the assignment to
20 work on the potential merger at about that point in
21 time then?

22 A. I can't tell you whether it was before or
23 after. But it would have been around that time.

24 Q. So we're comfortable in our conversation
25 saying you were given the assignment to work on the

1 merger, potential merger anyway, between the two
2 pilots, groups, beginning sometime in mid 2012?

3 A. Yeah, that's -- that's a fair statement.

4 Q. Okay.

5 Okay. So do you run a committee that is
6 working on the -- on the merger?

7 A. No, no.

8 Q. Did you do it by yourself?

9 A. We had asked for volunteers and nobody
10 was really coming forward. So I've been working on
11 it by myself.

12 Q. You work on it with Captain King, don't
13 you, though?

14 A. No. He doesn't hold any position in the
15 union right now.

16 Q. Well, I understand that. I -- that wasn't
17 the question. You work with him in trying to come up
18 with concepts for the merger between the APA pilots
19 and the US Airways pilots, correct?

20 A. No, I don't.

21 Q. You don't?

22 A. No.

23 Q. You work with Mr. Owens in connection with
24 that?

25 A. I have talked with John a great deal,

1 yes.

2 Q. Right.

3 And what do you mean by a great deal?

4 A. We speak several times a week.

5 Q. And why do you talk to him about the merger
6 of the various pilot issues?

7 A. Because he's very close to the -- the
8 negotiations that have gone on. He's a negotiating
9 advisory committee member and knows a lot of stuff
10 that I don't because he -- he meets with these
11 folks down there all the time, understands their
12 structure better than I do.

13 Q. Meets with which folks?

14 A. His -- his counterparts at APA.

15 Q. Does he do that along with others from the
16 negotiating committee or just by himself?

17 A. I -- I don't know.

18 Q. And who's the head of the negotiating
19 committee?

20 A. Dean Colello.

21 Q. Well, can you just describe for me what you
22 have done since the summer of 2012 on the issue of
23 merging the various pilots at -- the pilot lists at
24 US Airways --

25 A. First of all, I am not --

1 Q. -- US Airways and APA?

2 A. I need to make a correction to your
3 statement. I have nothing to do with seniority
4 integration. I'm talking about the integration of
5 operational services, insurance, basic support
6 services, representation issues and things like
7 that in the merger of the union. Not seniority
8 integration.

9 Q. You've done nothing on seniority
10 integration?

11 A. Anything I may have done with seniority
12 integration has been discussion between myself and
13 our merger committee. But we've kept that out of
14 this negotiation because it just clouds the issue.

15 Q. I don't understand that. Explain that.

16 A. I am dealing with the merger of all --
17 everything but seniority. Seniority lies as the
18 purview of the merger committee and we keep that
19 out of our discussion so we can talk about the
20 other things that the union needs to do to be able
21 to coordinate all the services for the -- for the
22 members.

23 Q. You keep it out of your discussions with
24 John Owens?

25 A. No, I discuss it with John Owens, I

1 discuss it on our side, but not with my
2 counterparts at the APA.

3 Q. Oh, okay. So you're telling me that in
4 your role on these other integration issues other
5 than seniority when you're dealing with somebody from
6 APA, you do not talk to those -- that person or those
7 persons about pilot seniority integration?

8 A. That is correct.

9 Q. Okay. But you do talk to the various
10 pilots within USAPA on the issue of pilot seniority
11 integration with potentially APA?

12 A. Yes, um-hum.

13 Q. And what is your role there when you talk
14 to these folks about that?

15 A. Just basically questions because it's
16 basically the purview of the merger committee.
17 That's -- that's what they do. And ours is just
18 how's it going.

19 Q. What's the think tank group?

20 A. Think tank group. I don't think we have
21 a formal one. We've got an informal one.

22 Q. I know -- I know it's informal, but what is
23 it?

24 A. It's just -- it's myself, John Owens.

25 Q. King?

1 A. No, not really. Mark's kind of out --
2 out of it now.

3 Q. Who else besides you and John Owens on the
4 think tank?

5 A. Whoever we need to bring in, Gary if
6 he's...

7 Q. Who else?

8 A. Sometimes Dave Ciabattoni. That's about
9 it.

10 Q. How many West pilots do you include in your
11 think tank group?

12 A. I don't think there are any, none.

13 Q. How come?

14 A. There just aren't.

15 Q. Well, you're in charge of it, you're
16 running it?

17 A. There is no formal committee. It's --

18 Q. I understand.

19 A. -- it's people I speak with.

20 Q. I understand that you've got an informal
21 group --

22 A. Um-hum.

23 Q. -- that is working to come up with concepts
24 about pilot merger integration with APA, correct?

25 A. Um-hum.

1 Q. Yes?

2 A. Yes.

3 Q. Okay. And it's a small group --

4 A. Um-hum.

5 Q. -- within USAPA, correct?

6 A. Yes.

7 Q. And working -- people working with you as
8 the vice president of USAPA on these projects,
9 correct?

10 A. Yes.

11 Q. But you haven't included or invited any
12 West pilots, right?

13 A. That is correct.

14 Q. Why?

15 A. They have -- they are represented on the
16 BPR, they're represented on the merger committee.

17 Q. Well, so are the East pilots that you're
18 dealing with, they're represented by --

19 A. Yes, they are.

20 Q. -- six or seven people on the BPR?

21 A. Um-hum. That's correct.

22 Q. So why do you differentiate at that level?

23 A. Well, first of all, these guys are in the
24 office all the time. And we don't make policy,
25 we're just -- I ask John questions about how it

1 operates down at APA.

2 Q. Okay. So you're talking to this peo- --
3 these people just because it's convenient?

4 A. No, it's because they have the
5 information I need to know.

6 Q. Okay. Other than the -- well, you made
7 reference to talking to your counterparts on
8 representational issues?

9 A. Um-hum.

10 Q. Yes?

11 A. Yes.

12 Q. You're going to have to verbalize here to
13 these questions. Is that okay?

14 A. Yes, if there's a question.

15 Q. Okay. What did you mean by
16 representational issues?

17 A. If USAPA is no longer the bargaining
18 agent at some point in time, how will Charlotte,
19 Philadelphia, Phoenix and Washington, D.C. pilots
20 be represented? What's the format? Will the
21 current representatives be the representatives?
22 Will it have to be all new elections? We don't
23 know these -- the answers to these questions.

24 Q. Okay.

25 A. We're trying to find that out.

1 Q. And who are you dealing with at APA on
2 these points?

3 A. We have one person who -- an APA pilot
4 who lives in Charlotte who will be -- will be
5 dealing with the liaison, Doug Buchanan.

6 Q. Anybody else you're dealing with at APA
7 on the -- just on the representational issue,
8 Mr. Bradford?

9 A. I'm dealing with them through him. We --
10 the vice president over there is -- I'm drawing a
11 blank on his name right now. But he -- he
12 recommended this person. He said, look, I've got a
13 guy here in Charlotte. You can talk with -- pick
14 up the phone and talk to him, so that's what we're
15 doing.

16 Q. Okay. With respect to the representational
17 issues, see if I have this correct, assuming that the
18 merger goes through --

19 A. Um-hum.

20 Q. -- most likely at some point in time there
21 will be one bargaining representative representing
22 all of the pilots in the new American Airlines,
23 correct?

24 A. Yes.

25 Q. Okay. And the current thinking, and

1 correct me if I'm wrong, is that that entity, more
2 likely than not, at some point in time will be APA,
3 right?

4 A. More likely than not, that's correct.

5 Q. And that's just because of the numbers of
6 pilots that are currently represented by APA versus
7 the number of pilots currently represented by USAPA?

8 A. Correct.

9 Q. Okay. And it's unknown exactly when in the
10 future that might occur given the uncertainty with
11 respect to the merger and other issues, correct?

12 A. Correct.

13 Q. But some of the earlier thinking before we
14 had the DOJ lawsuit is that it might occur within 18
15 to 24 months after the plan of reorganization had
16 been confirmed, correct?

17 A. I think that's correct, yes.

18 Q. Okay. So if the plan of reorganization was
19 able to -- to go forward based upon Judge Lane's
20 decision last Friday, then we would be perhaps
21 talking about APA becoming the bargaining
22 representative 18 to 24 months from September of
23 2013?

24 A. That's likely.

25 Q. Okay. So your discu- -- your discussions

1 with Doug Buchanan will be talking about issues like
2 when that happens, APA is the exclusive bargaining
3 representative, who will be representing the new
4 American pilots in Charlotte, in Phoenix, in
5 Philadelphia, in D.C. --

6 A. Um-hum.

7 Q. -- is that in general what you're talking
8 to him about?

9 A. That's one of the issues.

10 Q. What is the -- what are the other issues?

11 A. Insurance, pilots on disability, how are
12 they supported, how do they work -- discussions on
13 grievance, they have a completely different
14 grievance system than we do. Things like that.

15 Q. Okay. And are you talking to APA about
16 what happens to the USAPA funds that it has after APA
17 becomes the exclusive bargaining representative?

18 A. No, we have not had any discussion on
19 that.

20 Q. But when that comes up, you will be in
21 charge of talking about stuff like that with them?

22 A. We'll talk about it. It will be up to
23 the BPR. But...

24 Q. But you'll be the point person to raise it
25 as you understand it?

1 A. As -- as it stands now, yes.

2 Q. Have you given any thought to that issue
3 and -- and how the funds might be shared or not
4 shared between USAPA -- that are excess -- excess to
5 USAPA might be shared with USAPA and APA?

6 A. We haven't gotten to that yet, no.

7 Q. I asked have you given any thought to it?

8 A. I have, but it's -- it's -- we don't --
9 basically we understand it to be that's our money,
10 basically. It's the money rep- -- of the US
11 Airways pilots. And if there is an excess or if
12 there is something in the bank at the time of the
13 merger, the union merger now, where we talk about
14 becoming one --

15 Q. Right.

16 A. -- merger, that would have to be
17 negotiated. I can tell you if it's transfer of
18 funds, it would have to be a -- an issue for the
19 BPR. It's not something I could negotiate.

20 Q. Okay. When you're talking about these
21 representational issues at the various domiciles that
22 US Airways currently has, are you reaching out to any
23 other pilots in your conversations with APA about
24 that or are you just thinking about it yourself and
25 then going forward with it?

1 A. It hasn't even gotten to that stage yet.
2 I've been just -- I'm talking to John Owens, other
3 people, you know, in our group, and we haven't had
4 formal discussions with the APA about this yet.

5 Q. So you're talking to the -- the think tank
6 group --

7 A. Um-hum.

8 Q. -- Owens, President Hummel, Ciabattoni,
9 anybody else?

10 A. That's mostly it right there.

11 Q. Okay. And you haven't talked to any West
12 pilots about the representational issues after APA
13 becomes the exclusive bargaining representative?

14 A. No, we haven't even formulated a -- a
15 proposal yet.

16 Q. Okay.

17 Okay. So the -- the primary task that
18 president Hummel gave you beginning the summer of
19 2012 was to -- to sort of manage these issues
20 regarding the inter-union merger; is that correct?

21 A. Yes.

22 Q. Okay. And we'd talked in general --

23 A. Um-hum.

24 Q. -- about what those topics are, correct?

25 A. Um-hum.

1 Q. Yes?

2 A. Yes.

3 Q. Okay. Have you been given any other
4 responsibilities by President Hummel?

5 A. Well, I've served in his stead when he
6 was -- when he was --

7 Q. And I appreciate that.

8 A. -- unable to. If he needed me to attend
9 a meeting, a domicile meeting that he wouldn't
10 attend, I would attend in his stead. I don't have
11 any long-term project as assigned by him.

12 Q. Are you managing the current litigation
13 that's taking place in Arizona for President Hummel?

14 A. I don't really manage that. I mean, I'm
15 involved with it. But I don't -- I don't manage
16 that. I don't direct the attorneys to do
17 particular things. It's kind of a consensus.

18 Q. What do you mean by that?

19 A. I mean the -- if -- if the -- the board
20 is not sitting and the officers made a decision
21 we're going to file this or we're not going to file
22 this, it's -- it's done among the officers.

23 Q. Is President Hummel involved in those
24 decisions?

25 A. When he was able to be involved in those

1 decisions, he was.

2 Q. Was he involved now?

3 A. Yes, he is.

4 Q. And explain how he is involved.

5 A. If we have a discussion about filing a
6 motion, it's -- you know, attorneys may present
7 we're thinking about filing this motion and we can
8 do this, that and the other and we all say well,
9 why are we doing that and what's the reason for
10 that? And if we agreed, there's a consensus we all
11 agree, then we go ahead, if we don't, then we --
12 you know, we might say no, that's -- we don't think
13 that's a good idea.

14 Q. When you say a consensus and we all agree,
15 who's in that group?

16 A. The officers.

17 Q. And just the elected officers?

18 A. Generally, yes, um-hum.

19 Q. What do you mean by generally?

20 A. I mean the elected officers have the
21 constitutional power to do that. That's what we
22 do.

23 Q. And the elected officers are President
24 Hummel, correct?

25 A. Um-hum.

1 Q. Yes?

2 A. Yes.

3 Q. Yourself?

4 A. Correct.

5 Q. Captain Streble?

6 A. Correct.

7 Q. Because he's the treasurer?

8 A. Correct.

9 Q. And then there's the executive VP, and
10 I'm -- I'm stumbling on his --

11 A. Steve Smyser.

12 Q. Smyser. I apologize to him if he's going
13 to listen to this.

14 A. Um-hum.

15 Q. Anybody else?

16 A. We may ask the negotiating committee or
17 if there was something that might impinge on the
18 negotiating committee or the grievance committee,
19 you know, we ask for advice. But basically it's
20 the officers.

21 Q. And, if I can, and I don't want to put
22 words in your mouth, but it sounds like you're
23 describing occasionally this group of officers and
24 maybe some of the USAPA lawyers getting together to
25 strategize on what to do, not only in the Phoenix

1 litigation, but perhaps in other litigation that
2 USAPA has going on, correct?

3 A. Yes.

4 Q. Okay. Are you -- would you -- would you --
5 you say you're fairly conversant with the issues that
6 are going on in the Phoenix litigation?

7 A. I think so.

8 Q. And you've become conversant because you
9 have gone through these strategy sessions, correct?

10 A. That's -- that's one way and I've read
11 the -- I try to read all the filings.

12 Q. Right.

13 And so when the things are -- are posted,
14 if we file something or somebody else files
15 something, I understand from the documents I have,
16 you pay attention to that, correct?

17 A. I do.

18 Q. And oftentimes you provide written analysis
19 of your thoughts about pieces of litigation, correct?

20 A. Yes, I have.

21 Q. And indeed, when we filed the litigation in
22 Phoenix back in March, I see from the paperwork you
23 actually went through and did some annotations and
24 criticized us and made comments on where we had
25 gotten stuff wrong, correct?

1 A. I don't remember the particulars, but I
2 probably did.

3 Q. Yeah, and that's how you keep current --

4 A. Um-hum.

5 Q. -- with the -- with the litigation that's
6 going on in Phoenix, right?

7 A. That's one of the ways, yes.

8 Q. Okay. And based upon your observations of
9 President Hummel that, conversant too?

10 A. Probably not as me, not as conversant as
11 me.

12 Q. Well, do you take -- sort of take the lead
13 then in the officer group to -- to sort of we -- I
14 think we ought to be doing this, talking to the
15 attorneys or I would recommend that we go that way or
16 are you sort of the point person then?

17 A. I think you could say that, yes.

18 Q. Okay. Tell me in your own words, then,
19 Mr. Bradford, why USAPA is opposing class
20 certification in the Phoenix action currently?

21 A. I believe it's the member -- the class
22 members don't fairly represent the entire spectrum.

23 Q. You mean the class representatives don't
24 fairly represent?

25 A. All right. If -- if that's a --

1 Q. I'm -- I'm just -- well, wanting to make
2 sure you and I get on the same page on this.

3 A. The class rep- -- yes, I could say that's
4 probably correct.

5 Q. So you -- you -- you think that USAPA is
6 opposing class certification because there's some
7 belief that the class representatives do not what?

8 A. Do not fully represent the -- fully
9 represent the litigants, the -- the plain- -- the
10 plaintiffs, the named plaintiffs.

11 Q. Well, let's back up. We've got some named
12 plaintiffs --

13 A. Um-hum.

14 Q. -- in the case -- in the litigation that's
15 currently pending in -- in Phoenix, correct?

16 A. Correct.

17 Q. And can you and I agree that when we talk
18 about them as a group, we call them the class
19 representatives?

20 A. I'm not aware of that technicality, but
21 if that's -- if that's what you're going to say,
22 that's fine.

23 Q. Okay. I mean, we -- we don't need to be
24 technical, I just want to make sure we're on the same
25 page. So class representatives are the named

1 plaintiffs and the case pending -- currently pending
2 in Phoenix, correct?

3 A. Yes.

4 Q. Okay. And those class representatives you
5 believe do not fairly represent the class overall?

6 A. I don't think so.

7 Q. And you understand that the purported class
8 or the putative class in the Phoenix litigation
9 currently are all of the former America West pilots.
10 You understand that?

11 A. Yes.

12 Q. Okay. So let's narrow it down then. You
13 don't believe that the class representatives fairly
14 represent the putative class which are the -- all of
15 the former America West pilots, right?

16 A. We're getting into the technicalities
17 that I have to defer to counsel for.

18 Q. Yeah.

19 A. But -- but -- but they are -- they're
20 supposed to be very knowledgeable of the -- of the
21 litigation, supposed to understand it and supposed
22 to represent the interests of those named
23 plaintiffs.

24 Q. And you don't think any or all of those
25 class representatives do that?

1 A. I'm deferring to counsel here because
2 in -- in this particular case they have raised that
3 and these are technical definitions that I'm not
4 that aware of.

5 Q. Yeah, I'm just trying to find,
6 Mr. Bradford, somebody at USAPA that can from USAPA's
7 point of view --

8 A. Um-hum.

9 Q. -- speaking for USAPA, tell me why USAPA
10 doesn't believe that the class representatives fairly
11 represent the putative class in the pending
12 litigation, and I think you're the person to do it.
13 So can you explain it?

14 MR. O'DWYER: No, I'm going to object to
15 that, direct the witness not to answer because
16 based on eviden- -- based on conversations
17 that Mr. Bradford had with counsel.

18 MR. HARPER: So we -- you're precluding
19 us from asking USAPA why all of this effort in
20 Phoenix is being done to challenge the
21 representative status of the class
22 representatives?

23 MR. O'DWYER: What I'm precluding you
24 from asking Mr. Bradford from -- his reasons
25 why, because at least in part it's based on

1 conversations that he had with either
2 Mr. Szymanski or myself.

3 Q. Okay. You understand in the Phoenix
4 litigation currently that USAPA is challenging the
5 representative status of the current plaintiff
6 representatives?

7 A. I understand that, yes.

8 Q. Okay. And you support that effort?

9 A. It was explained to me by counsel that
10 they're -- that they feel that that's appropriate
11 and that's details of class litigation that I don't
12 understand.

13 Q. But you support the effort?

14 A. Based on the experience of our counsel,
15 I -- they said this is what we should do and I
16 said that I don't understand --

17 MR. O'DWYER: Ah --

18 MR. HARPER: That -- that -- I think
19 you've already waived this numerous times.

20 MR. O'DWYER: No. Well --

21 MR. HARPER: He just did it again.

22 MR. O'DWYER: Take it up with the judge.
23 Take it up with the judge.

24 MR. HARPER: Okay.

25 Q. Do you have any separate facts to

1 substantiate your position that you think it's
2 appropriate for USAPA to challenge the representative
3 status of the class representatives in Phoenix?

4 A. No.

5 Q. So it's all based upon advice of counsel?

6 A. Yes.

7 Q. You understand in the pending action in
8 Phoenix that USAPA is challenging the -- the -- the
9 right of the West pilots to have a seat at the
10 McCaskill-Bond arbitration if it occurs in the
11 future?

12 A. Yes.

13 Q. Okay. And you support that?

14 A. Yes.

15 Q. Why?

16 A. The -- I can't get into the details, but
17 basically USAPA is the bargaining agent, APA will
18 be the bargaining agent for the American pilots and
19 it's my understanding this, again, from -- from
20 reading the briefs, that to give a -- another party
21 bargaining status is to undermine the current
22 bargaining agent.

23 Q. So it's all from your point of view the
24 status of the bargaining agent?

25 A. Yes, fundamentally that's it.

1 Q. Stat- -- and USAPA is the current
2 bargaining agent?

3 A. Correct.

4 Q. And if indeed a McCaskill-Bond arbitration
5 occurs in the future between APA and USAPA, then it's
6 your position that USAPA exclusively should be at the
7 table to represent the interests of all of the
8 current US Airways pilots?

9 A. Yes, USAPA is the current exclusive
10 bargaining agent.

11 Q. And do you believe that USAPA can fairly do
12 that?

13 A. Yes.

14 Q. Why?

15 A. It's a democratic organization, West
16 pilots are represented, they are represented on the
17 merger committee, they're represented on the BPR,
18 they have votes. Any basic agreement, if one were
19 to be arrived at, would be voted on by all the
20 membership. And absent an agreement, it would go
21 to arbitration.

22 Q. Voted on by all of the current USAPA
23 membership?

24 A. Correct.

25 Q. Two-thirds being East pilots, correct?

1 A. I don't know what the exact ratio is
2 right now.

3 Q. Well, whatever it is, majority are the East
4 pilots, correct?

5 A. That's correct.

6 Q. And a minority are the West pilots,
7 correct?

8 A. That's -- yes, that's correct.

9 Q. Okay. And a majority of the BPR
10 representatives currently are East pilots, correct?

11 A. Correct.

12 Q. And a minority are the West pilots,
13 correct?

14 A. Correct.

15 Q. And the majority of the current merger
16 committee are made up by East pilots, correct?

17 A. Correct.

18 Q. With only two West pilots, correct?

19 A. Correct.

20 Q. So this is sort of one man, one vote from
21 your point of view?

22 A. Well, it's -- it's the democratic method.
23 It's -- it's --

24 Q. Right.

25 And the majority gets to rule, correct?

1 A. Within the confines of -- of the law,
2 yes.

3 Q. And that's the way you set it up when you
4 formed USAPA back in 2008, didn't you?

5 A. That's -- yes, that's -- that's basically
6 how the union is set up.

7 Q. And you were the one that sort of
8 structured the setup of the union, correct?

9 You were the founding father of USAPA?

10 A. I was a founding member, not the founding
11 father.

12 Q. Well, you were the one that took the first
13 step to displace ALPA from its represental --
14 representational perspective, correct, point
15 position?

16 A. There were a few of us. We all worked
17 together. It was too big for one person.

18 Q. Okay. And you started that effort in May
19 of 2007?

20 A. Yes, around that time.

21 Q. And one of the intents you had clear back
22 in May of 2007 is to ensure that if there was any
23 future merger between US Airways and any other union
24 that the date of hire concept that you had would
25 prevail, correct?

1 A. It would at least be considered.

2 Q. Well --

3 A. Can't prevail.

4 Q. -- it would be dominant?

5 A. It would be considered.

6 Q. It would be -- it would be dominant because
7 it would be the East pilots voting to support the
8 constitution that you helped draft that requires date
9 of hire --

10 A. It would be considered.

11 Q. Well, how is it going to be considered and
12 not required?

13 A. Well, it's going to be presented in
14 negotiations with APA, but it doesn't guarantee the
15 outcome.

16 Q. Oh, I understand that.

17 A. Um-hum.

18 Q. I understand that McCaskill-Bond, the --
19 the ultimate outcome is going to be decided by a
20 panel of three federal arbitrators, correct?

21 A. It could be, yes. Absent an agreement.

22 Q. Absent an agreement --

23 A. Um-hum.

24 Q. -- let me -- let's just make sure that we
25 have here for -- for Judge Silver the -- the process.

1 What's going to happen at some point in time if the
2 merger goes through, step one in the process would be
3 for USAPA and APA, according to you, to sit down and
4 structure a protocol for the arbitration process,
5 correct?

6 A. No.

7 Q. What would be step one?

8 A. It would be -- a protocol agreement would
9 be the -- a -- entire agreement governing
10 negotiations, possible mediation, arbitration if
11 they were unable to reach an agreement.

12 Q. I under -- I -- I stand corrected. And I
13 appreciate that.

14 So step one is to come up with a script
15 that is going to -- to cover all of the steps that
16 will occur after that, potentially?

17 A. Yes, that's fair.

18 Q. Could be negotiating a integrated list
19 without the need to go to mediation or arbitration,
20 correct?

21 A. It's possible.

22 Q. And if that doesn't work, perhaps providing
23 for a mediation before you would have to take the
24 step to go to arbitration?

25 A. Yes.

1 Q. Perhaps.

2 And if those fail, then agreeing upon a
3 procedure that would be applicable if there's ever
4 the formal McCaskill-Bond arbitration, correct?

5 A. Correct.

6 Q. Okay. And that's going to happen quite
7 soon if, in fact, the DOJ opposition to the merger is
8 overcome, correct?

9 A. Yes, um-hum.

10 Q. Because under the current Memorandum of
11 Understanding, day one after the plan of
12 reorganization theoretically was confirmed by
13 Judge Lane, then the protocol activity would start
14 immediately, right?

15 A. Yes, it could start.

16 Q. Okay. Let's step back for a moment then,
17 okay.

18 (Exhibit Number 1035: An e-mail document
19 from Stephen Bradford dated 5/16/07, Bates ADD
20 00004945 - 46 marked for identification, as of
21 this date.)

22 Q. Mr. Bradford, we'd been through this before
23 and I just want to make sure you understand. Perhaps
24 I'll go back and show you some documents that were
25 utilized yesterday and they will already have an

1 exhibit number on them because they'd been utilized
2 in depositions before, okay?

3 You understand that?

4 A. Um-hum. Yes, I understand that.

5 Q. And stuff -- items that have not yet been
6 used in depositions will have a new number on them,
7 and this is the document I'm handing you first today
8 and that we've marked as Exhibit 1035. So it's a new
9 exhibit that has not been used in this litigation
10 before.

11 So what I'd like to do is to show it to
12 you, give you an opportunity to -- to look at it and
13 then I'll have a --

14 A. Um-hum.

15 Q. -- couple of questions about it for you.

16 And I just want you to understand, I'm not
17 going to go back and relive Addington 1 with you,
18 okay? But there are going to be a few questions that
19 arise during that time zone that I would like to
20 inquire about. You understand?

21 A. Um-hum. I understand.

22 Q. Okay. Ready to go?

23 A. Um-hum.

24 Q. Yes?

25 A. Yes.

1 Q. Okay. I've shown you Exhibit 1035,
2 Mr. Bradford. Can you identify that for me, please?

3 A. It's an e-mail dated May 16th, 2007 from
4 myself to -- I wrote to all the executive VPs at
5 ALPA that was -- Russ Weber was the recipient on
6 this one.

7 Q. And he was on the ALPA board back in May of
8 2007?

9 A. Yes, I believe so.

10 Q. And you wrote this on May 16, 2007,
11 correct?

12 A. I believe so, that's correct.

13 Q. Just approximately two weeks after
14 Arbitrator Nicolau came out with his award in the US
15 Airways/America West arbitration, correct?

16 A. Yes, um-hum.

17 Q. Okay. And just so we have the record here,
18 that -- that award came down on or about May 1, 2007,
19 right?

20 A. Yes, I think that's correct.

21 Q. So in the following 15 days you and several
22 others, got together and decided on a strategy to
23 follow going forward, correct?

24 A. We were -- we were formulating it as it
25 goes along, it was --

1 Q. Okay.

2 A. -- not clear at that time.

3 Q. Okay. And one of the tentative decisions
4 that you and your -- your group made is that unless
5 something could be done to set aside the Nicolau
6 award, you would have to take what you said was an
7 unfortunate step and move forward to displace ALPA as
8 the bargaining representative for the US Airways
9 pilots?

10 A. I'd characterize that as that's close
11 yes, It was -- it's -- it's they needed to fix
12 this, this was -- couldn't stand.

13 Q. And it couldn't stand because you thought
14 it was unfair?

15 A. Um-hum.

16 Q. Pardon me?

17 A. Yes.

18 Q. And you've held that opinion all -- ever
19 since, haven't you?

20 A. Basically, yes.

21 Q. And it's unfair in a number of ways, one of
22 them is that you believe it mistreated the US Airways
23 that were on furlough at that point in time, correct?

24 A. Oh, that's just only one element.

25 That's...

1 Q. Well, why don't you give me a few more so
2 that Judge Silver --

3 A. Well, it was --

4 Q. -- understands why you thought it was
5 unfair?

6 A. It disregards date of hire, disregards
7 length of service, placed an inordinate emphasis on
8 the nebulous concept of career expectations and it
9 deviated -- it was a substantial deviation from
10 previous ALPA practice.

11 Q. Just so that Judge Silver knows, you were
12 not on the US Airways merger committee when it argued
13 its position to Arbitrator Nic- -- Nicolau on that
14 panel, correct?

15 A. That's correct.

16 Q. You had no involvement in the presentation
17 of US Airways's position to the panel either in
18 negotiations, in mediation or in arbitration leading
19 up to the award, correct?

20 A. Correct.

21 Q. Okay. But you understood as a
22 long-standing member of ALPA that there was an
23 agreement that had been reached between US Airways,
24 MEC and the America West's MEC to go into the -- the
25 arbitration, if necessary, to integrate the pilots

1 between US Airways and America West?

2 A. My understanding is they didn't have an
3 agreement, they had no choice. This was -- this
4 was policy. If you're in the union, this is
5 what -- what's going to happen.

6 Q. Okay. So, I mean, that's what the union
7 required you to do?

8 A. Correct.

9 Q. And -- and indeed that's what the pilots
10 did, correct?

11 A. That's what happened.

12 Q. And the policy then was going to
13 arbitration and what comes out is going to be final
14 and binding, correct?

15 A. To ALPA, yes.

16 Q. Well, and to the -- the pilots who went
17 into the arbitration?

18 A. To the MECs, yes.

19 Q. Right.

20 And if the result had been different and
21 some of the issues that you think had been addressed,
22 you would have concluded personally that the award
23 was fair and equitable, right?

24 A. Well, I can't -- I can't say we have what
25 we have. I don't know what it would be. But we

1 have --

2 Q. But if these issues you had just
3 addressed -- listed for me had been addressed in a
4 way that you found acceptable, then you personally
5 would have thought that the award was fair and
6 equitable?

7 A. I might not have even thought it was fair
8 and equitable.

9 Q. But you would have gone along with it?

10 A. Probably.

11 Q. Because that's what the arbitrator decided?

12 A. That's what the process produced. I -- I
13 don't know if the -- the arbitrator -- you're
14 asking hypotheticals. I can't tell you exactly
15 what I would have gone with.

16 Q. Well, if the process had provided something
17 that you felt was fair and equitable, then you
18 personally, as a former America -- a US Airways
19 pilot, would have gone along with it?

20 A. Yeah.

21 Q. Okay. Looking at Exhibit 1035 --

22 A. Um-hum.

23 Q. -- the third paragraph down, the paragraph
24 that starts with the move is purely defensive.

25 Do you see that?

1 A. Yes.

2 Q. After that first sentence, you write, and
3 correct me if I don't read it correctly, make no
4 mistake, we don't want to leave ALPA, A-L-P-A, but we
5 will just to ensure we can have some say in the next
6 merger.

7 You wrote that?

8 A. Yes.

9 Q. Back in May of 2007?

10 A. Yes.

11 Q. And the next merger is the merger that
12 we're talking about today in the mid 2013, correct?

13 A. Well, there were failed attempts in
14 between there, but yes.

15 Q. This is the next merger --

16 A. Um-hum.

17 Q. -- correct?

18 A. Yes.

19 Q. And you were planning, back in May of 2007,
20 to put together a union based upon date of hire that
21 would ensure in the next merger that the concept of
22 date of hire would be used to integrate the US
23 Airways pilots with any other pilot group, correct?

24 A. No. It's -- if you read correctly, it's
25 to ensure we have some say. Doesn't mean we have

1 any control over an outcome. Just we have -- we
2 have a way of making our wants known.

3 Q. I understand that. Because in this one
4 you're going to again go to a three party -- perhaps
5 a three-party --

6 A. Um-hum.

7 Q. -- panel arbitrators, correct?

8 A. That's correct.

9 Q. And it's going to be up to them to decide
10 what the final list is, correct?

11 A. If it goes to arbitration, correct.

12 Q. Okay. And to say that USAPA wants to have
13 in that arbitration is to present a list to the
14 arbitrators that's based upon date of hire, right?

15 A. We would like to be able to do that, yes.

16 Q. And you intend to do that, don't you?

17 A. I believe that's what the BPR wants,
18 correct.

19 Q. And that's what you're working towards,
20 correct?

21 A. Yes, with appropriate conditions and
22 restrictions to protect everyone's --

23 Q. And even though there are two members on
24 the USAPA merger committee, there's no way at all
25 that the Nicolau will ever be presented by USAPA to

1 the arbitrators, correct?

2 A. I can't say no way at all, no.

3 Q. That's the intent, right?

4 A. Maybe the intent, but if something else
5 is negotiated and this BPR approves it, that's
6 what's going to go forward.

7 Q. I -- I'm not talking about negotiations,
8 Captain Brad -- Bradford. You understand that? I'm
9 talking about the process of the arbitration itself.

10 You have to sit down --

11 A. There's an internal arbitra- -- there's
12 an internal negotiation in the union as to what is
13 going to go forward that hasn't even occurred yet.

14 Q. Yeah, but the constitution -- USAPA's
15 constitution restricts what can be presented,
16 correct?

17 A. I don't read it that way.

18 Q. Well, let -- let's just go to the root
19 question. Tell me under what set of circumstances
20 the Nicolau will ever be presented by USAPA to the
21 McCaskill-Bond arbitrators in the arbitration?

22 A. Read the last paragraph. At that time.
23 How could it be fixed? A ten-year fence would have
24 done it.

25 Q. No, I'm -- I'm talking about this year,

1 USAPA.

2 A. We're talking about this thing from 2007.

3 Q. No, I'm talking about now going forward in
4 the McCaskill-Bond arbitration. Tell me how the
5 Nicolau award could ever be offered by USAPA as the
6 list to be integrated with APA in the actual
7 arbitration?

8 A. I don't think it will be. But the
9 process is there that it could be. If the -- if
10 the board voted to move forward with that, that's
11 what would move forward.

12 Q. Right. With a board dominated by former
13 East pilots, correct?

14 A. Proportionally represented by East
15 pilots.

16 Q. Minority, correct?

17 A. No, I believe the East pilots are in a
18 majority.

19 Q. Six to three on the board or eight to --
20 MR. de VICQ: Eight to three.

21 Q. Eight -- eight to three. Eight to three on
22 the board, correct?

23 A. Yes, that is the constitution of the
24 Board of Pilot Representatives.

25 Q. Right.

1 And four to two on the merger committee,
2 correct?

3 A. That's proportional, correct.

4 Q. And all former East pilots in the officer
5 positions at USAPA?

6 A. They were all elected, yes, by -- at
7 large.

8 Q. But they're all -- and I'm not arguing the
9 process, I'm just stating the fact, correct?

10 A. That's a fact, correct.

11 Q. Okay. So in positions of authority,
12 eight -- eight former -- eight -- eight former East
13 pilots on the BPR, four former East pilots in the
14 officer position and four former East pilots in -- on
15 the merger committee, correct?

16 A. Correct.

17 Q. So you've got 16 former East pilots in --
18 in leadership position versus three West pilots on
19 the BPR?

20 A. Yes, three B -- BPR members.

21 Q. None in the officer position, correct?

22 A. Yes, none were elected.

23 Q. And two on the merger committee?

24 A. That's correct.

25 Q. So it's 16 to five, that's the way it

1 stacks up, right?

2 A. Well, officers don't vote.

3 Q. I understand.

4 But you can recommend and you work for the
5 BPR?

6 A. Correct.

7 Q. And you can take steps to influence the
8 outcome of the BPR, correct?

9 A. Well, I can't outvote them.

10 Q. I understand. But it's 16 to five?

11 A. Yes, okay.

12 (Exhibit Number 1036: Continental MEC
13 Position Report dated 9/6/13 marked for
14 identification, as of this date.)

15 Q. I want to show you what I've had marked,
16 Mr. Bradford --

17 A. Um-hum.

18 Q. -- as Exhibit 1036. Take a moment to look
19 at it. My initial question to you is going to be
20 have you seen this before?

21 A. Yes, I have. I -- not in paper form, I
22 saw it in electronic.

23 Q. Can you identify it then for me?

24 A. It's a recent ALPA publication from the
25 Continental -- looks like the Continental MEC

1 chairman.

2 Q. And it addresses a recent pilot integration
3 decision that came down in the -- in the context of
4 the merger between what two airlines?

5 A. This was the seniority integration
6 between Continental and United.

7 Q. Have you read that decision?

8 A. Yes, I read it once.

9 Q. Okay. And, in general, that decision
10 favors the United pilots over the Continental pilots
11 in -- in some significant ways, correct?

12 A. In -- in general, I think that's correct.

13 Q. Okay. And so the -- hate to say losing,
14 but the losing MEC -- the losing group of pilots or
15 disadvantaged group of pilots, perhaps, were the
16 former Continental pilots?

17 A. I guess so.

18 Q. Okay. And the -- Captain Pierce is the
19 current union chairman of the Continental MEC,
20 correct?

21 A. I -- I don't know who it is. If
22 that's --

23 Q. And if you look on page two.

24 A. All right. It says Captain Jay Pierce,
25 yes.

1 Q. Right.

2 And he's writing, apparently according to
3 Exhibit 1036, to the Continental pilots, correct?

4 A. Yes.

5 Q. And he's taken the position this is a bad
6 deal, I'm sorry about the bad deal, but we're one
7 union, let's go forward together, correct? If you
8 look at the top of page two in the paragraph
9 beginning even though.

10 A. Top of page two.

11 Q. Go to page two --

12 A. Okay. I see it.

13 Q. -- first full paragraph there.

14 A. Yes, he makes that statement.

15 Q. So he made a decision that was contrary to
16 the decision that you made back in May of 2007,
17 correct?

18 A. He did.

19 Q. He went through a process, his pilots went
20 through a process, there was an outcome and he's
21 saying guys, we went through a process, that's now
22 our list, let's move forward.

23 A. Yeah.

24 (Exhibit Number 1037: E-mail string with
25 the top from John Owens to Steve Bradford

1 dated 10/5/12, Bates USAPA 250671 - 672 marked
2 for identification, as of this date.)

3 Q. 1037, Mr. Bradford.

4 It's a e-mail string. You can obviously --

5 A. Um-hum.

6 MR. HARPER: Do you have that page?

7 MS. AXEL: What?

8 MR. HARPER: Can I see what I just gave
9 you?

10 MS. AXEL: It's this one.

11 MR. HARPER: That one. Yeah.

12 Q. I -- I -- I do this a lot. I've got the
13 wrong document. I'll give that back to you.

14 I give that back to you.

15 You ready to go?

16 MR. O'DWYER: What do we have before the
17 witness?

18 MR. HARPER: He has this 1037.

19 MS. AXEL: Did I give it to you?

20 MR. O'DWYER: No. I -- this one?

21 MS. AXEL: Yeah.

22 MR. O'DWYER: This is Owens --

23 MR. HARPER: Yeah.

24 MR. O'DWYER: It's From Brad? Okay.

25 MR. HARKIN: October 5, 2012?

1 MR. HARPER: Right.

2 MR. O'DWYER: Okay. Okay.

3 MR. HARPER: You ready to go?

4 MR. O'DWYER: Yeah.

5 A. Yes.

6 Q. Okay. I'm -- I'm focusing in on the -- the
7 e-mail from you, I guess, to Mr. Owens on or about
8 October 5, 2012, right in the middle of Exhibit 1037,
9 approximately.

10 Do you see that?

11 A. Um-hum.

12 Q. Yes?

13 And so you were -- just so I understand, in
14 October of 2012, you wanted to have a meeting with
15 Mr. Szymanski in order to talk about what happened a
16 little bit before the current litigation, right?

17 A. Repeat the question.

18 Q. Yeah.

19 (THE QUESTION WAS READ BACK.)

20 A. No.

21 Q. Why -- why did you want to meet with --
22 well, look at the paragraph where on Tuesday in
23 Brian's office in New York. I need to talk about the
24 period roughly from May 1, 2007 to April 18, 2008.
25 That's the period of creation of USAPA. Why did you

1 need to -- to talk to him about that?

2 A. We were -- I was interpreting
3 Judge Silver's order and we wanted to discuss that.

4 Q. Okay. Judge Silver's order is the one that
5 came out early October 2012, correct?

6 A. Yes.

7 Q. Okay. And your e-mail to John Owens was
8 within a day or two of that order coming out, right?

9 A. Yes.

10 Q. And in the decision from Judge Silver, she
11 says words to the effect that USAPA's free to use any
12 seniority list it wants, jumping forward, provided
13 that there's a legitimate union purpose for deviating
14 from the Nic, fair?

15 A. It's a fair paraphrase.

16 Q. Paraphrase.

17 Okay. And you wanted to talk to Pat about
18 what the legitimate union purpose was, correct?

19 A. Yes.

20 Q. And that's what you write, the next fight
21 will be that U- -- USAPA was created for a legitimate
22 union purpose and not simply a vehicle to avoid the
23 Nic.

24 So what did you mean USAPA was created for
25 a legitimate union purpose?

1 A. It was.

2 Q. Like what?

3 A. Seniority was definitely an issue.

4 Q. Right.

5 A. Representation, improve representation
6 from what we were getting from ALPA and there
7 was -- the pension issue was still a big issue to
8 our pilots.

9 Q. One that had been lost before --

10 A. Right.

11 Q. -- in the previous bankruptcy.

12 A. And just general dissatisfaction overall
13 with ALPA.

14 Q. Okay. So it was legitimate to form a new
15 union just because you and several others were
16 unhappy with ALPA?

17 A. Well, yes, that's -- that's always
18 legitimate.

19 Q. Right.

20 A. That's why the NMB has that procedure.

21 Q. And most of those that were unhappy with
22 ALPA were East pilots, correct?

23 A. Actually, no, they're a number of West
24 pilots that were unhappy with that.

25 Q. But a majority of those that were unhappy

1 were East pilots?

2 A. Correct.

3 Q. And they were unhappy for a number of
4 reasons, but the -- the -- the main reason that they
5 became more unhappy in May of 2007 was because of the
6 Nic?

7 A. I would say seniority was the last straw.

8 Q. Right. So building up --

9 A. Um-hum.

10 Q. -- not very member -- very many members
11 from the East had withdrawn from ALPA because they
12 were unhappy, correct?

13 A. I don't know that for a fact. I --

14 Q. Well, but the -- the records will show how
15 many East pilots withdrew from ALPA and the time
16 period pre- -- preceding the Nicolau award, correct?

17 A. Well, they didn't withdraw. They didn't
18 have a -- they really didn't have an opportunity.
19 You can -- you can withdraw and you still had to
20 pay dues, so...

21 Q. Okay.

22 A. People didn't go through that step.

23 Q. But the straw that broke the camel's back,
24 so to say, was the Nicolau?

25 A. Yes.

1 Q. Okay. And that's why you put together
2 USAPA?

3 A. That was -- that was the impetus.

4 Q. So part of the legitimate union purpose was
5 to get away from the Nicolau?

6 A. Part of the legitimate union purpose was
7 the Nicolau, correct.

8 Q. And it was the last event that occurred?

9 A. Yes.

10 Q. Okay.

11 MR. O'DWYER: Should we take a break?

12 MR. HARPER: You can, if you want. You
13 can take a break any time. That's -- if you
14 want to take a break.

15 MR. O'DWYER: Why don't we do that now.
16 Yeah.

17 THE VIDEOGRAPHER: The time is 9:38 a.m.
18 We're now off the record.

19 (A BRIEF RECESS WAS TAKEN.)

20 (Exhibit Number 1038: Document entitled
21 The History Behind The USAPA Constitution and
22 Bylaws dated September 2010, Bates WP019138 -
23 141 marked for identification, as of this
24 date.)

25 THE VIDEOGRAPHER: The time is 9:49 a.m.

1 We're back on the record.

2 MR. HARPER: Are we ready?

3 Oh, I'm sorry.

4 Q. Mr. Bradford, I've shown you what I've had
5 marked as Exhibit 1038. If you're ready, I just have
6 a few general questions about it for you.

7 A. Okay.

8 Q. Can you identify the document for me?

9 A. I don't know if this was ever published.
10 I'm going to assume it was. It goes way back. It
11 was kind of a creation story on the constitution of
12 bylaws, how it came about.

13 Q. And it -- it looks like it was authored by
14 yourself and Mr. Wargin?

15 A. Rich Wargin was the primary author and he
16 asked for -- asked me for supporting references.

17 Q. Is he a current US Airways pilot?

18 A. No, he's currently on medical disability.

19 Q. But he was at one point?

20 A. I believe at that time he was.

21 Q. And this is just a -- a paper talking in
22 talking in general about the history behind the USAPA
23 constitution and bylaws, correct?

24 A. Correct.

25 Q. Now, on the last page there is a -- a --

1 after Wargin's name you've got Ciabattoni, Shay- --
2 Shryack?

3 A. Shryack.

4 Q. Shryack and Menear.

5 Is that a group of --

6 A. They were -- I believe this had been an
7 ad hoc committee that had chaired the rewrite and
8 correction of the original constitution. And the
9 constitution was amended and ratified in -- I think
10 it was February of 2009. And this had been the
11 group that had corrected typos and errors and
12 things like that and presented it to the entire
13 voting pilot group and they ratified that
14 constitution.

15 Q. Tell me how you -- how USAPA -- what
16 process USAPA needs to follow in order to amend the
17 constitution; if you know?

18 A. It -- I believe -- well, it takes
19 two-thirds majority to do so, and I'm trying to
20 remember the two thresholds, whether it's by a
21 ballot caused by the pilot group or I believe it
22 can also be done by two-thirds of the BPR could --
23 could cause the issue to go before the pilots.
24 But, ultimately, it's always going to end up in
25 front of the pilots, and I believe it's a

1 two-thirds majority required to amend the
2 constitution.

3 Q. Okay. So the process at a minimum would be
4 perhaps recommendation by two-thirds of the members
5 of the BPR --

6 A. Um-hum.

7 Q. -- that the constitution be amended in some
8 certain way, correct?

9 A. Um-hum.

10 Q. Yes?

11 A. Yes.

12 Q. And then if that happens, the actual
13 amendment of the constitution has to be presented
14 by -- to the pilot membership for a vote, correct?

15 A. Correct.

16 Q. And it's only going to be amended if
17 two-thirds of those eligible to vote vote in favor of
18 the amendment?

19 A. That is correct.

20 Q. And certain pilots are not eligible to --
21 to vote at certain points in time. If they're on
22 furlough, for example, are they entitled to vote?

23 A. They -- they need to meet the membership
24 requirements that are outlined in the OM, which
25 would be -- yes.

1 Q. Or it's also possible that an amendment,
2 you think, could spring from the memberships in a
3 proposal that the constitution be amended in a
4 certain way?

5 A. I think it can. I can't -- I can't tell
6 you right now --

7 Q. Okay.

8 A. -- without it in front of me.

9 MS. AXEL: Do you want to do all three of
10 them?

11 MR. HARPER: Not -- not together,
12 separately.

13 MS. AXEL: Okay.

14 (Exhibit Number 1039: A Conversation With
15 An Attorney, Bates ADD 0000909 - 910 marked
16 for identification, as of this date.)

17 Q. I want to show you what I've had marked as
18 1039, Mr. Bradford.

19 A. Yes, um-hum.

20 Q. Can you identify this document?

21 A. It's an e-mail from a web board posting.

22 Q. And from the earlier litigation, this was a
23 web board that were being utilized by some of the
24 pilots to try to form USAPA, correct, or an
25 alternative to ALPA?

1 A. It was -- it was explored, yes. The
2 website is long since gone.

3 Q. Right.

4 A. -- but it was -- it was just somebody had
5 an existing one.

6 Q. Right. And the first paragraph it starts
7 on Saturday, June 9th in San Francisco, I had a
8 conversation regarding our case with Chris Katzenbach
9 of Katzenbach -- and I don't know how you pronounce
10 that.

11 A. I think it's Khitikan.

12 Q. Khitikan, a labor law firm. And the I in
13 that is you, correct?

14 A. It is.

15 Q. Okay. So you put this together after you
16 had that meeting?

17 A. Um-hum.

18 Q. And these are your words in this -- in
19 Exhibit 1039, correct?

20 A. Yes, they're my words. I may have
21 paraphrased what the lawyer said, but they're my
22 words.

23 Q. Right.

24 You write in the second to last paragraph
25 on page two to Exhibit 1039 that the Nicolau award

1 won't die until ALPA dies, correct?

2 A. Okay. I see what you're saying, yes.

3 Q. And that was your point of view back in
4 2007?

5 A. At that time there was ongoing
6 negotiations with in AL- -- inside ALPA. But at --
7 as it stood right there, yeah.

8 Q. Okay. I want to show you what I've had
9 marked as 104 -- 1040.

10 (Exhibit Number 1040: Document entitled
11 Lawyer Meeting June 14th @ 2:00, Bates ADD
12 0000916 - 919 marked for identification, as of
13 this date.)

14 Q. And, again, I would just like to see if you
15 can identify this exhibit for us?

16 A. Well, it's an e-mail. I don't know where
17 it was or how it was distributed. And it was a
18 meeting I had with another pilot with a law firm in
19 Harrisburg, Pennsylvania.

20 Q. And you put this together after that
21 meeting?

22 A. I'm not sure if -- if I put -- I -- I
23 attended the meeting. I'm not sure if I was the
24 one that authored this or how this got distributed.
25 I may have had -- I certainly had input to it, but

1 I'm not sure if I'm the sole author. There were
2 several of us that -- that traveled to that
3 meeting.

4 Q. You write on the final page of Exhibit 1040
5 in Bates 919 at the top, and correct me if I'm wrong
6 when I read this. You ready?

7 A. Last page?

8 Q. Yes.

9 We have a duty of fair representation to
10 the West pilot, but those are -- are also hard to
11 prove and difficult to make absent fraud and other
12 criminal activity.

13 That was what you wrote back in June of
14 2007, correct?

15 A. Um-hum.

16 Q. Yes?

17 A. Yes.

18 Q. And the last sentence or the last two
19 sentences in that paragraph, still on Bates 919,
20 democracy is based on majority rule with protection
21 of minority interests coded where applicable in law.
22 We have a majority as long as we don't go too far, we
23 can de- -- determine seniority via the collective
24 bargaining agreement.

25 That's what you wrote back in June of

1 2007 --

2 A. Yes.

3 Q. -- right?

4 And you still have majority in the USAPA,
5 the East pilots do, right?

6 A. Yes.

7 Q. Okay. And then you write, if you go down
8 to one more for you to consider, after -- under the
9 bold, if we leave ALPA, you write: My last question
10 was, quote, if we leave ALPA, can we get protection
11 in future mergers, period, unquote. The answer is
12 yes. But it must live in the collective bargaining
13 agreement to be most effective.

14 That's what you wrote?

15 A. Yes.

16 Q. Okay. One more.

17 (Exhibit Number 1041: Document entitled
18 To Fellow Pilot, marked for identification, as
19 of this date.)

20 Q. Show you what I've had marked as
21 Exhibit 104 -- 41. I don't think you authored this,
22 Mr. Bradford, but it appeared -- I just want to know
23 if you can identify it for us?

24 A. I don't recall seeing this.

25 Q. Okay. And who's Steve Whiting?

1 A. I don't know. Don't know.

2 Q. So you've never seen this before?

3 A. I can't say that I've ever seen this. If
4 it was in the e-mail string. I just -- I don't
5 know who Steve Whiting is.

6 Q. Okay.

7 A. And I don't know who -- I don't know
8 anything about this.

9 Q. I want to now just turn to a few questions
10 associated with your campaign for the position of
11 vice president of USAPA.

12 A. Okay.

13 Q. And if I understand correctly, that
14 campaign occurred early in 2012 for the most part?

15 A. Correct.

16 Q. Maybe a little bit at the end of '11, but
17 mostly in 2012?

18 A. Correct.

19 Q. Okay. I want to show you what I've had
20 marked as Exhibit 1024 -- 1042.

21 (Exhibit Number 1042: Stephen Bradford
22 Candidate For Vice President campaign material
23 contained in an e-mail from Stephen Bradford
24 dated 1/31/12, Bates WP019194 - 196 marked for
25 identification, as of this date.)

1 THE VIDEOGRAPHER: I need to go off for
2 just a second.

3 The time is 10:01 a.m. We're now off the
4 record.

5 (A DISCUSSION WAS HELD OFF THE RECORD.)

6 THE VIDEOGRAPHER: Stand by please. Time
7 is 10:02 a.m. We're back on the record.

8 Q. Can you identify Exhibit 1042 for me,
9 Mr. Bradford?

10 A. Yes, this is a piece of campaign material
11 from my run for vice president.

12 Q. Right.

13 And you sent it out approximately the end
14 of January 2012?

15 A. That's correct.

16 Q. Okay. And on page one, in -- in part, you
17 explain why you only held the office of president for
18 one year?

19 A. That's correct.

20 Q. And that accurately reflected your
21 reasoning back in that point in time?

22 A. Yes.

23 Q. Okay. And on the top of page two to
24 Exhibit 1042, you actually recommend that the
25 membership elect Gary Hummel as president, correct?

1 A. I did.

2 Q. And one of the reasons you advanced for
3 that is, and correct me if I'm wrong when I read
4 this, Gary is a staunch pilot advocate and he
5 supports Date of Hire as enshrined in our
6 constitution. You may hear rumors to the contrary,
7 but I tell you that they are all political lies. I
8 would not support anyone who did not hold this goal
9 and the centerpiece of our union ideals in the
10 Vanguard. I was steadfast in support of this concept
11 from the start of our union and have not deviated
12 from it one bit. I support Gary Hummel and he
13 supports Date of Hire. Why would I help create a
14 union with Date of Hire as centerpiece and then
15 abandon that creed?

16 That's what you wrote, correct?

17 A. That is correct.

18 Q. And I read it correctly?

19 A. Yes.

20 Q. And you still hold those points of view,
21 don't you?

22 A. Yes, I do.

23 Q. 1043.

24 (Exhibit Number 1043: E-mail string with
25 the top from Steve Bradford dated June 13,

1 2012, Bates USAPA 201229 - 232 marked for
2 identification, as of this date.)

3 Q. Can you identify 1043 for me, Mr. Bradford?

4 A. Looks like an e-mail string.

5 Q. That at -- at the end, anyway, you sent on
6 June 13, 2012 to Mark King, correct?

7 A. Excuse me, at the end?

8 Q. At the top?

9 A. Oh.

10 Q. At the top --

11 A. At the top, yes.

12 Q. -- of the e-mail.

13 Okay. And this was after the election,
14 correct?

15 A. Which election?

16 Q. Where you became vice president of USAPA.

17 A. Yes.

18 Q. Okay. And what Mr. King is writing to you
19 on June 12, 2012 at about 11:27 p.m., correct me if
20 I'm wrong in reading this, paid campaign materials
21 are jungle rules, it could be a he said/she said with
22 Pat and Duane. Next sentence, remember, you can lie
23 in a campaign, you just cannot buy votes or tamper
24 with the process itself.

25 That's what he wrote to you, right?

1 A. That's what Mark King wrote, correct.

2 Q. And the next day at 3:42 a.m., you wrote
3 back, I agree, correct?

4 A. I -- I don't see where I --

5 Q. Right at the top. I agree.

6 A. Oh, oh, yes, okay.

7 Q. So you agreed you can lie in campaigns.

8 Where -- where else is it okay for a union officer to
9 lie?

10 MR. SZYMANSKI: I object.

11 MR. HARPER: Well, you kick him, Pat, so
12 that he can do that.

13 MR. SZYMANSKI: Form of the question.

14 MR. O'DWYER: Yeah, object to the form.

15 Q. You can answer.

16 A. Campaign material is pretty much open.
17 It's an open season on putting forth your views,
18 whatever they may be, to try to get elected. And a
19 person could knowingly just stand up there and lie.

20 Q. Pardon me?

21 A. A person could stand up and knowingly lie
22 in a campaign. It's been done before. It's --
23 it's -- I don't say I'm agreeing with lying. I'm
24 saying the rules are people can do that. They
25 can't do it here, they can't do it in a court of

1 law. There are places in the union where you can't
2 do it. You can't do it in front of the Department
3 of Labor. But in campaigns politicians make --
4 politicians bend the truth all the time.

5 Q. Should a union ever lie to its membership?

6 A. In its official standing or capacity, no.

7 Q. Should any of the committees of a union
8 ever lie to the membership in any of the publication
9 that it puts out?

10 A. Out in -- knowingly put out falsehoods,
11 no.

12 Q. Should a union ever mislead a group within
13 a union as to an outcome if they do a certain action?

14 A. Knowingly to -- to knowingly mislead when
15 you know that the answer is opposite of what you're
16 saying, no, they should not.

17 Q. Okay. You understand in this litigation
18 that one of the positions that USAPA is taking is
19 that because the West pilots voted pretty strongly in
20 favor of the MOU that they have waived their right to
21 pursue the DFR action against USAPA?

22 A. No, I don't understand that it's a
23 waiver. I understand that it's -- there's a
24 distinction, it's called a positive defense. But I
25 don't understand it to be a waiver.

1 Q. Affirmative defense?

2 A. All right. Affirmative defense.

3 Q. Right.

4 A. I don't understand that to be a waiver.

5 Q. Well, that's what they're arguing in their
6 affirmative defense, USAPA is saying you can't sue
7 us, this is a defense USAPA has put up, because the
8 West pilots as a group waived your right to sue us?

9 MR. O'DWYER: Objection as to form.

10 Q. You can go ahead and answer that.

11 A. But that's not how I understand the ques-
12 -- that's not how we understand it.

13 Q. What did -- how do you understand it then?

14 A. It's a positive defense. It's if -- if
15 West pilots sue over the MOU not containing the
16 Nicolau award, they can raise any issue they want
17 and defendants are free to raise the issue of their
18 vote. It's not a waiver.

19 Q. Well, how -- why are -- why is USAPA
20 raising that issue then?

21 A. Because --

22 MR. O'DWYER: Objection -- objection.

23 Q. If you know. Go ahead.

24 MR. O'DWYER: Objection as -- as to if he
25 knows independently of -- of advice given to

1 him by counsel or not.

2 A. That's -- that would be privileged.

3 Q. Is everything you know about that
4 affirmative defense comes from counsel?

5 A. I think I may have read some things,
6 but -- but from counsel primarily. They interpret.

7 Q. Okay. Well, let's make sure we get on the
8 same page then --

9 A. Um-hum.

10 Q. -- Mr. Bradford. That you -- you and I
11 agree that in the answer that USAPA has filed to the
12 West pilot's complaint in Phoenix that USAPA says the
13 West pilots cannot proceed because of their vote on
14 the MOU -- MOU. You agree that that is the thrust
15 of --

16 A. No.

17 Q. -- USAPA's affirmative defense?

18 A. I -- I don't agree that they can't
19 proceed.

20 Q. No, but they should be -- they should be
21 stopped from proceeding because of that?

22 A. No. I understand that it is a -- it is a
23 defense raised during litigation that is considered
24 by the judge. It doesn't stop anything.

25 Q. Well, if the defense is effective, it will

1 then preclude the West pilots from moving forward,
2 correct, you understand that?

3 A. That's a technicality I don't understand.

4 Q. Okay, okay.

5 (Exhibit Number 1044: Document entitled
6 On Seniority A Message From Stephen Bradford,
7 Bates WP019204 - 208 marked for
8 identification, as of this date.)

9 Q. Show you what I've had marked as 1044.
10 It's another document I'd just like you to identify,
11 if you can.

12 Can you identify Exhibit 1044?

13 A. It appears to be a piece of campaign
14 material. I don't know when it went out.

15 Q. Doesn't have a date on it, does it?

16 A. No.

17 Q. But it appears to be that because on page
18 Bates WP 019204 at the top, which is the first page
19 of Exhibit 1044, you're -- you're saying I write to
20 tell you of my candidacy for USAPA vice president.
21 So that's the election we have been talking about
22 before, correct?

23 A. Correct.

24 Q. So it would be sometime before you got
25 elected, anyway, in April of 2012 most likely that

1 this went out?

2 A. Most likely.

3 Q. Okay. And part of this is to -- to write
4 to support Gary -- Gary Hummel to be elected the
5 position of president, correct?

6 A. Yes.

7 Q. And you write right below you citing a
8 section two of the USAPA constitution, you write:
9 Date of hire is a founding principal of this union.
10 I am the principal founder of this union and its
11 first president. I would not support anyone who
12 would deviate from this. It is enshrined in our
13 constitution and bylaws be -- and being capitalized.
14 What part of this emphasis added does anyone not
15 understand? I would not be on a slate with Gary if
16 it were otherwise.

17 Did I read that correctly?

18 A. Um-hum.

19 Q. Yes?

20 A. Yes.

21 Q. And then you go on to -- to do some
22 criticism of some of the other members of USAPA on
23 page two to Exhibit 1044, correct?

24 A. Correct.

25 Q. And basically criticizing Captain Leary --

1 Cleary -- Clearly -- Cleary, who was president of
2 USAPA at this point in time, correct?

3 A. Correct.

4 Q. Okay. Then at the bottom of Bates -- I'm
5 sorry, page three to Exhibit 1044 you write, right at
6 that last paragraph at the bottom. Do you have it?

7 A. Yes.

8 Q. Fellow USAPA pilots, the longer this pilot
9 group goes without meaningful and realistic
10 negotiations, the more likely it is that the unity of
11 Senior versus Junior will be splintered.

12 What did you mean by that?

13 A. The pilot group would not wait forever to
14 be stagnant on negotiations with the company.

15 Q. Right.

16 A. Negotiations have to move forward.
17 That's what the union is for.

18 Q. Let's -- let's -- let's see if I
19 understand, though, because I obviously don't
20 represent USAPA, so I don't have your insights.

21 But at the beginning and when the Nicolau
22 came out, one of the primary purposes was to move to
23 a new union, avoid the Nicolau award so that some of
24 the junior pilots, the newer pilots who were on
25 furlough, would not be stuck at the bottom of the

1 Nicolau list, correct?

2 A. I wouldn't say one of the primary, but it
3 was certainly one of the inci- -- issues, yes.

4 Q. And to -- to make that go, the entire
5 East/West group sort of joined together, the juniors
6 and the seniors to make the move from ALPA to USAPA?

7 A. Yes, there was considerable support at
8 the higher levels.

9 Q. From top to bottom?

10 A. Correct.

11 Q. Correct.

12 And what that meant then is the pilots at
13 the top who really didn't have a dog in the fight
14 over the Nics, theoretically, were willing to wait
15 for future raises until a contract without the
16 Nicolau could be negotiated, in general?

17 A. In general, that's correct.

18 Q. Right.

19 And that has now gone on six years?

20 A. I'll -- I'll take that as a --

21 Q. Well --

22 A. It's -- it's six years now.

23 Q. -- they -- they hadn't had a raise since
24 when, the East pilots?

25 A. It's -- well, since the LOA 93, which

1 is -- it's -- it's longer than six years.

2 Q. Well, give -- give me a number so
3 Judge Silver understands.

4 A. We're now at seven years.

5 Q. Seven years. Okay. I was off by a year.

6 A. Um-hum.

7 Q. Seven years that the senior pilots and the
8 junior pilots from the East have gone without a pay
9 increase --

10 A. That's correct.

11 Q. -- right?

12 And back in 2000 -- in early 2012 you were
13 writing to the membership starting to cause stress
14 within the pi- -- East pilot group, correct?

15 A. No, I just said they will -- people will
16 not wait forever.

17 Q. Right.

18 And so you were sensitive at some point in
19 time, notwithstanding the Nic, we're going to have to
20 get a contract that gives us more money?

21 A. Yes.

22 Q. Okay. And that's what USAPA achieved in
23 the MOU, isn't it?

24 A. It -- it is.

25 Q. Right.

1 You got a pay raise without the Nic?

2 A. We got a pay raise.

3 Q. Without the Nic?

4 A. Yes, that's -- well, we don't know.

5 Q. Well --

6 A. We got a pay raise and we got a process.

7 Q. A process that's dominated by the former
8 East pilots, correct?

9 A. It's a proc- -- it's a process where the
10 East pilots and the West pilots are proportionately
11 represented and it moves forward and it's a process
12 only. There's no outcome yet.

13 Q. Oh, I understand. But the process is going
14 to go forward as dictated by the former East pilots?

15 A. Absent any negotiation to the contrary
16 the majority will probably prevail -- prevail.

17 Q. Right.

18 Okay. And that's what you wanted to occur
19 way back in 2007, in the next merger we want to make
20 sure that we have date of hire and that the Nic is
21 not going to be --

22 A. I wanted to ensure that we had a
23 democratic process where we -- we could bring
24 forward our position and if something else is
25 negotiated that's what goes forward.

1 Q. Do you follow politics very much,
2 Captain Bradford?

3 A. Not anymore than anyone else. Although
4 as a union officer, you're a little bit more
5 sensitive to it than others.

6 Q. Right.

7 And one of the principals in the U.S.
8 voting situation is to put districts together where
9 there's a chance for the minorities to -- voices to
10 be heard, correct?

11 A. I -- I don't know.

12 Q. You don't put all of the minorities -- a
13 small group of minorities in a district that is
14 dominated by non-minorities, do you? The
15 constitution doesn't allow that, does it?

16 A. You're asking -- I have no idea.

17 Q. Okay. Okay.

18 A. I have no idea.

19 Q. You just don't know or unwilling to make a
20 statement, right?

21 A. I have no idea.

22 (Exhibit Number 1045: E-mail string with
23 the top from Steve Bradford dated 10/30/12,
24 Bates USAPA 205513 - 15 marked for
25 identification, as of this date.)

1 Q. 1045. I'd just like you to look at it and
2 I'll have a few questions about it for you.

3 A. Yes.

4 Q. This is an e-mail -- 1045 is an e-mail that
5 you wrote on or about October 30, 2012 to officers.
6 And is that the officer group that you and I --

7 A. Um-hum.

8 Q. -- have previously talked about?

9 A. Correct.

10 Q. Okay. We go to Hummel, we go to Streble
11 and we go to --

12 A. Steve Smyser.

13 Q. Smyser, right?

14 A. And myself.

15 Q. And yourself.

16 And it was a reaction to a Phoenix update
17 and then you make a reference to a Charlotte update?

18 A. No, it is not a reaction to the Phoenix
19 update.

20 Q. It's a reaction to what?

21 A. It's a reaction to the Charlotte update.

22 Q. Okay. And why did it -- that Charlotte
23 update cause you to create --

24 A. I don't have the Charlotte update in
25 front of me, so I can't remark except the Charlotte

1 chairman can -- can get very long-winded and
2 verbose and -- and I thought he needed to be
3 reigned in.

4 Q. Okay. In this e-mail you wrote comes
5 out -- came out -- you wrote this e-mail after
6 Judge Silver's ruling and it came out in early
7 October 2012, correct?

8 A. That's the timeline, that's correct.

9 Q. And you were telling the officers that you
10 needed to get legal involved to make sure that
11 nothing inappropriate was said in any of the USAPA
12 communications updates, for example, that would cause
13 a DFR case to be brought?

14 A. That's what counsel's for, yes.

15 Q. And that's what you were trying to make
16 sure happened?

17 A. Yes.

18 Q. Okay. And did it?

19 A. I -- I don't know if it was followed up
20 with. I -- I believe it was.

21 Q. So the -- the present practice at USAPA is
22 for certain types of update --

23 A. Um-hum.

24 Q. -- to be cleared with counsel before they
25 be called?

1 A. They should be reviewed, yes.

2 Q. Okay. And the counsel we're talking about
3 are those in the deposition here today?

4 A. Yes, um-hum.

5 Q. I'm sorry, just a moment.

6 (Exhibit Number 1046: E-mail document
7 from Steve Bradford dated 5/6/13, Bates USAPA
8 310017 marked for identification, as of this
9 date.)

10 Q. I want to show you what I've had marked as
11 Exhibit 1046. It's a short e-mail. Let me know when
12 you're ready to go.

13 A. Yes.

14 Q. Just another question. I've seen a lot of
15 e-mails in here I think from you where you refer to
16 yourself maybe as the outhouse lawyer?

17 A. I don't think I've done that. I think I
18 did it once. But I don't think I did as a -- as
19 a -- in a lot of e-mails.

20 Q. But if I see those from the outhouse
21 lawyer --

22 A. Actually, I think I directed that to a
23 West pilot who's a law student. But I said if he's
24 one, I'm one too.

25 Q. Okay. And there's another reference to --

1 is it Yoda, is that you?

2 A. That's Gary Hummel came up with that.

3 Q. For you?

4 A. Yeah.

5 Q. And do you know why?

6 A. Because I was the guy who was around when
7 it was all started. He said, go ask Yoda, he
8 knows -- he knows what's going on back then.

9 Q. Okay. So when we have references to Yoda,
10 more likely than not it's a reference to you --

11 A. Yes, more likely than not.

12 Q. -- in the e-mails?

13 A. Right.

14 Q. Okay. Now, can you identify Exhibit 1046?

15 A. Well, it's an e-mail, Steve Bradford,
16 Jess Pauley, Pat Szymanski, commentary on the reply
17 to motion to dismiss. I don't know where this is
18 in the stack of all the papers that have been
19 filed.

20 Q. Well, at the subject line is my commentary
21 on the reply to the motion to dismiss. So motion to
22 dismiss was filed by USAPA. You understand that,
23 correct?

24 A. Yes. Um-hum.

25 Q. And once that happens, then we get an

1 opportunity to reply to it?

2 A. Correct.

3 Q. So perhaps you're commenting on our reply
4 to USAPA's motion to dismiss?

5 A. Commentary on the reply -- yeah, that's
6 what it says.

7 Q. In May of 2013?

8 A. Um-hum.

9 Q. And here's what you write, here is my two
10 cents, dollar, period, 02, on the motion to dismiss
11 the original complaint. My take is that it is time
12 to argue more aggressively on Date of Hire as a known
13 standard and a legitimate union purpose.

14 You wrote that, correct?

15 A. Yes.

16 Q. And you believe that to be true when you
17 wrote it?

18 A. Yes, I do.

19 (Exhibit Number 1047: E-mail string with
20 the top from Steve Bradford dated 5/11/13,
21 Bates USAPA 310040 marked for identification,
22 as of this date.)

23 Q. 1047, Mr. Bradford. Can you identify it?

24 A. It's an e-mail from myself to Jess
25 Pauley.

1 Q. Yeah. Well, let me -- as a set-up question
2 before I get here to this, and I'm just going to see
3 if you agree with -- with me on these statements.

4 For the most part, the MOU -- MOU II, the one that --

5 A. Um-hum.

6 Q. -- was just ratified was negotiated
7 principally by the negotiating advisory committee for
8 USAPA?

9 A. That's correct.

10 Q. Okay. And there were others, as you
11 understand it, who participated in that process
12 occasionally or as needed, right?

13 A. We call those SMEs, yes, they were.

14 Q. Pardon me?

15 A. Subject matter experts.

16 Q. Okay. Did you have any involvement in the
17 actual negotiations of MOU II?

18 A. None.

19 Q. So the MOU II and the attachment or the
20 amendment to it dated -- lettered January 7, 2013, I
21 understand you had no -- no direct involvement at
22 all?

23 A. That is correct.

24 Q. Okay. Did you have any indirect
25 involvement? Did any of those that were negotiating

1 MOU II, and I'm interested now mostly beginning in
2 December of 2012 up until the MOU was -- the
3 negotiations were completed at the end of December,
4 did anybody seek your advice on any of the provisions
5 of MOU II?

6 A. No, I don't think so.

7 Q. So you understand that there's the section
8 ten in the MOU --

9 A. Yes.

10 Q. -- which is the McCaskill-Bond process,
11 correct?

12 A. Correct.

13 Q. Either directly or indirectly did you have
14 any input into any of the issues or language of
15 paragraph ten?

16 A. No.

17 Q. Okay.

18 That saves us a bunch of time, okay?

19 So I want to show you what I've had as
20 1047.

21 Now this starts out as an e-mail from Jess
22 Pauley to yourself, May 10, 2013, correct?

23 A. Correct.

24 Q. And it has to do with issues associated
25 with the MOU and the McCaskill-Bond process, correct?

1 A. Yes, um-hum.

2 Q. And Mr. Pauley is the chairman of the
3 merger committee as far as I understand it, correct?

4 A. Correct.

5 Q. The committee chairs, who appoints them?

6 A. The president.

7 Q. And who removes them from their positions,
8 if that happens?

9 A. The president.

10 Q. With any input from the BPR?

11 A. The BPR ratifies the -- both the
12 appointment and the removal.

13 Q. So --

14 A. I believe they ratify the removal. Don't
15 hold me to that, I'm not sure. But I think they
16 do. I think they can override a removal.

17 Q. Can they override an appointment?

18 A. Yes, they could refuse to -- to approve
19 it.

20 Q. Okay. So the appointments initially are
21 determined by the president, correct?

22 A. Correct.

23 Q. With more than advice and consent by the
24 BPR, the -- on the appointment that they can reject,
25 correct?

1 A. Yes.

2 Q. And perhaps they have a role in the
3 removal, but you just don't know?

4 A. I don't know.

5 Q. Okay.

6 Okay. 1047. It has to do with the perhaps
7 representation during the McCaskill-Bond arbitration
8 process or the arbitra- -- the McCaskill-Bond process
9 as we talked about earlier today.

10 A. Yes.

11 Q. Protocol, negotiation, merger, arbitration.

12 A. Yes.

13 Q. That entire process, correct?

14 A. Um-hum.

15 Q. And you don't want Pat Szymanski to do
16 what?

17 A. I don't want him to address it -- we
18 wanted to discuss it. We were discussing -- if I
19 look down here below what Jess wrote to me, it says
20 from the company, so I'm going to assume it's
21 Document 64, which is in a stack. I'm assuming
22 this is the -- a company filed paper and it says
23 moreover the U- -- MOU does not limit participation
24 in McCaskill-Bond, which is something the company
25 is maintaining. And I said, well, let's talk about

1 this and then talk to Pat.

2 Q. Because you don't believe that, do you?
3 You think it does limit it?

4 A. I -- I believe that our statutory right
5 as the exclusive bargaining agent means that we
6 bargain.

7 Q. Okay.

8 So USAPA is opposed to participation by the
9 West pilots in the McCaskill-Bond process, as you and
10 I have talked about the process?

11 A. Yes.

12 Q. Okay. What harm would there be to allow
13 the West pilots to participate in the process,
14 Mr. Bradford?

15 A. It undermines the -- our statutory right
16 as the exclusive bargaining agent. That's why the
17 NMB has the process like that.

18 Q. Okay. But perhaps the real harm to USAPA
19 would be that the West pilots at the table or in the
20 process would propose the Nic, correct?

21 A. Well, I -- they probably would.

22 Q. Right.

23 And then -- then there's some chance, do
24 you understand, that the Nic would be accepted by the
25 arbitrators as the list to be an agreement --

1 A. I don't know that to be a fact, but...

2 Q. Some possibility?

3 A. They -- they could bring it forward.

4 Q. So in order to avoid that possibility,
5 USAPA needs to make sure that the West pilots don't
6 have a seat at the table?

7 A. In order not to undermine our union, we
8 need to maintain the exclusive rights of the
9 bargaining agent.

10 Q. The union you put together?

11 A. A union I had a part in putting together,
12 that's correct.

13 Q. Okay.

14 1048, Mr. Bradford.

15 (Exhibit Number 1048: E-mail string with
16 the top from Jon Haber dated 7/20/13, Bates
17 USAPA 334114 - 115 marked for identification,
18 as of this date.)

19 Q. This is an e-mail that you, in part,
20 authored some of the -- the contents of --

21 A. Um-hum.

22 Q. -- back -- back in July of 2013, correct?

23 A. Yes.

24 Q. And part of this is urging that somebody
25 somehow at USAPA gets some of these developments

1 earlier onto the web board?

2 A. Yes. This -- the person writing this
3 letter, Paul Music, is the new vice chairman of
4 the -- he was forwarding something from George
5 Kuhn, he's the new vice chairman of the
6 Philadelphia domicile.

7 Q. And in the fourth paragraph under the
8 e-mail that you sent to Paul Music on July 20th,
9 2013, there's a paragraph there about some of the
10 things that Judge Silver did, correct?

11 A. Yes.

12 Q. And one of the sentences you write is in
13 the second line towards the end, at one point.

14 Do you see that?

15 A. I'm not sure where you're starting.

16 Q. Well, in the paragraph Judge Silver --

17 A. Oh, I see, I see. I have you. Okay.

18 Q. Second line to the right-hand side.

19 You write: At one point or another,
20 rightness aside, there will be a trial on the merits
21 of this case. With the merger ongoing, there is
22 simply no legal basis to demand that a, quote,
23 seniority bargaining proposal, closed quote, from
24 five years ago can be required of bargaining.
25 Judge Silver said in the last court hearing; quote,

1 it doesn't have to be in the Nic to -- it doesn't
2 have to be the Nic, period, closed quote.

3 A. I believe that's correct.

4 Q. And that's what you wrote?

5 A. Yes.

6 Q. And that's what you believed?

7 A. Yes.

8 Q. And you believed when you wrote this that
9 eventually this is going to be decided in a court of
10 law?

11 A. Yes.

12 Q. Okay. You understand that last Friday
13 USAPA filled a motion in the 9th Circuit to stop the
14 litigation in Phoenix?

15 A. I understand we did file something, yes.

16 Q. And do you understand why that was filed?

17 MR. O'DWYER: Objection.

18 Privileged if that came from counsel.

19 A. That's privileged.

20 Q. Okay. You supported that, though, that
21 move to stop the litigation?

22 A. I think so, yes.

23 MR. O'DWYER: Objection.

24 Q. You supported the effort --

25 MR. O'DWYER: Objection.

1 MR. HARPER: I'm just asking if he
2 supports it.

3 MS. AXEL: What's the objection.

4 MR. HARPER: I'm not asking why --

5 MR. O'DWYER: The objection --

6 MR. HARPER: -- why -- why he supported
7 it.

8 MR. O'DWYER: You may answer.

9 A. I defer to counsel.

10 Q. But you -- you supported the -- the filing,
11 correct?

12 A. Yes.

13 Q. As the vice president of USAPA, correct?

14 A. Yes.

15 Q. So you supported the filing to stop the
16 litigation in Phoenix?

17 MR. O'DWYER: Objection.

18 Q. Correct?

19 MR. O'DWYER: Objection. Privileged. He
20 doesn't know -- if he knows what the -- what
21 the purpose of the -- of the -- the motion is.

22 A. It's outside my area of expert- --
23 expertise.

24 Q. Okay. Exhibit 1049.

25 (Exhibit Number 1049: E-mail string from

1 Steve Bradford dated 10/3/12, Bates USAPA
2 205558 - 60 marked for identification, as of
3 this date.)

4 Q. Multipage document beginning with USAPA
5 Bates number 250916. Is that the number you have on
6 the first page, Mr. Bradford?

7 A. That's correct.

8 Q. And after the first page there's a document
9 complaint for declaratory judgment on duty of fair
10 representation and order enjoining pilot integration
11 that it does not use the Nicolau award seniority
12 list. Is that what's attached, correct?

13 A. Would you read that again. I was -- I
14 was not on the page.

15 Q. Just -- just the caption.

16 A. Yes, the caption.

17 Q. Yeah.

18 A. That -- that's what we're discussing,
19 yes.

20 Q. That's what we're discussing.

21 And you and I previously talked about this
22 is that your involvement in the litigation on
23 occasion presents opportunities for you to make
24 comments, criticisms and remarks on various matters
25 that are pending in court, correct?

1 A. We're discussing a document that's
2 privileged and marked privileged and confidential.

3 Q. It was produced to us.

4 MR. O'DWYER: I'll need a --

5 A. I object.

6 MR. HARPER: Pardon me?

7 MR. O'DWYER: I -- I need a couple
8 minutes to talk to counsel.

9 MR. HARPER: Okay. Can we go off the
10 record?

11 THE VIDEOGRAPHER: This is the end of
12 tape number one in the deposition of Stephen
13 Bradford. The time is 10:38 a.m. We're now
14 off the record.

15 (A DISCUSSION WAS HELD OFF THE RECORD.)

16 (A BRIEF RECESS WAS TAKEN.)

17 THE VIDEOGRAPHER: This is the beginning
18 of tape number two in the deposition of
19 Stephen Bradford. The time is 10:46 a.m.
20 We're back on the record.

21 MR. O'DWYER: As we went off the record,
22 I have consulted with co-counsel and my
23 counsel and with the client. This was a
24 document that was produced, frankly, through
25 inadvertence by our office. But it's clearly

1 privileged and confidential, marked as such
2 and a communication between Mr. Bradford and
3 Mr. Szymanski in relation to the case. As
4 such, we take the position that through
5 inadvertence this was not waived and we're
6 asserting the privilege and directing the
7 witness not to answer the questions in regard
8 to this 1049.

9 MR. HARPER: Well, let me -- let me
10 explore that a little bit. Because now that
11 you have exerted the privilege that this is
12 confidential, I think under my local rules I
13 have to either give it back to you or destroy
14 it. Is that what you're asking us to do?

15 MR. O'DWYER: That's what we're asking
16 you.

17 MR. HARPER: Now, let me just explain to
18 you that there are other documents like this
19 that have been produced by your side, and I
20 don't think it's inadvertence. I'm going to
21 give you this document back because you have
22 now on the record asked me to do so. But in
23 the way USAPA has produced documents over the
24 past three weeks, they have systematically
25 gone in, I think withheld some documents but

1 made a decision by somebody to produce them.
2 So I don't think the production is by
3 inadvertence. So we're going to have to have
4 further discussions about those documents as
5 to whether or not they're privileged or not.
6 So I need to figure out a way to do that.

7 But more importantly, I don't think that
8 you have produced documents that are not
9 privileged that have Mr. Szymanski involved.

10 For example, we have reason to believe
11 that there's a fair amount of communications
12 bearing the MOU, negotiations between USAPA
13 and APA, a nonentity within USAPA. And to the
14 extent that those documents exist, we demand
15 that they be produced. And they have not been
16 produced. They're not privileged. Do you
17 agree with that? If it goes to an outside
18 party.

19 MR. O'DWYER: If documents are -- well, I
20 think I'd have to defer to -- to my office on
21 that regard.

22 MR. HARKIN: We'd have to review each one
23 privilege individually.

24 MR. HARPER: What, on the basic -- basic
25 privilege if you share a document with

1 somebody outside your entity you can't
2 maintain the privilege there, can you?

3 MR. O'DWYER: Well, there's -- there
4 are -- there's a bargaining -- there's a
5 bargaining --

6 MR. HARPER: There's no joint defense to
7 that. And I'm not too sure from a litigation
8 point of view you have a bargaining defense to
9 it.

10 MR. O'DWYER: Mr. Harper, you and I both
11 as senior counsel have far better lawyers than
12 our own working in our offices, and I will --
13 I will take your -- your comments and ask --
14 ask my counsel -- my co-counsel to -- to
15 respond to that.

16 MR. HARPER: Okay. Well, for the record,
17 I'm giving you back Exhibit 1048.

18 MR. O'DWYER: I appreciate that.

19 MS. AXEL: 49.

20 MR. HARPER: 49?

21 MR. O'DWYER: Yeah.

22 MR. HARPER: Whatever number it is.

23 MS. AXEL: Do you want us to withdraw
24 that from the record then as well?

25 MR. O'DWYER: Yes. Thank you.

1 MR. HARPER: We'll do that and we'll give
2 that back that to you also.

3 MR. O'DWYER: And I -- let me just say
4 that I think obviously we were -- both sides,
5 and I'm not casting aspersions on anyone, have
6 been under a very truncated discovery schedule
7 for both sides, and we have reviewed --
8 produced and reviewed thousands of papers --
9 pages of documents, as -- as you have. And
10 there were -- this was one of those that --
11 that frankly skipped through our document
12 review process.

13 MR. HARPER: Okay. We've got that
14 figured out. 1050.

15 MS. AXEL: No, this will be 1049.

16 MR. HARPER: Oh, we're just replacing
17 that previous number?

18 MS. AXEL: Yeah.

19 Q. I want to show you what we've had marked as
20 1049, but before we go there, I want to compliment
21 you, Mr. Bradford, on the outhouse lawyer, catching
22 that.

23 You ready to talk about 1049?

24 A. Yes.

25 Q. This is a e-mail from you to kas740il; is

1 that right?

2 A. Yes.

3 Q. And who is that?

4 A. I don't know.

5 Q. You -- you write to Keith. Do you know who
6 Keith is?

7 A. Keith Spring. I've never met Keith.

8 Q. Okay. But this e-mail is written on
9 October 3, 2012, correct?

10 A. Yes.

11 Q. Just as Judge Silver is coming out with her
12 decision in early October 2012?

13 A. Correct.

14 Q. And you write several paragraphs to Keith,
15 correct?

16 A. Correct.

17 Q. The third one being -- the third paragraph
18 being you wrote: There is no basis in law for USAPA
19 to use the Nic, correct?

20 You wrote that?

21 A. I wrote that.

22 Q. And that's what you believe right after you
23 read Judge Silver's decision, correct?

24 A. At this point on this day, I'm not sure
25 that I read her decision. This is the day after

1 she made it and I'm not sure I had it. I think I
2 had a report from Pat that we won.

3 Q. Okay. You do write then at the end of the
4 second paragraph, we have not seen the order yet, but
5 it is safe to say that there is no legal basis for
6 USAPA to be forced to use the Nicolau award, all
7 caps, the word none.

8 A. That's -- that was my understanding at
9 that time having not seen the -- the actual order.

10 Q. Okay.

11 (Exhibit Number 1050: E-mail string with
12 the top from Mark King dated 10/11/12, Bates
13 USAPA 224016 marked for identification, as of
14 this date.)

15 Q. 1050, Mr. Bradford.

16 MR. HARPER: Okay. This may be another
17 one. Look at the bottom. Now, that's not
18 legal advice, that's just commentary. So even
19 though we have Pat's e-mail on here, this is
20 not a privileged document.

21 MR. SZYMANSKI: No.

22 Q. Okay. Rest easy.

23 Ready to go?

24 A. Um-hum.

25 Q. Yes?

1 A. Yes.

2 Q. Mr. King is writing to you on October 11,
3 2012, correct?

4 A. Correct.

5 Q. And Mr. King is a pilot at US Airways?

6 A. Correct.

7 Q. He was previously a USAPA officer?

8 A. He was a secretary treasurer, correct.

9 Q. Initially; is that correct?

10 A. Yes. Um-hum.

11 Q. And he worked with you, in part, to help
12 organize USAPA --

13 A. He did.

14 Q. -- back in 2007, correct?

15 A. He did.

16 Q. And he's somebody that you still seek
17 counsel from on issues or input in -- from on issues?

18 A. Not so much counsel, but I talk to him
19 all the time.

20 Q. Okay. He's writing to you on October 11th.
21 I see the spin by the honorable Judge and understand
22 all politics, paren, acknowledging Tip O'Neil, closed
23 paren, are all local, paren, Phoenix PHX, closed
24 paren. But USAPA has no more duty to the Phoenix
25 pilots than it does to the DC 8 pilots, the PHL,

1 P-H-L, and CLT pilots.

2 Did I read that correctly?

3 A. Yes, you read it correctly.

4 Q. And you agreed with that, right?

5 A. No, this is Mark King writing --

6 Q. I'm asking do you agree with what he wrote
7 to you?

8 A. I -- first of all, I -- I don't see the
9 order -- oh, okay, the order. Okay.

10 I don't always agree with Mark. I
11 wouldn't -- I wouldn't state it the way he did. I
12 read the order just as what it says. It says the
13 US Airline pilots does not -- association seniority
14 proposals does not breach the duty of fair
15 representation, and then provided it's supported by
16 a legitimate union purpose. Mark goes way on
17 beyond that, adds commentary, I don't necessarily
18 agree with all the commentary.

19 Q. You having criticized that Judge Silver's
20 opinion in a similar way since it came out in October
21 of 2012?

22 A. Criticized the opinion? No, I may have
23 commented on it, but I don't think I criticized the
24 opinion.

25 Q. So you're -- you're stepping back from the

1 criticism that Mark King has of Judge Silver; is that
2 what you're doing here?

3 A. I don't even know if she's -- if he's
4 criticizing her. He's commentary -- he's
5 commenting on what she's written.

6 Q. Okay. I want to show you what I have had
7 marked as 1051, Mr. Bradford.

8 (Exhibit Number 1051: E-mail string with
9 the top from Larry Rooney dated 8/23/12, Bates
10 USAPA 201437 - 439 marked for identification,
11 as of this date.)

12 Q. You ready?

13 A. Yes.

14 Q. Series of e-mails between yourself and a
15 Larry Rooney; is that correct?

16 A. Correct.

17 Q. Larry Rooney is the co-chair accident
18 investigation, vice-chair training, I mean, his
19 various positions at USAPA are listed on page one
20 after his e-mail; is that correct?

21 A. Correct.

22 Q. And these e-mails start with him to you on
23 August 23, if you go to the third page, August 23,
24 2012, 6:37 in the morning. He's writing: Hi Steve,
25 I had a question regarding the MOU about to be sent

1 out for a vote. If SLI -- what is that?

2 A. What page are we on?

3 Q. The last page, first e-mail.

4 A. I -- first e-mail. I --

5 Q. Do I have a different one than you again?

6 MS. AXEL: It's probably on the second
7 page.

8 Q. Yeah, probably on the second page then.
9 I'm sorry. Mine is paginated differently.

10 Do you see that one?

11 A. Yes.

12 Q. So it starts off with Mr. Rooney in -- in
13 August of 2012 writing to you, Hi Steve, I had a
14 question regarding the MOU, all caps, about to be
15 sent out for a vote. Let's stop there.

16 If I understand correctly, there were two
17 MOUs, and we've been talking about MOU I and MOU II.

18 A. Yes.

19 Q. Okay.

20 A. If --

21 Q. And MOU I is the one that went to the BPR
22 but was not recommended by the BPR or accepted in or
23 about August of 2012, correct?

24 A. Yes.

25 Q. And at that point in time the BPR said to

1 the negotiating committee go back and get some
2 changes, correct?

3 A. Yes.

4 Q. And then what happened shortly after that
5 is that there was a nondisclosure agreement between
6 US Airways and APA that prevented USAPA from going
7 forward for a period of time and continuing
8 negotiations over the MOU, right?

9 A. My understanding is the NDA was between
10 American Airlines --

11 Q. Okay.

12 A. -- and -- and US Airways.

13 Q. Which had the -- some effect on the ability
14 to negotiate -- continue to negotiate the MOU,
15 correct?

16 A. That is correct.

17 Q. And so there was a point in time early
18 September about perhaps until December where there
19 were really no negotiations going on between USAPA
20 and Airways over a collective bargaining agreement?

21 A. That is correct.

22 Q. Okay. Is the MOU a new collective
23 bargaining agreement?

24 A. No.

25 Q. Why not?

1 A. It doesn't have all the terms and
2 conditions of employment.

3 Q. Like what's missing?

4 A. There are a number of sections missing.
5 It's -- I mean, we adopt the -- the green book or
6 the American Airlines collective bargaining
7 agreement, but it's not a completed -- completed
8 form.

9 Q. Because you haven't gotten to a joint
10 collective bargaining agreement yet?

11 A. Yes.

12 Q. Okay.

13 A. Okay. It's not a full JCBA, which is why
14 the term JCBA is in that MOU.

15 Q. But in the interim it's a collective
16 bargaining agreement, correct?

17 A. Not if the merger doesn't happen.

18 Q. No, I understand that. If the merger
19 happens and the interim is a collective bargaining
20 agreement until you get to the joint collective
21 bargaining agreement?

22 A. It's an -- it's -- it's an interim
23 agreement.

24 Q. An interim collective bargaining agreement?

25 A. I'm not even sure that that is -- that's

1 outside my area of expertise. I mean, that's --

2 Q. Well, let's -- let's walk through the --
3 the process or at least the timeline, as I understand
4 it.

5 Assuming that the plan of reorganization is
6 final at some point in time, correct?

7 A. Yes.

8 Q. And one of the processes that is
9 anticipated is that there's going to be further
10 negotiations between USAPA, APA and new American to
11 come to a final joint collective bargaining
12 agreement, correct?

13 A. Correct.

14 Q. And that may take a year or more according
15 to the timeline on the MOU, correct?

16 A. Correct.

17 Q. And in between plan of reorganization going
18 final and the acceptance or the negotiation of the
19 final joint collective bargaining agreement, the
20 working conditions, the wages and everything else
21 associated with the operation of the new American and
22 its pilots will be covered by the MOU?

23 A. Not correct.

24 Q. Why?

25 A. Grievance, we don't know how it's going

1 to work. We need scheduling. We don't know how --
2 what kind of scheduling is going to be implemented.
3 There are a number of areas, insurance, medical
4 insurance. We've already passed through the
5 timeline to go through there will be two medical
6 insurance situations for APA and for American
7 pilots. Basic insurance products provided by APA
8 or those being provided by USAPA, there are a
9 number of open areas that we're not sure in that
10 interim period what's going to governed.

11 So there will be -- there will be
12 elements where US Airways pilots are governed under
13 a current collective bargaining agreement, APA
14 pilots will be under the Green Book until they
15 finally negotiate the merger of all those effective
16 areas.

17 Q. Okay. In response to Mr. Rooney's e-mail,
18 you write: I will respond at length later, but the
19 answer is no. We are in different waters now and
20 there is a substantial administrative CAB rulings on
21 our side as to who the parties are. The West is not
22 a party, correct?

23 A. To the -- to the MOU, I believe that's
24 correct.

25 Q. No, to the -- deciding the single

1 integrated list, isn't that what you're responding
2 to?

3 A. That's currently being briefed before the
4 court, but that's my understanding, yes.

5 Q. But your -- your position clear back in
6 August, that's all I'm trying to establish,
7 Mr. Bradford, is that you had the position clear back
8 in -- in August that the West was not a party to
9 McCaskill-Bond?

10 A. That's my understanding, yes.

11 Q. And that's what your position was?

12 A. Yes.

13 Q. And that's what you were telling
14 Captain Rooney?

15 A. Yes.

16 Q. Okay. And then later on you respond more
17 fully, August 23, 2012 e-mail, you write: The entire
18 DFR issue becomes cloudy if we pursue a merger with
19 AA.

20 Why do you say it's cloudy?

21 A. It changes the -- it just changes the
22 nature of the -- the -- the case.

23 Q. How?

24 A. Well, we don't have a single collective
25 bargaining agreement. The MOU brings a process for

1 new seniority and negotiations, and we maintain
2 we're not bound by the Nicolau award. And I don't
3 know what the process is going to be going forward.
4 It's a process, it's not a result.

5 Q. Are you saying that the MOU replaces the
6 transition agreement from 2005?

7 A. It's my belief that it does --

8 Q. Why?

9 A. -- in this particular area.

10 Q. What -- what area?

11 A. In -- in -- in the seniority integration
12 area I believe that it does.

13 Q. But not in the other areas under the
14 transition --

15 A. Just like I said, it's -- it's unclear
16 during -- during this interim period what rules and
17 what sections or what contracts will apply in what
18 areas.

19 Q. So it's ambiguous, some portions of the
20 transition agreement may continue to apply, but some
21 don't, correct?

22 A. It's possible that that's correct.

23 Q. And you're pretty adamant that the
24 seniority part of the transition agreement has been
25 eliminated?

1 A. I believe that that is correct, yes.

2 Q. And that's the -- that was the objective of
3 USAPA when it entered into the MOU negotiations,
4 correct?

5 A. No, I don't know that was the objective,
6 but that is the result.

7 Q. But it was planned for by USAPA?

8 A. I -- I was not involved in any of the
9 negotiations of the MOU. I don't know.

10 Q. You don't believe it just happened by
11 happenstance, do you?

12 A. I don't know how it happened because I
13 wasn't involved.

14 Q. But you're -- you're comfortable with the
15 result that --

16 A. Yes.

17 Q. -- the Nic is now gone?

18 A. No, I'm comfortable with the result of
19 the MOU replacing the section of the transition
20 agreement and that there's a process moving forward
21 on seniority.

22 Q. And it replaced the part of the transition
23 agreement that required the utilization of the Nic
24 award, correct?

25 A. Yes, I understand that to be correct.

1 Q. And what was the legitimate union purpose
2 for doing that?

3 A. Well, for the increased wages for all the
4 benefits we get from the merger to being able to
5 get this passed.

6 Q. Okay. Get it passed through the majority
7 of East pilots, correct?

8 A. Well, I believe a lot of West pilots
9 voted for it too. A majority of the pilots all
10 voted for this and -- and --

11 Q. And they were told that there was no
12 ramification for that vote, weren't they?

13 A. No ramifications -- well, the
14 ramifications for the vote is we passed the MOU.

15 Q. Right.

16 And now you're saying they don't have a
17 cause of action because they voted for the MOU,
18 right?

19 MR. O'DWYER: Objection.

20 A. I never said they have a cause of action.

21 Q. Do you think that's fair, Mr. Bradford?

22 A. I don't understand the question. What's
23 fair?

24 Q. USAPA encourages the West pilots to vote
25 for the MOU and don't be bothered by the seniority

1 list, and then they take the position afterwards that
2 they have given up the right to pursue it; do you
3 think that's fair?

4 A. I've never said they've given up their
5 right to pursue it.

6 Q. That's what USAPA is trying to accomplish,
7 isn't it?

8 A. No, I don't believe that's correct.

9 Q. Okay. But you're absolutely adamant that
10 the MOU took out of the transition agreement the
11 requirement to use the Nic?

12 A. I am not absolutely adamant. It is my
13 belief that that is what happened.

14 Q. And do you think that's fair?

15 A. Yes, it was negotiated and ratified.

16 Q. Okay.

17 MR. HARPER: Can we take a moment?

18 MR. O'DWYER: Sure.

19 THE VIDEOGRAPHER: Time is 11:10 a.m.

20 We're now off the record.

21 (A BRIEF RECESS WAS TAKEN.)

22 THE VIDEOGRAPHER: Time is 11:18 a.m.

23 We're back on the record.

24 (Exhibit Number 1052: E-mail string with
25 the top from Gary Hummel dated 8/25/12, Bates

1 USAPA 204207 - 211 marked for identification,
2 as of this date.)

3 Q. I want to show you what I've had marked as
4 Exhibit 1052 and have you take a moment and see if
5 you can identify it for me.

6 A. Yes, go ahead.

7 Q. What is it?

8 A. It's an e-mail. I'm part of the author.
9 There was some other guys had input. And we were
10 internally strategizing, I think this was about MOU
11 I, and we were putting our thoughts on paper.

12 Q. Who else had input, Smyser and Streble?

13 A. Smyser and Streble.

14 Q. And why did you do this?

15 A. We were just trying to -- we were
16 politically analyzing our product group.

17 Q. Psychoanalyzing the BPR?

18 A. I wouldn't call it psychoanalyzing, we
19 were looking at the political realities of the BPR
20 as it was constructed at that time.

21 Q. All right. And did you believe all of
22 these thoughts you put down about the BPR when you
23 wrote it?

24 A. Yes, this is -- this is our collective
25 opinions.

1 Q. Well, you didn't disagree with any of the
2 opinions then?

3 A. Oh, we may have argued but what ended up
4 on the paper I think was a consensus opinion, yes.

5 Q. Right.

6 Did you share this with anybody on the BPR?

7 A. I don't think so. I think this was
8 officers only.

9 Q. And when -- when you write at the top of
10 page two to Bates 1052, I think you're at the top,
11 unless I paginated wrong. Can I see?

12 No, top of page two.

13 You write: What drives this BPR's junior
14 membership?

15 What did you mean by junior membership?

16 A. Some of the members of the BPR
17 seniority-wise were more junior.

18 Q. Describe for me what you mean, though, by
19 junior membership?

20 A. Guys who are more junior on the seniority
21 list.

22 Q. Like who?

23 A. Well, I've said right here, junior
24 members of the BPR are DeWitt Ingram, Steve Crimi,
25 Mike Gillies, Pete Dugstad.

1 Q. And you also on point 9 down below talk
2 about Dean Colello as being a junior pilot, correct?

3 A. On the basis of the Nicolau award, yes,
4 he was -- he was the top furloughed pilot at US
5 Airways. He was one number below Dave O'Dell.

6 Q. Right.

7 And he -- Mr. Colello is now in charge of
8 the negotiating committee which negotiated an MOU
9 that you say did away with the Nic, right?

10 A. I -- no, they negotiated an MOU that has
11 a new process on seniority.

12 Q. Eliminating the Nic?

13 A. It has a new process to arrive at an
14 integrated seniority list.

15 Q. I just thought beforehand you said it
16 eliminated the requirement to use the Nic under the
17 TA agreement?

18 A. I don't believe the MOU in and of itself
19 eliminated the requirement to use the Nicolau
20 award. I believe that Judge Silver's order on the
21 judgment gave us the right to negotiate something
22 other, but it --

23 Q. And you did negotiate something other?

24 A. The union negotiated something other,
25 correct. I was not involved in the negotiation.

1 Q. A process not to use the Nic?

2 A. A process to arrive at a single
3 integrated seniority list with the pilots at
4 American Airlines.

5 Q. That does not use the Nic?

6 A. It's going to be up to the BPR to
7 determine what goes in there.

8 Q. I understand that.

9 Hey, were the West pilots ever told that in
10 the materials leading up to the ratification of the
11 MOU that the process would lead -- the MOU would lead
12 to a process that eliminated the use of the Nic under
13 the TA?

14 A. I don't believe that was ever stated the
15 way you've stated it exactly.

16 Q. All right. Why?

17 A. Because it's incorrect.

18 Q. Well, but you're sitting here under oath
19 saying that that's the process and you're telling me
20 that there's no chance --

21 A. No, no.

22 Q. -- there's no chance that the BPR's ever
23 going to recommend anything other than a date of
24 hire, that's what the thrust of your testimony has
25 been?

1 THE WITNESS: Would you read back the
2 question, please.

3 (THE QUESTION WAS READ BACK.)

4 A. My answer to that is no.

5 Q. Because you don't believe it's true?

6 A. I don't believe that the -- that the MOU
7 gives a process, not a result. That's why --
8 that's what it was offered to the pilots, this is a
9 process to arrive at a seniority solution, not a
10 result.

11 Q. Mr. Bradford, it's a process controlled by
12 the majority of the East pilots in USAPA?

13 A. It's a process controlled by a majority
14 vote, that is correct.

15 Q. And that's the East pilots?

16 A. It happens to be the East pilots, that is
17 correct.

18 Q. So it's a process controlled by the East
19 pilots?

20 A. Yes, but as in the case in the MOU, the
21 West pilots voted to support it, so it's -- you can
22 see how the process can change. It's a majority.

23 Q. Okay.

24 (Exhibit Number 1053: E-mail document
25 from K. Volodzko dated 10/31/12, Bates USAPA

1 251686 marked for identification, as of this
2 date.)

3 Q. I show you what I've had marked as 1053.
4 It's an e-mail from I assume a Charlotte-based pilot
5 to you and Mr. Hummel, October 31, 2012, correct?

6 A. Yes, that's the date.

7 Q. Right.

8 And in the first paragraph, this pilot, do
9 you know him or her?

10 A. I met him just recently, yes.

11 Q. Okay. And he is simply inquiring as to
12 whether or not USAPA was going to use any polling to
13 find out the pilot sentiment at any given points or
14 issues. That's what he's talking about, correct?

15 A. Yes, that's what he maintains.

16 Q. Right.

17 And he's specifically saying in the second
18 paragraph, I would like you to make good on that
19 promise, he's talking to either you or Mr. Hummel.
20 It is high time to find out exactly where the pilot
21 group stands on the issue of this seniority dispute
22 and how it wishes to proceed.

23 He wrote that to you?

24 A. Yes, he did.

25 Q. Encouraging you and Mr. Hummel to perhaps

1 take a poll of the pilots to see how they stood on
2 seniority and maybe even pay raises, correct?

3 A. Well, he doesn't say maybe even pay
4 raises, he just says it's high time that you find
5 out exactly where the pilot group stands on this
6 issue, the seniority dispute.

7 Q. USAPA never took a poll of the pilots on
8 those issues, did it?

9 A. Shortly after this we got to the MOU and
10 we used the MOU as -- the ratification of the MOU
11 as the basis of how the pilots wanted to move
12 forward.

13 Q. Okay. So you're taking the position that
14 the poll taken was the vote on the MOU?

15 A. Yes, it was pretty clear.

16 Q. You didn't take a poll beforehand to decide
17 whether or not the pilots as a group would accept the
18 MOU and the utilization of the Nic?

19 A. No, we did not.

20 Q. Because you were concerned that indeed with
21 the pay raises that were gotten the majority of the
22 pilots would go for the MOU and the Nic, correct?

23 A. No, we were not.

24 Q. That's what you were afraid of?

25 A. No, we weren't.

1 (Exhibit Number 1054: E-mail string with
2 the top from Jason Wingert dated 9/17/12,
3 Bates USAPA 222926 - 930 marked for
4 identification, as of this date.)

5 Q. Showing you what I've had marked as
6 Exhibit 1054, Mr. Bradford.

7 You ready to go?

8 A. Um-hum.

9 Q. Exhibit 1054 is a series of e-mails between
10 yourself and Jason Wingert; is that correct, for the
11 most part?

12 A. Yes, it appears I responded twice. I'm
13 not sure the order.

14 Q. And the e-mails take place in September of
15 2012, correct?

16 A. Correct.

17 Q. And it -- or discussions that occurred
18 after the first MOU was either rejected by the BPR or
19 pulled by the company, correct?

20 A. I can't -- I can't testify to exactly
21 what -- whether it was after or before. I'm not
22 sure.

23 Q. Yeah, if you go to -- and I'm sure I got a
24 different one. Go to the Bradford to Wingert e-mail
25 September 14, 2012, 8:38 p.m.

1 Do you see that?

2 A. Yes, I do.

3 Q. And the one, two, three, four, five, six,
4 seven, eighth paragraph you write the company pulled
5 the MOU --

6 A. Okay. Then yes, I see that.

7 Q. Okay. So this would be after MOU I was off
8 the table?

9 A. Yes, that would be correct. I would
10 agree.

11 Q. And part of the topic that your discussing
12 with Wingert is an issue associated with making sure
13 that APA never gets in a position to be able to do
14 things on its own with respect to seniority without
15 USAPA participation, correct?

16 A. You'll have to point to a specific --

17 Q. About the third paragraph in that same
18 e-mail I just directed your attention to. What can
19 APA do for us if we are not at the table?

20 A. Yes, um-hum.

21 Q. And you're -- you're saying they can do a
22 lot to us if we're not at the table because they're
23 the majority and we're the minority?

24 A. No. I believe that -- well, that's
25 possible. But I believe more so it would be if

1 they do not -- if there is not -- if they are not a
2 collective bargaining agreement and they do not owe
3 us -- or collective bargaining agent, and they
4 don't owe us a duty of fair representation and they
5 are negotiating by themselves, they negotiate for
6 their own self-interests.

7 Q. But at some point in time APA will become
8 the bargaining representative, correct?

9 A. That's probable.

10 Q. And at that point in time the USAPA pilots
11 will be the minority within the APA union, correct?

12 A. Correct. If that happens.

13 Q. And you're concerned -- you're concerned
14 about what the majority will do to the minority in
15 that union down the road, correct?

16 A. We -- that's why we negotiate the
17 protocol agreement as to how negotiations will be
18 conducted, yes.

19 Q. Well, let's just say if you go through
20 McCaskill-Bond and come up with a list that you don't
21 like again, Mr. Bradford, you won't do the same thing
22 over again and take your members and go form a new
23 union?

24 A. Well, first of all, the numbers wouldn't
25 be there. And three, it would be pursuant -- this

1 process would be pursuant to federal law.

2 Q. So the first one was just by agreement, the
3 second one's by federal law, therefore it's more
4 enforceable?

5 A. The first one was simply a private
6 agreement.

7 Q. That you agreed to?

8 A. No, I did not. The MEC agreed to.

9 (Exhibit Number 1055: E-mail document
10 from Wayne Siemer dated 6/13/12, Bates USAPA
11 201051 with attachment marked for
12 identification, as of this date.)

13 Q. Okay. Let me show you what I've had marked
14 as Exhibit 1055. And let me set this up for you.
15 Yesterday I asked president Hummel about the
16 development of a merger policy and procedure and he
17 said one was in progress.

18 A. Um-hum.

19 Q. That he doesn't think it's been finalized
20 yet. And I came across this in the documents. This
21 looks like some work that's being done by Pauley,
22 perhaps yourself, Kevin Barry on a merger policy and
23 procedure. Is that what Exhibit 1055 is?

24 A. Yes, I think that's accurate.

25 Q. And this work or this draft e-mail, anyway,

1 is June 12, 2012, correct?

2 A. Correct.

3 Q. Can you tell me if this merger policy and
4 procedure work document has been finalized yet?

5 A. No, it has not.

6 Q. Where is it in the process?

7 A. I'm not sure.

8 Q. Are you not working on it anymore?

9 A. No, I'm not work -- I'm not -- I haven't
10 worked on this in months.

11 Q. So Mr. Pauley would know?

12 A. Yes, Jess Pauley would know.

13 Q. Okay. You had comments on this early on,
14 though, correct?

15 A. Correct.

16 Q. Why is that?

17 A. The -- rather than try to invent
18 something we just took ALPA merger policy, which
19 was the basis of this document and started editing,
20 is there any way we could -- we could edit that
21 document to be useful for us.

22 Q. Well, when this gets done, what happens to
23 it? Does it go to the BPR for approval?

24 A. Yes.

25 Q. Does -- do the officers have to approve it

1 first?

2 A. As a protocol we would ask the merger
3 company -- merger committee present it to us. But
4 theoretically the BPR has the final authority on
5 the adoption of it.

6 Q. Okay. But this -- if I understand just
7 thumbing through it quickly, this policy and
8 procedure is intended to set forth the process or the
9 internal process that USAPA will use as it moves
10 further into the merger with APA, the merger of the
11 pilot lists with APA?

12 A. Yes, this would be part of the -- this
13 might be part of the protocol agreement.

14 Q. Okay. And this document, at least at this
15 stage, did not involve the participation in that
16 process by the West pilots as a separate entity,
17 correct?

18 A. As a separate entity, no.

19 Q. Okay. And that is still the -- the -- the
20 status of this document as far as you understand it?

21 A. I have no idea as to -- as to what has
22 gone on internal in the comm- -- in the committee.

23 Q. Okay.

24 (Exhibit Number 1056: Document entitled
25 Aircraft will be established into equipment

1 groupings for the purposes of pay as follows
2 marked for identification, as of this date.)

3 Q. Just as a point of interest, I've heard
4 the -- the term stovepipe bidding used. Is that term
5 familiar to you?

6 A. No.

7 Q. It's not?

8 A. Stovepipe bidding. No.

9 Q. Okay. I want to show you what I've had
10 marked as Exhibit 1056.

11 A. Okay. Yes.

12 Q. Can you identify this document?

13 A. No. I -- I don't know who the author is.
14 I don't know if -- I can't say I'm not the author,
15 I can't say I am the author, I don't know.

16 Q. Okay.

17 (Exhibit Number 1057: Document entitled
18 Narrow body notes (Bradford and King) marked
19 for identification, as of this date.)

20 Q. Mr. Bradford, I'm going to show you what
21 I've had marked separately as Exhibit 1056 and 1057.

22 Take a moment, if you want, and look at
23 them. I note on 1056 at least your name appears at
24 the top in the parenthetical. I don't know if that
25 helps you to know.

1 (Exhibit Number 1058: Document entitled
2 WBED Wide Body Expectation Date marked for
3 identification, as of this date.)

4 MR. O'DWYER: I think it's 1057 and 1058.

5 MR. HARPER: That's what I thought, 1057.

6 MR. O'DWYER: You want these back?

7 MR. HARPER: Yeah, I think we already
8 had...

9 MS. AXEL: I'm sorry.

10 Q. So let me go back. I've shown you 1057 and
11 1058, and your name appears in the parenthetical at
12 the top of 1057. I'm just asking you if you can
13 identify either one of these documents for me and
14 where it comes from?

15 A. No, I -- it's got my name in parentheses.
16 I -- I don't know where -- you know, I don't see
17 how this was, you know, transmitted to -- I --

18 Q. Okay. I mean, I started off in the
19 beginning by asking you about the think tank --

20 A. Um-hum.

21 Q. -- and for some reason I thought these
22 documents may be exchanges between the group that you
23 have on the think tank.

24 A. It's possible, but it would have an
25 e-mail header on it and it's -- it's, you know,

1 doesn't. So I don't know --

2 Q. Okay.

3 A. -- when this was discussed or what or who
4 authored or what.

5 Q. Okay. It's not going to do me any good to
6 ask you if you don't know about it.

7 MR. HARPER: I'm just about there.

8 MR. O'DWYER: Okay.

9 (Exhibit Number 1059: E-mail string with
10 the top from Steve Bradford dated 5/16/2013,
11 Bates USAPA 330211 - 213 marked for
12 identification, as of this date.)

13 Q. Show you what I've had marked as
14 Exhibit 1059, Mr. Bradford. And see if you can
15 identify it for me.

16 A. It's an e-mail.

17 Q. From you and others to -- involving
18 Mr. Morgan?

19 A. Um-hum.

20 Q. Who's Mr. Morgan?

21 A. Jay Morgan is the ballot certification
22 chairman.

23 Q. And he asked you to collect some
24 information?

25 A. I believe I asked him.

1 Q. To collect -- and you asked him then in the
2 e-mail on May 6, 2013, Jay, do you have the data
3 handy on the number of eligible voters in Phoenix
4 versus the total number of pilots? We need this for
5 the MOU ratification vote. It is for legal.

6 Did I read that correctly?

7 A. Um-hum.

8 Q. Yes?

9 A. Yes.

10 Q. And you went forward and you collected that
11 information?

12 A. This is what Jay Morgan reported,
13 correct.

14 Q. And you passed it onto legal?

15 A. I'm not sure that I did. I'm going to
16 make the assumption that I did, if I asked for it.

17 Q. Why were you asking for that information
18 from Mr. Morgan in May of 2013?

19 A. I think what we were asking is what is
20 the -- actually, it should have been expressed what
21 are the members in good standing eligible to vote
22 versus the total number of Phoenix-based pilots.

23 Q. And why were you asking him for that?

24 A. Because it was data we wanted to know.

25 Q. And to report and to use?

1 A. Yes.

2 Q. For the purpose of the litigation?

3 A. Yeah, if legal wanted it, that was for
4 purpose of the litigation.

5 Q. To be used against the West pilots?

6 A. Because legal asked for it and I went and
7 got it.

8 Q. And you understood what it was to be used
9 for?

10 A. I'm not sure that I understood what it
11 was to be used for, but they made a request for it
12 and I said, let me see if I can find it, the data.

13 Q. You didn't ask them why are we doing this?

14 A. I can't remember exactly what the
15 conversation was which would have been for --
16 preceded this.

17 Q. Okay. Did you personally feel that it was
18 right to report to everybody the number of Phoenix
19 pilots -- or West pilots that voted in favor of the
20 MOU so it could be used as the affirmative defense in
21 the pending litigation?

22 A. I believe we have reported voting for
23 referendum. We do not report that for elections,
24 but this is not a LMRDA election, so we report how
25 each domicile voted.

1 Q. Can you recall in the past ever -- USAPA
2 ever doing that before?

3 A. Yes, we did it on the --

4 Q. Trust fund.

5 A. -- trust fund and we did -- also did it
6 when we ratified the constitution in 2009 when I
7 was president.

8 Q. Well, you had to do that because you had to
9 vote the -- report the overall vote to make sure you
10 had two-thirds in favor of it?

11 A. Correct.

12 Q. Okay. But that was done by domicile?

13 A. I believe so.

14 Q. Really?

15 A. I say I believe so. I don't know. I
16 haven't looked at the -- the records. That's all
17 the way back to 2009. I don't even know if we --
18 we'd have to go get it out of the archives.

19 Q. Who made the decision to report it by
20 domicile, the results by domicile?

21 A. I don't know.

22 Q. Did you -- were you participate -- did you
23 participate in that decision?

24 A. I don't remember that decision being
25 made.

1 Q. But it was reported right on or after
2 February 8, 2013, the results of the vote by
3 domicile, correct?

4 A. It was, yes.

5 Q. So it came out immediately after the votes
6 were tallied?

7 A. That's correct.

8 Q. And you don't know who made the decision to
9 do that?

10 A. No, specifically, no, I don't.

11 Q. Do you know if the -- are there rules that
12 the ballot certification committee should follow in
13 connection with how to report the results of voting?

14 A. Yes. In LMRDA elections, yes.

15 Q. Pardon me?

16 A. An election governed by LMRDA, yes.

17 Q. L-M-R-D-A?

18 A. Correct.

19 Q. And this is not one of those?

20 A. Correct.

21 Q. So there are no rules that -- that cover
22 how these results are to be reported?

23 A. Not that I'm aware of, no.

24 Q. Do you know if any of the West pilots were
25 consulted about how the votes were going to be

1 reported before they were reported?

2 A. No, I don't.

3 Q. Do you know if there was the discussion
4 about how the results were going to be reported at
5 the BPR before they were reported?

6 A. I have -- I'm not aware of any
7 discussions, no.

8 Q. Okay.

9 Okay. I want to show you -- let me just go
10 back to see if I understand. You don't know -- do
11 you know why it -- the decision was made to report
12 the votes on the MOU by domicile?

13 A. Specifically, no. I think we did -- I
14 think we did -- we wanted to measure all through
15 the pilot group where the most support was and
16 where the least support was.

17 Q. Right.

18 So you used it, as you told me before,
19 somewhat as a poll after the fact?

20 A. Yes.

21 Q. After the fact?

22 A. It was an after-the-fact poll.

23 Q. Oh, without telling anybody that they were
24 being polled in advance?

25 A. That's a correct statement.

1 Q. Okay. And with respect to the amendment to
2 the constitution, you told me that happened in 2010?

3 A. 2009, I believe.

4 Q. 2009.

5 And are you telling me, and maybe I just
6 didn't understand your answer, that they reported the
7 results of that election by domicile?

8 A. It wasn't an election, it was a
9 referendum.

10 Q. A referendum.

11 A. And I -- I can't testify, in fact, that I
12 know that to be the case. I believe that was the
13 case.

14 Q. Even if a majority of the West pilots
15 didn't vote for it, you think it was reported that
16 way?

17 A. Well, we almost had almost no West
18 members at the time.

19 (Exhibit Number 1060: E-mail string with
20 the top from Steve Bradford dated 1/29/13,
21 Bates USAPA 329446 - 447 marked for
22 identification, as of this date.)

23 Q. Show you what I've had marked, I'm sorry,
24 as 1060.

25 MR. HARPER: No, I simply ask you if you

1 think this is privileged too?

2 MR. SZYMANSKI: Do you have 1060 or 1059.

3 MR. O'DWYER: I don't -- I don't. I have
4 1059.

5 MR. HARPER: This is 59? We used 59
6 before. So this should be 60.

7 MS. AXEL: This is top e-mail from Steve
8 Bradford to Dominick Chrisos.

9 MR. SZYMANSKI: I don't --

10 MR. HARPER: Pardon me?

11 MR. O'DWYER: It's coded Roland.

12 MR. HARPER: You don't take the position
13 that Roland's a lawyer?

14 MR. SZYMANSKI: He's a lawyer.

15 MR. HARPER: He's a professional
16 negotiator for the purpose of this litigation?

17 MR. SZYMANSKI: But this is a
18 communication between Steve Bradford and a
19 member.

20 MR. O'DWYER: Yeah.

21 MR. HARPER: I -- I just don't want to
22 tread on --

23 MR. SZYMANSKI: No, no, you're not
24 treading.

25 Q. So you're okay to -- to answer my question.

1 Can you identify 1060?

2 A. I can identify the e-mail portion where I
3 respond to Dominick Chrisos, yes.

4 Q. Yes.

5 And his question -- he wrote to you -- or
6 try to help me, down below under the PS, I already
7 voted yes, seniority, do you know who authored that
8 part of --

9 A. I have absolutely no idea.

10 Q. No idea.

11 But you are reporting then at the top to
12 Mr. -- Mr. Chrisos that the motion for party status
13 will not easily be granted. I am advised by Roland
14 Wilder that there is no precedent for party status
15 for a represented group.

16 I read that correctly?

17 A. You read that correctly.

18 Q. And that has to do with status in the
19 arbitration process under McCaskill-Bond, that's what
20 you're commenting on?

21 A. Yes, if that's what the body of this
22 deals with, yes.

23 Q. Okay. And that's -- your professional
24 negotiator told you that?

25 A. Yes.

1 MR. HARPER: Let's take a short break. I
2 may be done.

3 THE VIDEOGRAPHER: Time is 11:55 a.m.
4 We're now off the record.

5 (A BRIEF RECESS WAS TAKEN.)

6 THE VIDEOGRAPHER: Time is 12:16 p.m.
7 We're back on the record.

8 (Exhibit Number 1061: E-mail document
9 from Gary Hummel dated 12/14/2012, Bates USAPA
10 231340 - 341 marked for identification, as of
11 this date.)

12 Q. I'm going to show you what I've had marked
13 as Exhibit 1061. And it's an e-mail from Mr. Hummel
14 to you December 14, 2012, and draft -- the subject
15 matter is draft 12 -- or paragraph 12 draft.

16 Want to take a moment to look at this?

17 A. Okay.

18 Q. Did you receive this -- as far as you can
19 recall, did you receive this e-mail from Mr. Hummel
20 on December 14, 2012?

21 A. It says so, so I -- I'm just looking
22 here, I don't recall it. But yes, it says so.

23 Q. Yeah, you previously testified here that
24 you had no direct or indirect involvement in the
25 negotiation of the MOU or any of its provisions.

1 Do you remember that?

2 A. That is correct.

3 Q. And Exhibit 1061 attaches a early draft of
4 the provisions of the -- part of the MOU that has to
5 do with McCaskill-Bond, but at this point in time
6 he's referring to paragraph 12.

7 Do you see that?

8 A. Yes, I do.

9 Q. And eventually McCaskill-Bond showed up in
10 paragraph ten in the final document.

11 Remember that?

12 A. I -- yes. And I would also say this is
13 probably -- okay. So this -- this would be MOU II.

14 Q. Yeah.

15 A. Yeah, okay.

16 Q. Do you have -- you said you had no
17 recollection of receiving this document; is that
18 correct?

19 A. No, I don't recall receiving it. It's
20 right here. I'm looking at it.

21 Q. All right. Do you have any recollection
22 now with Exhibit 1061 in front of you --

23 A. Um-hum.

24 Q. -- of getting back to Mr. Hummel and
25 talking about this document in any way?

1 A. No. I think he just included me in
2 the -- here's what we're doing, you know, for
3 review.

4 Q. At a point in time did he stop doing that
5 or did you get copies of these things --

6 A. When it got -- when it got very close to
7 the end game where they were down there, I just
8 didn't know what was going on.

9 Q. Well, this -- they are down there at this
10 particular point in time, they are in Dallas --

11 A. Okay.

12 Q. -- on December 14, 2012, and they had been
13 there for three or four days. So this is while they
14 are down there.

15 A. Okay.

16 Q. So you got this while they were down there
17 and at some point in time you said it just stopped.
18 Was there more after this that you got from Hummel or
19 anybody else associated with the McCaskill-Bond
20 process under the MOU?

21 A. I don't remember. There could be. I
22 just -- I don't remember.

23 Q. Okay. So this hasn't helped to refresh
24 your recollection?

25 A. No.

1 Q. Do you know where this last paragraph on
2 page two to Exhibit 1061 came from, the language?
3 This MOU is not intended to nor shall it constitute
4 the, quote, Single Agreement, capital S, capital A,
5 closed quote, referred to in paragraph, all spelled
6 out capital, Roman numeral six, period, capital A, of
7 the September 23, 2005, quote, Transition Agreement,
8 capital T, captial A, closed quote, applicable to the
9 merger of America West and US Airways.

10 A. No.

11 Q. You don't know who drafted that language?

12 A. No, I don't.

13 Q. You don't know where it came from?

14 A. No, I don't.

15 Q. You don't know why it was inserted in this
16 draft?

17 A. No.

18 Q. You didn't draft it?

19 A. No, I did not.

20 Q. You didn't comment on it as far as you
21 know?

22 A. I don't believe so. I can't say for
23 sure. If you -- if you say I do and you put it in
24 front, then I did, but I don't remember doing it.

25 Q. When people came to you to collect your

1 e-mails and stuff like that, what computers and stuff
2 did they look into?

3 A. They looked into our -- primarily into
4 our server. It's all kept on the server in the
5 office.

6 Q. Do you have a private e-mail address?

7 A. I do.

8 Q. And what is that?

9 A. That's haile53@verizon.net.

10 Q. Did you ever receive any USAPA materials on
11 that computer?

12 A. I get all public USAPA that goes out for
13 dissemination that comes into that account also.
14 So if USAPA puts something out to the membership, I
15 get it on that.

16 Q. You get anything that's not public there?

17 A. When we were in elections and I was a
18 candidate, yes, because we couldn't use the server,
19 it's a union resource.

20 Q. Have you looked recently to see if you have
21 anything associated with the negotiation of MOU II on
22 your private --

23 A. Not specifically.

24 Q. -- computer?

25 A. But I went through with the code words

1 that were given and went through that and gave that
2 to counsel for discovery.

3 Q. So you searched your own computer?

4 A. Yes.

5 Q. Okay. And you turned that over to counsel
6 to be turned over to us?

7 A. That's correct.

8 Q. When you did that search using the key
9 words that were provided --

10 A. Um-hum.

11 Q. -- how many e-mails did you find on your
12 computer that --

13 A. It won't allow a key word search.

14 Q. Well, what did you do, go through
15 personally then?

16 A. I just had to go through them personally.
17 It's Verizon my -- the Verizon platform doesn't
18 have a search function in it.

19 Q. Did you find any e-mails on your private
20 computer that were responsive to the key words?

21 A. I probably did, but I didn't do a keyword
22 search response. I looked kind of at the subject
23 header and sent them onto counsel.

24 Q. How many, approximately?

25 A. They were in the hundreds. I don't --

1 but I can't -- I can't tell you.

2 Q. So if they sent were onto counsel and they
3 came from your computer, the e-mail address, your
4 private e-mail address would show up on those
5 documents; is that right?

6 A. If I sent them, yes. If somebody sent it
7 to me, I would be the recipient.

8 Q. Is there any way we can identify through
9 the production of documents here those that were
10 found on your private computer?

11 A. Well, they would have -- they would have
12 my e-mail address as the sender or the recipient.

13 Q. Okay. So it would be the private e-mail
14 address?

15 A. Yes.

16 MR. HARPER: I don't think we have any of
17 those, guys. Do we?

18 MR. HARKIN: We can double-check but --
19 can we go off the record for a second?

20 THE VIDEOGRAPHER: Time is 12:23 p.m.
21 We're now off the record.

22 (A DISCUSSION WAS HELD OFF THE RECORD.)

23 THE VIDEOGRAPHER: Time is 12:24 p.m.
24 We're back on the record.

25 Q. Mr. Bradford, in the period of time

1 beginning in 2012 and leading up to the ratification
2 vote in 2000 -- February of 2013, did you ever become
3 concerned that a -- a number of the East pilots would
4 vote for a agreement that included economic
5 improvements to their current situation and the
6 Nicolau -- vote in favor of an agreement that
7 included significant economic improvements and the
8 Nicolau?

9 A. Not really. It's -- the process -- no,
10 it was -- they won't wait forever. As I wrote --
11 as I've testified before. You know, ten years,
12 12 years, at some point somebody says, look, I want
13 to get paid.

14 Q. Right. And seven years has passed?

15 A. Um-hum.

16 Q. Yes?

17 A. Yes.

18 Q. And you have discussions going on --

19 A. Um-hum.

20 Q. -- in 2012, 2013 about a new agreement that
21 includes significant --

22 A. Um-hum.

23 Q. -- economic improvements, correct?

24 A. That's correct.

25 Q. USAPA says they're unprecedented in their

1 answer to our interrogatory, that's what USAPA says?

2 A. All right.

3 Q. Unprecedented improvements. So you were
4 not concerned that if that agreement with
5 unprecedented improvements after seven years was put
6 out with a requirement to use the Nicolau that it
7 would pass in the combination of senior East pilots
8 and America West pilots?

9 A. I have no idea whether it would or
10 wouldn't.

11 Q. And you didn't do it. But you had -- did
12 you ever have a concern that it would?

13 A. If it was delayed longer and eventually
14 we'd never got there, at some point it would
15 happen.

16 Q. Well, what do you mean delayed longer?

17 A. Well, let's say that this merger --

18 Q. Isn't seven years long enough?

19 A. I don't know. It's hypothetical. We --
20 we put it out for a vote and it passed as is. It's
21 a hypothetical you're asking. I don't know.

22 Q. No, I'm asking something different. I
23 mean, I'm just -- from you as an officer of USAPA
24 with all of the -- with the materials we've already
25 seen --

1 A. Um-hum.

2 Q. -- about you being concerned that there's
3 going to be a separation between the junior East
4 pilots and the senior East pilots in your
5 understanding --

6 A. Um-hum.

7 Q. -- that some of these pilots was -- were
8 not going to wait forever --

9 A. Correct.

10 Q. -- to get a pay increase. So as leading up
11 to the MOU, did you ever have a concern that with the
12 economic package embodied in the MOU coupled with the
13 requirement to use the Nic that it would pass?

14 A. I don't think so.

15 Q. Okay. Do you know how much pay the
16 East/West pilots have lost as a result of the Kirby
17 not being ratified back -- or accepted back in 2007?

18 A. It's a big number. I don't know what the
19 running total is.

20 Q. \$650 million, is that --

21 A. I'll take your word for it, but I don't
22 know.

23 Q. But it's a big number?

24 A. It's a big number, correct.

25 Q. And many of the East pilots wanted in these

1 negotiations for USAPA to recapture some or all of
2 the lost pay, correct?

3 A. Yes.

4 Q. And USAPA was unwilling or unable, really,
5 to do that, correct?

6 A. That's been since negotiations have
7 started, we've been unable to get retro pay,
8 correct.

9 Q. And you didn't even try to negotiate all of
10 the retro pay in connection with this current MOU,
11 did you?

12 A. It was -- I think it was attempted, I
13 think they started but it was shut down
14 immediately, they just weren't going to go there.

15 Q. Right.

16 Because when it got to the table at the end
17 in December of 2012, in essence, USAPA was told take
18 the APA Green Book rates and be done with it, right?
19 That's all -- that's all USAPA did?

20 A. I don't know for a fact that that was
21 what said because I never attended any of the
22 negotiating sessions.

23 Q. But that's what you learned, correctly --
24 correct?

25 A. No, I don't know that I learned. I just

1 know that when they came back that's what we had
2 and they said we can't get any more. And so as to
3 what went on in the sessions, I don't know.

4 Q. Okay. But the lost pay was never
5 recaptured, correct? The lost pay from the Kirby --

6 A. The retroactive pay to the -- to the
7 Kirby proposal or to the time of the merger or LOA
8 93, or whatever timeline you want to use, was not
9 recaptured, that's correct.

10 Q. Do you know how close the seven-year rates
11 under the Kirby, if it had been passed in August of
12 2007, so seven years out, those rates with the
13 increases that were included, how close they are to
14 the rates that are included in the MOU?

15 A. At this point in time they're probably
16 close. But I don't know.

17 Q. They are. They're really pretty close.

18 A. Um-hum.

19 Q. So, in essence, one way to look at this is
20 USAPA didn't gain at the end much over the Kirby as
21 it would have again been available to the pilots if
22 they have ratified back in 2007, right?

23 A. I don't know if I'd express it that way,
24 but that's your contention.

25 Q. You don't disagree with that, though?

1 A. Okay. I don't disagree with that.

2 Q. Okay. So let me ask you the question, if
3 the ultimate outcome of this litigation is that the
4 Nicolau must be used to integrate with the APA list
5 and the McCaskill-Bond process, what have you gained
6 by going away from ALPA and forming USAPA?

7 A. We've gained our own independence, we
8 spent almost \$7 million on trying to recover our
9 pension, okay, which ALPA was not going to do
10 because they signed it away. This is what the
11 pilots wanted. They've spent almost as much money
12 on pension recovery as they have for seniority.
13 They run their own union, they have a say in it,
14 they don't have to kowtow to national. And the --
15 the overall response we get is most pilots would
16 still rather be independent of U- -- of ALPA.

17 Q. So you think even if the Nic is used after
18 all of this time and the lost pay in between, it was
19 still worth it from your point of view?

20 A. Yes.

21 (Exhibit Number 1062: E-mail document
22 from Steve Bradford dated 4/25/13, Bates USAPA
23 265500 marked for identification, as of this
24 date.)

25 Q. I'm going to show you, Mr. Bradford, and

1 this may be our last document, what I've identified
2 as Exhibit 1062, e-mail from you to Mr. Pauley and
3 others, April 25, 2013.

4 Did you write this e-mail?

5 A. Apparently so, yes.

6 Q. You write in the first paragraph, Jess,
7 Jess raised the question of the dismissal of the
8 pled, P-L-E-D, preliminary injunction in Addington I.
9 Here is that decision. In Addington II, Roman
10 numeral two, the court dismissed the company because
11 they were not in cohorts with USAPA.

12 Then you continue to write, here the union
13 and the company are in concert. We have agreed to a
14 new seniority process that does not include the
15 Nicolau award.

16 What did you mean by that?

17 A. We've just -- just what it says. We
18 have -- the company and the union and APA and the
19 parties to the MOU have agreed on a new process for
20 seniority that is not tied to the old transition
21 agreement.

22 Q. It does not include the Nicolau?

23 A. It -- it -- that could be a misstatement.
24 It includes a new process. If the board wants the
25 Nic, they could have the Nic.

1 Q. But that didn't -- that's not what you
2 wrote. You -- you wrote you're in cohorts -- cohorts
3 with the --

4 MS. AXEL: Cahoots.

5 Q. -- cahoots with the company, Airways,
6 because you agreed to a new seniority process that
7 does not include the Nicolau.

8 A. We factored --

9 Q. Those were your -- those are your words --

10 A. No, the words are --

11 Q. No, let me -- let me, let me. Those are
12 your words and your e-mail on April 25, 2013,
13 correct?

14 A. Incorrect.

15 Q. Why?

16 A. We're not in cahoots with the company,
17 we've acted in concert with the company.

18 Q. Concert.

19 What's the difference?

20 A. We sat at the table, negotiated, arrived
21 at an MOU with all the parties which provides for a
22 new seniority process.

23 Q. And you still believe that?

24 A. Yes. And that process --

25 Q. That does not include the Nicolau?

1 A. Well, it's neutral on its terms.

2 Q. You say it eliminated the -- the
3 requirement to use the -- the Nicolau. So how can
4 that be neutral?

5 A. Because the Nicolau award or date of hire
6 or any other seniority solution and outcome does
7 not appear in the document.

8 Q. Just because it doesn't appear, it's
9 neutral?

10 A. Yes.

11 Q. But the effect of it is -- from your point
12 of view is to take away the requirement to use the
13 Nicolau?

14 A. Yes, the transition agreement has been
15 amended, that is correct.

16 Q. All right. And to set up a process where
17 the majority is going to rule what's presented to the
18 McCaskill-Bond committee?

19 A. Without any negotiation, yes.

20 Q. Okay.

21 MR. HARPER: I have no further questions.

22 MR. O'DWYER: We have nothing.

23 THE VIDEOGRAPHER: This concludes the
24 deposition of Stephen Bradford. The time is
25 12:34 p.m. We're now off the record.

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WITNESS' CERTIFICATE

I, STEPHEN HAILE BRADFORD, 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.

STEPHEN HAILE BRADFORD

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

NOTARY PUBLIC

My commission expires:

1 Huseby, Inc.
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2 Charlotte, North Carolina 28208

3 E R R A T A S H E E T

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vs. US Airline Pilots Association, et al.
5 DEPOSITION OF: Stephen Haile Bradford
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11 Page:____ Line: ____ should read: _____

12 Page:____ Line: ____ should read: _____

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25 Page:____ Line: ____ should read: _____

1 STATE OF NORTH CAROLINA
2 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 Wednesday,
7 September 18, 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 24th day of September 2013.

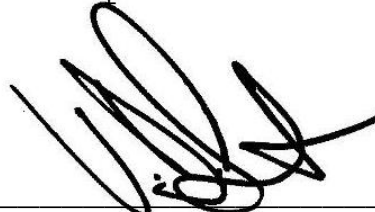
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V. DARIO STANZIOLA, CSR, RPR, CRR
Notary Public No. 20011200120

**Don Addington vs. US Airline Pilots Ass'n
Stephen Bradford on 09/18/2013**

**CV-13-00471-PHX-ROS
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