

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

4 _____)
5 Don Addington; et al.,)
6 Plaintiffs,)
7 vs.)
8 US Airline Pilots Ass'n, et al.,)
9 Defendants.)
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 Reported in Stenotype by
V. Dario Stanziola, CSR (N.J.), RPR, CRR

1 APPEARANCES

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17
18 DEPOSITION OF STEVEN ANTHONY CRIMI, a
19 witness called on behalf of the Plaintiffs, before
20 V. Dario Stanziola, CSR (N.J.), RPR, CRR, Notary
21 Public, in and for the State of North Carolina,
22 held at the offices of Huseby, Inc., 1230 West
23 Morehead Street, Suite 104, Charlotte, North
24 Carolina, on Thursday, September 19, 2013,
25 commencing at 8:58 a.m.

1 INDEX OF EXAMINATIONS

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4 INDEX OF EXHIBITS

5	NUMBER	EXHIBIT	MARKED
6	Exhibit Number 1074:	E-mail string with	22
7	the top from Jed Thomas	dated 7/30/12,	
8	Bates USAPA 252214	- 16	
9	Exhibit Number 1075:	US Airline Pilots	28
10	Association Charlotte	Domicile Update	
11	dated 7/27/12,	Bates USAPA 000118	- 123
12	Exhibit Number 1076:	US Airline Pilots	33
13	Association Charlotte	Domicile Update	
14	August 10, 2012,	Bates USAPA 000088	- 90
15	Exhibit Number 1077:	E-mail string with	43
16	the top from Dave	Ciabattoni dated	
17	7/30/12,	Bates USAPA 201501	- 504
18	Exhibit Number 1078:	E-mail from Dave	59
19	Ciabattoni dated	10/30/12,	Bates USAPA
20	237728	- 31	
21	Exhibit Number 1079:	E-mail string with	71
22	the top from David	Simmons dated	
23	11/15/12,	Bates USAPA 223046	- 047
24	Exhibit Number 1080:	E-mail from USAPA	76
25	Communications	dated 11/15/12,	Bates
	USAPA 227002	- 5	
	Exhibit Number 1081:	US Airline Pilots	81
	Association BPR	Regular December	Meeting
	Day 2 Recap	dated December	13, 2012,
	Bates WP020806	- 809	
	Exhibit Number 1082:	E-mail string with	84
	the top from Steve	Crimi dated	1/10/13,
	Bates USAPA	233775	
	Exhibit Number 1083:	E-mail string with	105
	the top from Steve	Crimi dated	1/10/13,
	Bates USAPA	233781	- 782

1	Exhibit Number 1084: E-mail from Steve Crimi dated 1/25/13, Bates USAPA 330360	119
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3	Exhibit Number 1085: E-mail string with the top from Dave Ciabattoni dated	120
4	1/2/13, Bates USAPA 297678 - 682	
5	Exhibit Number 1086: E-mail string with the top from Mark King dated 2/8/13,	123
6	Bates USAPA 336214 - 216	
7	Exhibit Number 1087: E-mail string with the top from Steve Crimi dated 1/23/13,	126
8	Bates USAPA 330341 - 343	
9	Exhibit Number 1088: Document entitled Articles Joint CLT PHL Domicile Update	130
10	September 1, 2013, Bates WP019134 - 136	
11	Exhibit Number 1089: Document entitled BPR Meeting 067 August 25, 2011	135
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1 STEVEN ANTHONY CRIMI,
2 having first been duly sworn, was examined and
3 testified as follows:

4 EXAMINATION

5 BY MS. AXEL:

6 Q. Good morning, Mr. Crimi. I introduced
7 myself earlier, but my name is Jennifer Axel, and I'm
8 an attorney for the certified class of West Pilots?

9 A. Good morning.

10 Q. Good morning.

11 I'd like to start by just talking about the
12 Board of Pilot Representatives. I understand that
13 you are a member, correct?

14 A. Yes.

15 Q. And that you're from the Charlotte
16 domicile?

17 A. Yes.

18 Q. And that you're actually the chairman of
19 the Charlotte domicile?

20 A. No.

21 Q. No.

22 Who's the chairman?

23 A. Bill McKee.

24 Q. Okay. At some point were you the chairman?

25 A. No.

1 Q. Okay. What is the Board of Pilot
2 Representatives' role within USAPA?

3 A. Well, we're the governing body of the
4 union.

5 Q. So any decisions need to go through the
6 BPR?

7 A. Well, not any decisions, some decisions,
8 a lot of decisions. But there's specific, you
9 know, roles for each of the officers committee
10 members, committees and then the board.

11 Q. Are you on any committees within USAPA?

12 A. No.

13 Q. Okay. I'd like to talk a little bit about
14 the Memorandum of Understanding. Can you --

15 A. Can I correct the last answer?

16 Q. Yes.

17 A. I was on the ad hoc -- the merger, ad hoc
18 committee, but I'm not sure if that's in existence
19 anymore. So I may still be on a committee.

20 Q. What is the merger ad hoc committee?

21 A. That was the committee that was put
22 together by the president, although I believe it
23 was Steve Bradford, the vice president, acting
24 under the authority of the president to engage in
25 talks with the West. They put the committee

1 together.

2 Q. When was that?

3 A. When was that? Within the last couple
4 months. But I can't -- I can't honestly tell you
5 since the talks didn't come to fruition.

6 Q. Okay. Who else was on that committee?

7 A. I believe it was myself. Was it Jess
8 Pauley, Tom Kubik? Yeah, I may -- I may not be
9 able to come up with the names because my memory is
10 mixing the merger committee with the ad hoc
11 committee, and I cannot remember if Bob Davison was
12 on it or not or Jess Pauley for sure. I believe it
13 was Jess, Bob Davison, myself, Tom Kubik, but I
14 could be mistaken.

15 Q. Okay. Were there any West pilots on that
16 committee?

17 A. No, because we were formed to engage in
18 talks with the West.

19 Q. About the seniority integration issue?

20 A. Yeah, under the order of Judge Silver.

21 Q. Okay. So that was referring to the --
22 perhaps, I think it was May's time frame when
23 Judge Silver wanted that to be put together?

24 A. Yeah, I believe that's right. We were in
25 front of Judge Silver May 14th, I want to say. So

1 it had to be right around then, I believe.

2 Q. And was there a BPR meeting that occurred
3 in relation to those talks?

4 A. Yes.

5 Q. And do you recall when that was?

6 A. Well, had to be before that. But I'm --
7 I think it was just the prior week before.

8 Q. Okay. And was the BPR asked to give
9 someone, perhaps the merger ad hoc committee,
10 authority to make some sort of settlement with the
11 West pilots?

12 A. They -- we resolved to give the committee
13 authority to -- to enter talks. To enter talks.

14 Q. But not to agree to anything without going
15 through the BPR?

16 A. I believe that, yes, the final decision
17 would be brought to the Board of Pilot
18 Representatives, which earlier you asked what our
19 role was. And there's one example of what our role
20 would be.

21 Q. Okay. How long have you been on the BPR?

22 A. Just shy of four years.

23 Q. So that would be in 2009; is that correct?

24 A. October 1st of 2009 I believe was my
25 first date.

1 Q. And when did you join USAPA as a union?

2 A. Can't recall.

3 Q. Okay. Was it at the date that it started?

4 A. No, because I was flying for PSA at the
5 time.

6 Q. Okay. And what is PSA?

7 A. Pacific -- well, it's nothing now. The
8 name doesn't mean anything now. It's a
9 wholly-owned regional carrier for-- for US Airways.

10 Q. Okay. So were you -- were you on furlough
11 then when USAPA actually formed?

12 A. On furlough? I was furloughed, but I
13 don't know at that time if I was technically on
14 furlough because I bypassed recall. So I -- but I
15 don't recall the dates.

16 Q. But you were on furlough at the time of the
17 America West/US Airways merger?

18 A. Refresh my memory, when was that, 2005?

19 Q. 2005, correct?

20 A. Yes, I was.

21 Q. Okay. When was the first time that the BPR
22 learned that USAPA had started talking to US Airways
23 about a potential merger with American?

24 A. When did we first learn? That's your
25 question?

1 Q. Correct.

2 A. I can't recall exactly.

3 Q. Was it sometime in mid 2012, does that
4 sound right?

5 A. Well, I know we were in discussions in
6 August of 2012. So I think mid 2012 would be
7 reasonable.

8 Q. Okay. And were you part of those
9 discussions in August 2012?

10 A. I guess you'll have to rephrase that
11 question. What do you mean, was I part of the
12 discussions?

13 Q. You said that I -- I knew we were in
14 discussions in August of 2012. And regarding those
15 discussions, were -- were you a part of the
16 discussions with US Airways about the MOU?

17 A. Not physically, no.

18 Q. Yeah.

19 A. I was not part of the discussions.

20 Q. And what committee or group was tasked with
21 those discussions from the BPR?

22 A. The NAC, the Negotiating Advisory
23 Committee.

24 Q. And I know the composition of that
25 committee has changed over time.

1 A. Um-hum.

2 Q. But do you recall when that first -- when
3 that committee was first formed?

4 A. No.

5 Q. Okay. In the let's say July/August 2012
6 time period, do you recall who was on that committee?

7 A. No.

8 Q. Okay.

9 A. There was a transition period right
10 around there where members were changed, and I
11 can't recall when that happened.

12 Q. And who can actually appoint members to the
13 NAC?

14 A. That's the president's responsibility.

15 Q. Okay. And that's his sole responsibility?

16 A. His only responsibility?

17 Q. No, I mean it's his --

18 MR. SZYMANSKI: He's the only one who can
19 appoint --

20 A. He's the only one who can appoint or
21 remove, and it's subject to the confirmation by the
22 Board of Pilot Representatives.

23 MS. AXEL: Sometimes I need Pat to
24 actually articulate my questions for me.

25 MR. SZYMANSKI: That's all right. Not

1 often. Not often. I'm sorry.

2 MS. AXEL: No, that's okay.

3 Q. And do you recall if he had removed
4 somebody from the NAC around that time?

5 A. Yes, I can recall.

6 Q. And who was that?

7 A. Paul DiOrio, the NAC chairman.

8 Q. Mr. DiOrio is a representative to the BPR
9 as well, correct?

10 A. He is now, he was not at the time.

11 Q. Okay. And he's from the Philadelphia
12 domicile?

13 A. Correct.

14 Q. And were you in support of the removal of
15 Mr. DiOrio?

16 A. No.

17 Q. And why not?

18 A. For numerous reasons, I assume -- for
19 numerous -- numerous reasons, not I assume. I
20 don't assume. For numerous reasons.

21 Q. Could you articulate what those reasons
22 were?

23 A. Well, one of the reasons was our
24 professional negotiator advised us against any
25 changes on the NAC at that time.

1 Q. And was your professional negotiator
2 Roland Wilder?

3 A. Yes.

4 Q. Okay. Any other reasons?

5 A. Well, I believe that Paul was serving us
6 well as the NAC chairman.

7 Q. Anything else?

8 A. I believe that -- well, no, I think that
9 about sums it. I believe that Paul was -- was
10 serving us well as the NAC chairman. And I felt
11 that it would weaken the negotiating advisory
12 committee to remove him.

13 Q. Did you have under -- any understanding as
14 to why President Hummel removed him?

15 A. No.

16 Q. Did you ever subsequently learn as to why
17 he was removed?

18 A. No.

19 Q. Okay. You still don't know?

20 A. No.

21 Q. Okay. And after he was removed, who was he
22 replaced by?

23 A. He was replaced by a committee member.
24 Dean Colello was made the chairman.

25 Q. Okay. Did you support that decision?

1 A. Yes.

2 Q. Okay. And is Mr. Colello still to this day
3 the NAC chairman?

4 A. Yes.

5 Q. Okay. Now, I understand with the
6 negotiation of the -- let me back up. We've been
7 referring to MOU I and MOU II.

8 A. Um-hum.

9 Q. If I make reference to those two things, do
10 you understand what I mean?

11 A. Yes.

12 Q. Okay. So with reference to MOU I, were you
13 happy with the way that the NAC and USAPA had
14 negotiated that agreement?

15 A. No.

16 Q. And why not?

17 A. A lot of reasons.

18 Q. Why don't you tell me?

19 A. One was the change in the NAC, you know.

20 Q. Mr. DiOrio's removal?

21 A. Yes.

22 Q. Okay. Anything else?

23 A. Well, I was of the opinion that we were
24 not leveraging ourselves properly and that we had
25 people in authority positions within USAPA that

1 were trying to get a deal done for the sake of a
2 deal, perhaps. And we were going to end up with an
3 agreement that was substandard.

4 Q. Okay. When you say where you were not
5 leveraging yourselves properly, what -- what type of
6 leverage did you think USAPA had that they were not
7 using?

8 A. The company needed relief in certain
9 contractual provisions that have a monetary value,
10 and I didn't feel we were getting the monetary
11 value of those provisions.

12 Q. And would that be some of the scope
13 provisions?

14 A. Some of the scope provisions, yes, the
15 change of control, the co-chair.

16 Q. And did you make your opinion known --

17 A. Yes.

18 Q. -- on those issues?

19 And ultimately, the -- let me back up.

20 You said that there were people in
21 authority within USAPA who were trying to get a deal
22 done just for the sake of getting a deal done?

23 A. I might have phrased that poorly. I
24 shouldn't have said, for the sake of getting the
25 deal done. They were willing to get a deal for

1 less than I felt we should.

2 Q. And who was that?

3 A. Six members of the board, all the
4 officers, the negotiating committee chairman.

5 Q. Who were the six members of the board?

6 A. Three Phoenix representatives, two D.C.
7 representatives and one Philadelphia
8 representative.

9 Q. And the Philadelphia was Mr. Weidner?

10 A. Correct.

11 Q. Okay. Did you have any understanding of
12 why they were in support of this deal?

13 A. I have an opinion. I don't know if I
14 have an understanding.

15 Q. What was your opinion?

16 A. My opinion is that there are different
17 board members who have different thresholds of risk
18 they're willing to take, and they did not want to
19 take as much risk as I thought that we should,
20 reasonable risk.

21 Q. Did you think that their support of MOU I
22 had anything to do with seniority?

23 A. For the Phoenix representatives, yes.

24 Q. Okay. And what was -- what was your
25 opinion as to why they were supporting it because of

1 seniority?

2 A. I don't know. My opinion was that -- I
3 mean, my observation was that the Phoenix
4 representatives' main concern has and always --
5 always has been, and still is, seniority. At --
6 sometimes at the sacrifice of other issues.

7 Q. Is one of your main concerns seniority?

8 A. I wouldn't phrase it main concerns. It
9 is a concern, just like all pilots, because it's so
10 important to our careers.

11 Q. And you support date of hire, correct?

12 A. That's a tough yes-or-no question.

13 What do you mean by date of hire, strict
14 date of hire?

15 Q. Well, let's talk about that. There's date
16 of hire, as I understand it --

17 A. Um-hum.

18 Q. -- and tell me if I'm wrong, but date of
19 hire and then date of hire with conditions and
20 restrictions; is that fair? Strict date of hire and
21 date of hire with conditions and restrictions?

22 A. Yes, I think that's correct and fair.

23 Q. And do you support one or the other?

24 A. In the context of what? I don't mean to
25 be difficult, but there's a whole realm of possible

1 seniority, you know, lists out there. To say do I
2 support it, it really has to be in context in
3 comparison to something else.

4 Q. Well, as I understand it, the USAPA
5 constitution mandates a date of hire seniority list;
6 is that correct?

7 A. No.

8 Q. Okay. What does it say about seniority?

9 A. It says date of hire -- what does it say?
10 Date of hire principles with reasonable conditions
11 and restrictions, I believe.

12 Q. And what do you understand that to mean?
13 Or what charge does that give you as a BPR member?

14 A. Well, I think it gives us a charge to
15 seek that, to attempt it. But it has never been a
16 strict date of hire. And that's -- that's often
17 been confused or misrepresented, I think.

18 Q. But it is a date of hire with conditions
19 and restrictions?

20 A. What is a date of hire with conditions
21 and restrictions?

22 Q. The date of hire principles mandated by the
23 USAPA constitution.

24 A. I guess I'm -- again, I don't mean to be
25 difficult, but I'm not really understanding your

1 question.

2 Q. What -- what do you think the USAPA
3 constitution allows in terms of a seniority list?

4 A. Well, that's -- that's a tough question.
5 I think it allows a lot of latitude.

6 Q. Okay. So if -- does it allow the Nicolau
7 award to be used?

8 A. Does it allow the -- does the -- I don't
9 know. Let me think about that for just a second.

10 Date of hire, principles with reasonable
11 conditions and restrictions. I suppose it's in the
12 realm of possibilities with the reason -- or with
13 the proper conditions and restrictions that it's a
14 possibility. But I would say that the strict
15 Nicolau list is probably prohibited by the
16 constitution.

17 Q. Are you familiar with something called a
18 dynamic list?

19 A. Yes.

20 Q. Would that be permitted under the USAPA
21 constitution?

22 A. In my opinion, absolutely. In fact, if
23 you go back -- if I can go back to your previous
24 question, I suppose the Nicolau list under a
25 dynamic conditions and restrictions would be a

1 possibility also. So I may have to change my
2 answer that the Nicolau would be prohibited.

3 Q. Okay.

4 A. Because it's a very subjective question,
5 obviously, that you're asking.

6 Q. Okay.

7 Did -- to the best of your recollection,
8 did MOU I have any position on seniority?

9 A. I don't believe it did. But it's been a
10 long time since I've looked at that document, and I
11 didn't look at, you know --

12 Q. Right.

13 A. -- we didn't have that in our possession
14 for very long.

15 Q. What do you mean you didn't have it in your
16 possession for very long?

17 A. I want to say we weren't even allowed to
18 take that one home, but I'm -- I can't swear to
19 that because it's been, what, almost a year -- or
20 over a year now.

21 Q. So as I understand it, the NAC went up to
22 New York and negotiated the MOU I; is that correct?

23 A. I'm not sure.

24 Q. At some point the BPR was presented with
25 the MOU I?

1 A. Yes.

2 Q. And you -- you were asked to vote or to
3 send that to ratification; is that correct?

4 A. Yes.

5 Q. And did the BPR actually ultimately vote to
6 send that to ratification?

7 A. We voted, I believe, to send it for
8 ratification with the recommendation to vote
9 against it.

10 Q. Okay. And why was that?

11 A. Well, that's an individual -- I mean,
12 there's 11 Board members, you'd have to ask -- are
13 you asking me my personal reason why I voted that
14 way?

15 Q. Yes.

16 A. Because it was inadequate.

17 Q. Inadequate in the sense of the benefits
18 that it provided to the USAPA pilots?

19 A. In my opinion, yes.

20 Q. Was it inadequate for any other reasons?

21 A. I can't say for sure, it's been too long.
22 I'd have to look at it. But the financial returns
23 and the other protections for the US Airways pilots
24 I felt were inadequate for what the company was
25 asking for.

1 Q. And were you -- were you personally, as a
2 member of the BPR, happy with the way that the MOU I
3 was negotiated?

4 A. No.

5 Q. Okay.

6 (Exhibit Number 1074: E-mail string with
7 the top from Jed Thomas dated 7/30/12, Bates
8 USAPA 252214 - 16 marked for identification,
9 as of this date.)

10 Q. Mr. Crimi, I've handed you what has been
11 marked as Exhibit 1074.

12 MS. AXEL: Oh, Pat, you've got to switch
13 with him because you've got the marked copy.

14 MR. SZYMANSKI: Oh, I have the marked
15 copy. I'm sorry. I didn't see the little
16 thing on the bottom.

17 Q. And I'm really focused on the e-mail
18 starting on page two from you to, I believe, Jim
19 Portale.

20 A. Um-hum.

21 Q. And who's Jim Portale?

22 A. He's a US Airways pilot.

23 Q. Okay.

24 A. And I believe he's a moderator of a web
25 form of some sort.

1 Q. Do you recall which one?

2 A. Maybe the Jay for -- I don't -- I
3 don't -- I think it has something to do with mid --
4 the Mid Atlantic pilots.

5 Q. Okay. And the e-mail from you to
6 Mr. Portale is dated July 30th of 2012. And you are,
7 towards the bottom of page two and going onto page
8 three, going through some bullet points --

9 A. Um-hum.

10 Q. -- of what you know at this -- at this
11 point; is that correct?

12 A. Well, let me take a look, Portale.

13 Okay. I agree with that.

14 Q. Okay. And the first point is that the NAC
15 has been cut out of the loop.

16 What did you mean by that?

17 A. There were people apparently writing
18 contractual language or MOU language and
19 participating in the negotiations to some extent
20 that were not on the NAC.

21 Q. And who were those people?

22 A. To the best of my knowledge, it was Dave
23 Ciabattone and John Owens.

24 Q. Okay. And you didn't believe that they
25 should have been participating?

1 A. Correct.

2 Q. And that's because they were not part of
3 the NAC?

4 A. That's correct.

5 Q. Okay. And I understand that Mr. Owens is
6 now -- is a member of the NAC; is that correct?

7 A. Yes.

8 Q. Okay. And did he replace -- was he added
9 when Mr. DiOrio was removed?

10 A. Yes.

11 Q. And on the second page, you reference
12 Mr. Ciabattioni and Mr. Owens being sent to work on
13 that --

14 A. Where is that?

15 Q. It's -- I'm sorry, it's on the top of page
16 three.

17 A. Okay. Page three.

18 Q. Do you have a page three?

19 A. Oh, gotcha. One, two --

20 Q. I -- I'm sorry, I have a different copy, I
21 think, than you do. So I think we're -- it's your
22 second -- third bullet point.

23 A. Okay, I see it.

24 Q. And that's what you were referencing about
25 Mr. Ciabattioni and Mr. Owens going to New York to

1 work with Brian O'Dwyer --

2 A. Yes.

3 Q. -- on the -- on the MOU?

4 And it appears in your -- in the next
5 bullet point that you reference Mr. Ciabattioni,
6 Mr. Owens sending the MOU back to the company without
7 even informing the NAC; is that correct?

8 A. What was the question one more time?

9 MS. AXEL: Could you read that back.

10 (THE QUESTION WAS READ BACK.)

11 A. That's correct.

12 Q. Okay. And, actually, you're referencing
13 Gary. And is that Gary Hummel?

14 A. It is Gary Hummel.

15 Q. Okay. And was he participating in the
16 negotiations of MOU I?

17 A. I don't know.

18 Q. Okay. And --

19 A. And I also don't know if that bullet
20 point is true or not because that is a hearsay
21 bullet point, for sure, because I certainly didn't
22 get that information from Gary Hummel.

23 Q. Where did you get that information from?

24 A. I don't recall.

25 Q. Okay. And you're talking about Mr. Hummel

1 has been seeking legal advice regarding what types of
2 agreements requiring member ratification and which
3 don't. And was that a concern to you?

4 A. Yes.

5 Q. And why is that?

6 A. Because I believe that Gary Hummel's
7 intent was to negotiate an agreement and have it
8 ratified without going to membership ratification,
9 and I don't believe our pilots want that. I
10 believe they wanted to vote on it.

11 Q. Okay. In -- in the second paragraph here,
12 the full paragraph after the bullet points, you say
13 that you were being set up to fail.

14 Why did you think that?

15 A. If you understand the political makeup of
16 the board, it's I guess like any democracy, there's
17 political divisions and there's differences of
18 opinions. At this time, I was in the minority with
19 five members of the board who believed that we
20 should be taking a different tact in negotiations.
21 Gary Hummel, as the president of the union, was
22 being supported by the majority of the board, and I
23 was in disagreement of the direction they were
24 going. The majority of the board ruled with --
25 with Gary Hummel and this was the direction that we

1 went. I mean, these things that happened, I
2 disagreed with, but the majority of the board
3 supported them and so did the president.

4 Q. And what was the different tact in
5 negotiations that you thought the company -- or you
6 thought -- you thought USAPA should be pursuing?

7 A. In a nutshell, I believed that we had
8 significant leverage to negotiate a better document
9 for our pilots. The majority of the board and the
10 president of the union disagreed with that
11 position, to the best of my observation.

12 Q. And you were on the BPR in April of 2012,
13 correct?

14 A. Yes.

15 Q. And was it your understanding that the
16 company -- and I'm referring to US Airways when I use
17 the company, had already negotiated the term-sheet
18 with the Allied Pilots Association or APA?

19 A. I think that is correct by then, yes.

20 Q. Okay. And USAPA had no input on the term
21 sheet negotiated with APA, correct?

22 A. I don't know for sure.

23 Q. Do you believe that they did?

24 A. I -- I don't have a belief one way or the
25 other. I have no knowledge.

1 Q. And was it your understanding that after
2 USAPA learned about the term sheet with APA, that it
3 then began negotiating the MOU with the company?

4 A. Your question was, after we learned about
5 the term sheet, that's when we began negotiations
6 on the MOU?

7 Q. Correct.

8 A. I believe that's correct, yes.

9 Q. Okay. And were you ever told that the
10 company would pursue the merger without USAPA if they
11 didn't agree to the MOU?

12 A. I can't remember if we were told that
13 outright or if it was suggested.

14 Q. Okay. But was it suggested?

15 A. Yes, it was suggested.

16 Q. And do you recall by whom?

17 A. I believe it was suggested first by Doug
18 Parker.

19 Q. Okay. And do you recall when that was?

20 A. It must have been right around -- well,
21 no, I don't. I was going to say April, but I'm not
22 sure that's the right timeline or not.

23 (Exhibit Number 1075: US Airline Pilots
24 Association Charlotte Domicile Update dated
25 7/27/12, Bates USAPA 000118 - 123 marked for

1 identification, as of this date.)

2 Q. Mr. Crimi, I've been -- I've handed you
3 what has been marked as Exhibit 1075.

4 And could you identify this document for
5 me?

6 A. Looks like a Charlotte domicile update.

7 Q. Okay. And it's dated July 27th, 2012; is
8 that correct?

9 A. Yes.

10 Q. And did you author this document?

11 A. I am not sure. Portions of it, most
12 likely.

13 Q. In your role as a BPR rep, did you often
14 send out updates to your domicile?

15 A. Yes.

16 Q. And why did you do that?

17 A. Just to keep them informed.

18 Q. Okay. And I believe this one is in
19 reference to the MOU I; is that correct?

20 A. I don't know. Do you have a particular
21 paragraph you want me to reference to?

22 Q. We -- we can go through it if you'd like.

23 A. Okay.

24 Q. But the first paragraph talks about the
25 political killing fields continue.

1 And what was that in reference to?

2 A. Likely, the removal of Paul DiOrio.

3 Q. Okay. And then the next paragraph is
4 talking about the history. And it says that the BPR
5 met with only members of the NAC, no officers and no
6 lawyers.

7 Do you see that?

8 A. Yes.

9 Q. And why did you believe that you should
10 meet with just the NAC?

11 A. Paul DiOrio made the request.

12 Q. Okay. And do you know why?

13 A. He had information that he wanted to
14 report to the BPR unhindered by the officers.

15 Q. Why were the officers hindering reports to
16 the BPR?

17 A. I don't know that they were hindering
18 reports to the BPR, but Paul felt he would be able
19 to speak freely without the officers.

20 Q. Do you recall the gist of what you were
21 told by the NAC at that meeting?

22 A. Yes.

23 Q. And what was that?

24 A. That the president and certain members, I
25 believe, were going behind the NAC's back. In

1 summary, I guess there were negotiations taking
2 place that the NAC was not aware of.

3 Q. What did the BPR do in response to that?

4 A. Apparently they fired Paul DiOrio.

5 Q. The BPR filed -- fired Paul DiOrio or
6 President Hummel fired Paul --

7 A. President Hummel filed -- fired Paul
8 DiOrio, but it has to be confirmed by the BPR.

9 Q. And it was confirmed by the BPR?

10 A. It was, yes.

11 Q. Did you support that -- that vote?

12 A. No.

13 Q. Do you recall what the makeup of that vote
14 was?

15 A. I'm assuming it was six-five.

16 Q. And down here in the last paragraph, you
17 talk about that your union is in the process of being
18 taken over with constant failures to follow proper
19 protocols and procedures.

20 Do you see that?

21 A. You said last paragraph of what?

22 Q. Page one.

23 A. Page one.

24 Q. It starts with folks.

25 A. Okay. I see that, yes.

1 Q. And was that your belief at this time?

2 A. I didn't write that.

3 Q. Do you recall who did?

4 A. Let me read it, please.

5 Seems -- it appears to be Bill McKee's
6 style.

7 Q. And when Mr. Owens was added to the NAC
8 after Mr. DiOrio was removed, did you believe that he
9 was a good candidate to be on the NAC?

10 A. No.

11 Q. Why not?

12 A. He didn't have my trust.

13 Q. And why did he not have your trust?

14 A. Because, in my opinion, he was not
15 trustworthy to me.

16 Q. Do you -- was there anything specific that
17 made you feel like he was untrustworthy?

18 A. I don't think there was any one specific
19 thing, no.

20 Q. Do you still feel like he's untrustworthy?

21 A. I do not support his role on the NAC.

22 So is he untrustworthy? That's a real
23 general question. Under certain circumstances I
24 suppose he's trustworthy, under --

25 Q. Do you believe he was qualified to be on

1 the NAC?

2 A. No.

3 Q. And why not?

4 A. He lacked experience.

5 Q. Experience regarding what?

6 A. Negotiations.

7 Q. Negotiations generally or negotiations
8 specifically with the company?

9 A. Specifically with the company.

10 Q. Okay.

11 A. I don't know about his background in
12 negotiations elsewhere.

13 Q. And how long had Mr. -- or if you know, do
14 you know how long Mr. Owens had been a pilot with
15 US Airways?

16 A. I do not. Actually, I think he was hired
17 around 1990.

18 (Exhibit Number 1076: US Airline Pilots
19 Association Charlotte Domicile Update August
20 10, 2012, Bates USAPA 000088 - 90 marked for
21 identification, as of this date.)

22 Q. Mr. DiOrio, I've handed you what has been
23 marked as Exhibit 1076, which is a Charlotte domicile
24 update dated August 10th, 2012; is that correct?

25 A. Yes.

1 Q. Okay. And did you author this document?

2 A. Let me review it. I am certain I had
3 input in it. Generally, they're -- they're
4 authored by all three domicile representatives to
5 some extent.

6 Q. Okay. And the very first paragraph talks
7 about, our concerns remain unanswered by the
8 officers, and yesterday we sent a second formal
9 request to President Hummel for a meeting to address
10 the handling of negotiations. And in our view, many
11 serious improprieties that are occurring within your
12 union behind the scenes.

13 Is that correct?

14 A. Yes.

15 Q. And did you believe that at the time?

16 A. Yes.

17 Q. And what were the serious improprieties
18 that were occurring behind the scenes?

19 A. Well, in my opinion, the serious
20 improprieties having people working on negotiations
21 that are -- that are not on the NAC. Now, at this
22 time, I'd have to review the date again. I don't
23 know if this was prior -- was this prior to
24 Paul DiOrio's removal or subsequent to his removal?

25 Q. Well, Exhibit 1075 talked about his

1 removal, and that was July 27th, 2012.

2 A. Okay.

3 Q. So I believe this would be after
4 Mr. DiOrio's removal.

5 Do you recall what the improprieties were
6 occurring behind the scenes?

7 A. Well, I believe at the time, we had
8 concerns that there were negotiations going on
9 between the president and the -- and the company
10 unilaterally without the proper oversight.

11 Q. Did you ever learn if that actually was
12 true?

13 A. I did not.

14 Q. And what were the improprieties that were
15 occurring?

16 A. I can't recall from a -- from a year ago
17 what our concern was then.

18 Q. And on the second page of this document at
19 the top, you write, as of this writing, we have no
20 idea what terms have been agreed to in our
21 negotiations with management. We've only heard
22 general accounts from the NAC and our president about
23 the progress of the talks, so we are left to believe
24 the worst until we hear otherwise.

25 What was the worst?

1 A. I guess the worst would be a very, very
2 poor agreement. And I think in general, what we're
3 speaking to is the lack of communication from both
4 the NAC and the president, who we were not pleased
5 with.

6 Q. So would it be fair to say that with
7 respect to MOU I, the BPR was not kept in the loop
8 regarding negotiations with the company?

9 A. No, I don't know that to be true. The --
10 if I can reference the political makeup of the
11 board again, you have to remember that I was in the
12 minority through all the negotiations, the five
13 members were in the minority. So I don't know that
14 the six members were not kept abreast. I have no
15 idea who was being communicated to and who was not.

16 Q. So if I -- if I rephrase my question to say
17 that the full BPR was not kept informed of the
18 negotiations regarding MOU I, would that be correct?

19 A. That would be correct.

20 Q. Is it your experience as a member of the
21 BPR for the past four years that -- that certain
22 factions of the BPR are updated when other factions
23 are not?

24 A. I don't know that to be true. But the
25 way negotiations were proceeding, I would assume

1 that there were people with more -- more knowledge
2 of the negotiations than I had. Just like any
3 democracy, you only need a simple majority to move
4 forward.

5 Q. Are you currently in the majority of the
6 BPR; do you believe?

7 A. I don't know. I don't think so, no.

8 Q. Okay.

9 A. We've had a change in the makeup of the
10 board.

11 Q. And have you ever been in attendance when
12 less than the full board was briefed on issues?

13 A. Yes.

14 Q. And do you recall what those issues were?

15 A. I suppose it's a wide range. But
16 specifically, are you asking me if we had seniority
17 discussions?

18 Q. Yes.

19 A. Yes, we've discussed seniority matters.

20 Q. Without the Phoenix reps present?

21 A. Yes.

22 Q. On how many occasions?

23 A. No idea.

24 Q. Has the board ever taken action without the
25 Phoenix reps being present?

1 A. Not that I know of.

2 Q. Any other -- any other issues that were
3 addressed to less than the full members of the board?

4 A. I can't recall specifically.

5 Q. Other than seniority.

6 A. But we have -- well, I mean, there's
7 always discussions about numerous items. I can't
8 imagine us getting together and not discussing a
9 wide range of items.

10 Q. Does the board often get together without
11 the members of the Phoenix BPR?

12 A. No.

13 Q. When the seniority discussions occur
14 without the Phoenix reps, are the officers present?

15 A. I'm sure -- I guess -- are you asking
16 about a formal meeting or just get-togethers?
17 Because, you know, sometimes we go out to dinner
18 together, sometimes we have, you know, meetings
19 before meetings that are --

20 Q. Well, let's start with the --

21 A. -- informal.

22 Q. -- informal meetings.

23 A. Um-hum.

24 Q. When you have informal meetings with the
25 BPR without the Phoenix reps to discuss seniority,

1 are officers present?

2 A. I don't know that we ever have
3 informal -- well, are the officers present? No.

4 I'm trying to think because, again, we --
5 I mean, we just got together, you know, last week
6 and had lunch together. Some reps were there, some
7 reps weren't. You know, in that instance the
8 Phoenix reps weren't there.

9 Q. Were all of the other reps there?

10 A. No.

11 Q. Who else wasn't there?

12 A. I'm trying to think if DCA was not there.
13 I think it was Philadelphia, the Philadelphia reps
14 and the -- and the Charlotte reps.

15 Q. Okay. Did you guys discuss seniority at
16 that lunch?

17 A. Yes.

18 Q. And what did you discuss about seniority?

19 A. Did we discuss seniority? You know,
20 actually, let me change my answer. We did not
21 discuss seniority at that informal meeting.

22 Q. Okay. Have you had other informal meetings
23 with a -- the Philadelphia reps where seniority was
24 discussed?

25 A. Yes.

1 Q. And what was the thrust of those
2 discussions?

3 A. That's a difficult -- difficult question.
4 What was the -- mostly just updates on legal
5 proceedings.

6 Q. Okay. Do you recall anything specific that
7 was discussed?

8 A. No, no, update -- I mean, I guess
9 updates, where are we with the -- you know, Judge
10 Silver, where are we with the 9th Circuit? But
11 there's no -- there's been no -- none of those
12 meetings have any discussions about where we're
13 going with seniority, what the outcome is going to
14 be. It's mostly where we are with certain motions,
15 when we can expect to hear from the courts.

16 Q. Do you ever have -- does the BPR ever have
17 formal meetings without the Phoenix reps?

18 A. No.

19 Q. There's never been a single formal meeting
20 without the Phoenix reps?

21 A. I think there was one when the Phoenix
22 reps were asked to leave, early in my tenure on the
23 board.

24 Q. And do you recall why they were asked to
25 leave?

1 A. No, I don't. It must have been a
2 seniority-related matter, I would think.

3 Q. When you have these informal meetings with
4 other reps when Phoenix is not there, are lawyers
5 ever present?

6 A. Yes.

7 Q. And which lawyers?

8 A. Sometimes Pat Szymanski, sometimes
9 Brian O'Dwyer. And that's as per resolution, asked
10 by the BPR, that allows any four board members to
11 do that which I believe is supported by the two of
12 the three Phoenix representatives.

13 Q. So there's a -- there's a resolution that
14 allows any four board members to meet with legal
15 counsel?

16 A. Yes.

17 Q. Okay. And how often would these informal
18 meetings with legal counsel with four or more board
19 members occur?

20 A. You know, maybe once a quarter.

21 Q. Was seniority discussed at these meetings?

22 A. Yes.

23 MR. SZYMANSKI: I'm going to have to
24 object to any questions concerning these
25 meetings with counsel present on the grounds

1 of privilege.

2 MS. AXEL: Okay. Just so I understand,
3 so anytime that there was a meeting between
4 four or more members of the BPR, and you were
5 present, you're going to claim privilege over
6 those discussions?

7 MR. SZYMANSKI: Depending on what was
8 discussed during the meeting, sure. I mean,
9 if it's a discussion among the board members
10 with the lawyers for the purpose of legal
11 advice, it's privileged.

12 Q. Okay. Did you ever meet with lawyers and
13 discuss seniority where you were not seeking legal
14 advice?

15 A. Yes.

16 Q. Okay. Do you recall what those discussions
17 were about?

18 A. Well, I wouldn't want to say that all of
19 the meetings that we've had that are informal, we
20 were not seeking legal advice, no.

21 Q. What were you seeking?

22 A. Just general updates.

23 Q. Just general updates on the status of the
24 litigation?

25 A. Um-hum.

1 MS. AXEL: Are you claiming privilege
2 over those discussions, Pat?

3 MR. SZYMANSKI: No.

4 Q. Okay. Could you describe the last meeting
5 that you had with legal counsel with four -- four or
6 more members of the board where you were getting
7 updates on the litigation?

8 A. No, I can't.

9 Q. Was it within the last week?

10 A. No.

11 Q. Two weeks?

12 A. No.

13 Q. Month?

14 A. No.

15 Q. Couple months, three months?

16 A. Probably within three months. But I
17 honestly can't remember.

18 Q. Okay. Do you recall what was discussed at
19 all?

20 A. No.

21 Q. Okay.

22 (Exhibit Number 1077: E-mail string with
23 the top from Dave Ciabattone dated 7/30/12,
24 Bates USAPA 201501 - 504 marked for
25 identification, as of this date.)

1 Q. Mr. Crimi, I've handed you what has been
2 marked as Exhibit 1077, which is a series of e-mails.
3 And I believe starting on page two is an e-mail from
4 you to, again, Jim Portale. And it appears to be
5 copying a communication from you to Captain Dobbins;
6 is that correct?

7 Do I have a different copy than you again?

8 A. No, no, I think that's correct.

9 What was your question again?

10 Q. Well, my first question is, is the e-mail
11 starting with Captain Dobbins --

12 A. Um-hum.

13 Q. -- is that something that you wrote to him?

14 A. I'm not sure. Let me look. It appears
15 to be, yes.

16 Q. Okay. And what was the purpose of
17 writing -- well, first of all, who is Captain --
18 Captain Dobbins?

19 A. I don't know. Must have been someone I
20 was responding to.

21 Q. And in this e-mail you are -- are talking
22 about, again, the MOU negotiations, the MOU I
23 negotiations.

24 Were you at all concerned with MOU I
25 negotiations that Captain Hummel had negotiated a

1 deal with the Phoenix pilots?

2 A. There was concern that that might be
3 going on, yes.

4 Q. And what kind of deal were you concerned
5 that he had negotiated?

6 A. A seniority deal, I guess.

7 Q. A seniority deal.

8 And what were you concerned that he had
9 given this Phoenix pilot?

10 A. I don't know that I had any specific
11 concerns. But judging by the enthusiasm of the
12 Phoenix representatives to sign an MOU as soon as
13 possible, there was concern.

14 Q. Were you concerned that he had agreed to
15 Nicolau award?

16 A. No, I don't think I was concerned about
17 that, no.

18 Q. So you were just concerned that he had made
19 a deal to get the Phoenix pilots' support?

20 A. Yes.

21 Q. Irrespective of what he had promised them,
22 you didn't care about that?

23 A. I don't understand the question.

24 Q. Well, what was the deal that he would have
25 made with the Phoenix pilots?

1 A. I have no idea what the -- what the deal
2 was. But, again, I was on the -- the minority side
3 of the board. Gary Hummel, as the president, was
4 getting his way on most things with six members of
5 the board supporting his actions. The Phoenix
6 representatives were extremely enthusiastic about
7 signing any deal. And even when it appeared to be
8 a poor deal, they appeared enthusiastic. So I
9 deduced that there might be something going on to
10 make them enthusiastic. So I was concerned about
11 that.

12 Q. What did you deduce that they had been
13 promised, though?

14 A. I did not come to a determination. Just
15 the fact that they seemed disproportionately
16 enthusiastic about MOU negotiations.

17 Q. So you -- it had nothing to do with the
18 Nicolau award?

19 A. I don't know. What --

20 Q. Did your concern relate to the Nicolau
21 award?

22 A. No, not necessarily.

23 Q. Why do you say not necessarily?

24 A. Because I had concerns about seniority
25 issues, but I -- not specifically the Nicolau. I

1 was confident that USAPA's position was they
2 weren't going to use the Nicolau award.

3 Q. What -- where is your position on the
4 Nicolau award; do you recall?

5 A. Can you be more specific?

6 Q. On the Nicolau list.

7 A. Where is my position?

8 Q. Where -- where are you on the list?

9 A. I'm tacked onto the bottom.

10 Q. Okay. And that's because you were --

11 A. I don't know what number.

12 Q. -- on furlough at the time?

13 A. Yes.

14 Q. And during this time period, you were in
15 the minority of the board, correct?

16 A. Yes.

17 Q. And when you were in the minority of the
18 board, did you feel like you had any ability to
19 direct the way that the board was going to go?

20 A. Not on the larger items, no.

21 Q. So would it be fair to say that a minority
22 group within the board has little control or voice in
23 how the board votes?

24 A. No, not necessarily.

25 Q. What's wrong with that statement?

1 A. Because there's a wide range of issues
2 before the board. Some are extremely significant,
3 some are incidental.

4 Q. Okay. So the extremely significant issues
5 when you're in the minority, do you have any voice in
6 how those issues are resolved?

7 A. Yeah, we have -- we have a voice.

8 Q. Can you control the way that the board
9 votes, though?

10 A. We can lobby our position to the best of
11 our ability.

12 Q. But can you control the way that the board
13 votes?

14 A. That's a tough question to answer. Can I
15 control? I'm one member of 11. I have one vote
16 out of 11. I have to have five board members agree
17 with me to control the board.

18 Q. Okay. And if they don't agree with you,
19 then you -- then you can't get your position
20 advanced, correct?

21 A. That's correct. And that's democracy.

22 Q. This e-mail, though, you seem to be
23 extremely upset about the fact that you're in the
24 minority and things are happening that you don't have
25 control over, correct?

1 A. Yes.

2 Q. Did you do anything to try to change that?

3 A. Yes.

4 Q. What did you do?

5 A. I wrote -- I wrote this.

6 Q. And that's all you did?

7 A. No, we tried to communicate our position
8 to the best of our ability. One of the reasons
9 that I replied to e-mails like this is to
10 communicate with the pilots. One of the reasons
11 that I wrote -- that we wrote the gentleman who
12 has -- Jim Portale is to communicate with the 100
13 or 150 pilots that he has on his -- his forum.

14 Q. Okay.

15 A. So we lobbied our position to the best of
16 our ability to try to sway people.

17 Q. And on the first page of this e-mail Jim
18 Portale writes that this is the most serious attack
19 on your career in your entire life.

20 Did you agree with that?

21 A. I -- I didn't agree with it or disagree
22 with it. I didn't have an opinion of it.

23 Q. Okay. Mr. Portale also writes, Hummel and
24 his cohorts are giving away your scope protection and
25 including the Nic.

1 Did you agree with that?

2 A. Again, I can't agree with it -- it's his
3 opinion. I --

4 Q. Was that your opinion at the time?

5 A. No, I don't believe it was.

6 Q. So you didn't believe that Hummel was
7 giving away the scope protections?

8 A. I believe that we were going to get a
9 final document that was inadequate with -- in
10 relation to the scope protections that I would not
11 be satisfied with.

12 Q. And was it your opinion that he was
13 including the Nic in the MOU?

14 A. I didn't have -- as you asked earlier, I
15 didn't have an opinion on that one way or another.
16 I wasn't concerned that he was going to take that
17 position, I guess.

18 Q. You were -- I'm sorry. I didn't hear --

19 A. I was not -- no, I was not -- I was not
20 concerned. I was -- you know, USAPA's position was
21 then that the Nicolau won't be advanced, and I was
22 confident that he was not going to change that.

23 Q. And is that your position that the Nicolau
24 should not be advanced?

25 A. Yes.

1 Q. And I think you told me earlier, but it's
2 your position that under the USAPA constitution that
3 USAPA -- that the Nicolau award might be acceptable;
4 is that correct?

5 A. It is in the realm of possibilities with
6 certain conditions and restrictions, I suppose,
7 that it -- it's possible.

8 Q. On page two of this, when you're writing to
9 Jim Portale, you were actually writing from
10 stevecrimi@aol.com.

11 Is that your personal e-mail address?

12 A. Yes.

13 Q. Okay. Do you often use your personal
14 e-mail address?

15 A. I wouldn't say often.

16 Q. With respect to anything dealing with
17 USAPA?

18 A. No, generally, I use my USAPA address.

19 Q. Okay. Were -- were you asked to gather
20 documents in response to this litigation?

21 A. No.

22 Was I asked to gather documents? I was
23 asked specifically not to delete any e-mails.

24 Q. When were you asked not to delete any
25 e-mails?

1 A. Months ago. I don't recall when.

2 Q. Perhaps in March 2013?

3 A. It's possible, yes.

4 Q. And were you asked in the last couple of --
5 in the last six weeks or so to look and -- to
6 determine if you had any personal e-mails relevant to
7 this litigation?

8 A. In the last six weeks?

9 Q. Yeah.

10 A. No.

11 Q. Is it possible that you have additional
12 e-mails from stevecrimi@aol.com regarding the MOU or
13 seniority issues?

14 A. It's possible, yes.

15 Q. Can we take a short break?

16 (A BRIEF RECESS WAS TAKEN.)

17 Q. Did you follow -- when I -- when I refer to
18 the declaratory judgment action, do you know what I'm
19 referring to?

20 A. Yes.

21 Q. And that was a lawsuit filed by US Airways
22 against both USAPA and the class of West pilots.

23 And were you following that litigation?

24 A. Yes.

25 Q. Okay. And you recall that in October of

1 last year Judge Silver issued an order in that -- in
2 that case, correct?

3 A. Yes.

4 Q. And do you recall what your reaction to
5 that order was?

6 A. I guess, you know, generally speaking, I
7 was pleased.

8 Q. Okay. And what was your reaction or what
9 was your belief as to the status of the Nicolau award
10 after that opinion?

11 A. What you do mean the status of the
12 Nicolau award?

13 Q. Did you think the Nicolau award was still
14 viable after that opinion?

15 A. Not to be difficult, but what do you mean
16 viable?

17 Q. Did you think that it was still something
18 that the West pilots could advance?

19 A. I suppose it didn't restrict them from
20 suing yet again.

21 Q. Did you think that the company was free to
22 negotiate with USAPA for something other than the
23 Nicolau award at that point?

24 A. Yes, that was clear.

25 Q. Did you think the Nicolau award was fair?

1 A. No.

2 Q. And why not?

3 A. Because it didn't meet pilots' pre merger
4 career expectations.

5 Q. And when you say pre merger career
6 expectations, you're referring to the career
7 expectations of the US Airways pilots prior to the
8 merger with America West, correct?

9 A. No, to both pilot groups.

10 Q. To both pilot groups.

11 And why -- why was it not fair to you --
12 your specific career expectations?

13 A. Because it harmed my -- my -- to me
14 specifically?

15 Q. Yes.

16 A. Because it harmed my career expectations
17 greatly.

18 Q. But at the time of the Nicolau award you
19 were on furlough, correct?

20 A. Yes.

21 Q. You were not flying at all?

22 A. No, I was flying.

23 Q. You were not flying for US Airways at all?

24 A. No. I was flying for a wholly-owned
25 express carrier.

1 Q. Okay. But you were not flying for US
2 Airways?

3 A. No.

4 Q. Okay. And how long had you been on
5 furlough?

6 A. I don't recall.

7 Q. So your pre merger career expectations were
8 that you were going to be recalled from furlough?

9 A. Yes.

10 Q. And so the Nicolau award was not fair
11 because it helped -- it put you below America West
12 pilots that were active; is that correct?

13 A. No.

14 Q. How did it specifically harm your pre
15 merger career expectations?

16 A. Assuming that the airlines were going
17 to -- when Nicolau looked at the airlines, I
18 believe the assumption was made that U.S. Air is
19 this size and America West is that size, and they
20 went looked at a status quo, no growth, no
21 shrinkage. If you're looking at that, which I
22 think most -- look at it that way, I think most
23 pilots did that, if you looked at where I was that
24 day and where I would be at the end of my career,
25 those were my pre merger career expectations. I

1 was slated to retire as a number seven pilot on the
2 entire list, flying as a senior wide body A330
3 captain.

4 After the Nicolau came out, my career
5 expectations were to retire somewhere around 7 to
6 800 on the list, not coming anywhere close to wide
7 body captain. Where pilots decades junior to me
8 were advanced to a career expectation that they
9 didn't have as wide body captains for US Airways.

10 Q. And you were -- you were going to retire as
11 number seven or eight, assuming you were recalled
12 from furlough, correct?

13 A. Yes.

14 Q. Okay. So your career expectations were
15 dependent on you actually being able to be recalled
16 from furlough?

17 A. I was recalled from furlough, yes.

18 Q. You were recalled -- but your pre -- I'm
19 talking about when the Nicolau award came out. Your
20 pre merger expectations that you were going to retire
21 as number seven or eight on the US Airways list was
22 dependent on you actually being recalled from
23 furlough at some point, correct?

24 A. Yes.

25 Q. And if US Airways had not merged --

1 US Airways was in bankruptcy at that time, correct?

2 A. Yes.

3 Q. Okay. So if you had -- if US Airways did
4 not survive the bankruptcy and was liquidated, then
5 your -- you wouldn't have retired at seven or eight
6 on the US Airways seniority list, correct?

7 A. If US Airways did not exist, I wouldn't
8 retire at seven or eight?

9 Q. Yes.

10 A. That's correct.

11 Q. After the -- Judge Silver's opinion came
12 out in October of 2012, did the company start
13 negotiating with USAPA?

14 A. I don't recall where we were in the
15 process at that point, if we'd been parked, if we'd
16 been negotiating.

17 What -- did you say December?

18 Q. October of 2012 --

19 A. Okay, October.

20 Q. -- is when the opinion came out.

21 And do you recall that the company, in
22 fact, did not -- did not believe that Judge Silver's
23 order allowed them to negotiate with USAPA?

24 A. No, I don't.

25 Q. Were there any negotiations -- Section 6

1 negotiations with the company after October 2012; do
2 you recall?

3 A. I don't recall.

4 Q. Would the BPR have been involved in Section
5 6 negotiations?

6 A. Well, I guess the reason I don't recall
7 is I don't remember the timeline of when
8 negotiations ended.

9 Q. Okay.

10 A. So maybe if you could refresh my memory,
11 I could tell you. But I -- I don't recall the time
12 line.

13 Q. Were you on the BPR in 2010?

14 A. Yes.

15 Q. Okay. At some point in 2010 did USAPA make
16 a proposal to the company?

17 A. I believe in November of 2010 they may
18 have.

19 Q. Okay. And was that proposal accepted by
20 the company?

21 A. Do you mean was it agreed to?

22 Q. Yes.

23 A. No.

24 Q. Okay. And do you recall why?

25 A. I have no recollection of it.

1 Q. Do you recall if the company made a
2 counterproposal?

3 A. I don't recall.

4 Q. And from 2007 through today, there's never
5 been a new collective bargaining agreement -- or
6 actually, scratch that question.

7 (Exhibit Number 1078: E-mail from Dave
8 Ciabattoni dated 10/30/12, Bates USAPA 237728
9 - 31 marked for identification, as of this
10 date.)

11 Q. And I've handed you what has been marked as
12 Exhibit 1078, which is a Charlotte domicile update
13 dated October 29th, 2010. And then some -- some
14 e-mails between Dave Ciabattoni and the CLT e-mail
15 group, which I assume to be the Charlotte domicile
16 group; is that correct?

17 A. I don't see that. Where is that?

18 Q. The e-mails?

19 A. Yes.

20 Q. It's at the bottom of page one.

21 A. Oh, it is. I'm sorry.

22 Q. And the first one is from Dave Ciabattoni
23 to Bill Turbett, and the second is from Dave
24 Ciabattoni to CLT.

25 And is CLT the list serve address for

1 Charlotte?

2 A. Yeah, that would have gone to all three
3 domicile representatives.

4 Q. Okay. And the Charlotte domicile update,
5 was this something that you either authored or had a
6 part in authoring?

7 A. I wrote that.

8 Q. You wrote this one?

9 A. Yes.

10 Q. Okay.

11 A. And if you don't mind me asking, I see
12 Dave Ciabattoni to Bill Turbett, but I don't see an
13 e-mail, all I see is a header.

14 Q. I think he just was forwarding this to
15 Bill Turbett.

16 A. Okay.

17 Q. I don't know.

18 A. Okay.

19 Q. But I think that's what it means.

20 And what was the purpose of this update?

21 A. I think it was to put our pilots at ease.
22 I believe it was in a response to some extent to a
23 Phoenix domicile update. I think, but I can't
24 recall for sure. And it was to educate the pilots
25 on the Judge Silver order and judgment.

1 Q. Did you read Judge Silver's order?

2 A. Yes.

3 Q. And you've gone through in this update and
4 highlighted several things in this order, correct?

5 A. I'm sorry?

6 Q. You've gone through in this -- in this
7 update and highlighted several statements in
8 Judge Silver's order; is that correct?

9 A. I believe I bullet pointed some of her
10 statements, yes.

11 Q. And you also talked in here about that the
12 duty of fair representation, correct?

13 A. Yes.

14 Q. What is your understanding of the duty of
15 fair representation?

16 A. I believe it's to fairly represent all
17 the pilots in the seniority list.

18 Q. Okay. And do you believe that a Nicolau
19 list is fair?

20 A. No.

21 Q. Okay. And you recall that in
22 Judge Silver's order she actually said that the
23 arbitrated list is a strong indication of a fair
24 result, correct?

25 A. Yes.

1 Q. Okay. And did you agree with that
2 statement?

3 A. Can you read the statement one more time?

4 MS. AXEL: Could you read back my
5 question?

6 (THE QUESTION WAS READ BACK.)

7 A. And your question was -- correct.

8 Q. Did you agree with that?

9 A. I agree that it's a strong indication. I
10 don't necessarily mean that it means it's fair.
11 But it may be an indicator.

12 Q. Did you highlight that in this -- anywhere
13 in this update?

14 A. I don't know if I did. I'd have to read
15 it, but I don't think so.

16 Q. Okay. And why did you choose to not
17 include that?

18 A. I don't know. As you know, the order's
19 nine pages long, so I couldn't include everything.

20 Q. And going on to page three, you're talking
21 about a legitimate union purpose?

22 A. Yes.

23 Q. What is your understanding of a legitimate
24 union purpose?

25 A. Well, I guess it's a purpose, not to

1 sound funny, but that's legitimate. That has --
2 there's a reason for it that it can be supported.

3 Q. Okay. And you understand that it's not a
4 legitimate union purpose to do something that
5 benefits just the majority?

6 Sir, that was a bad question. Let me
7 rephrase it for you.

8 Do you believe it's a legitimate union
9 purpose to benefit the majority of USAPA pilots at
10 the harm to the minority?

11 A. Do you have a specific example? I --

12 Q. Just in general.

13 A. I don't think it's necessarily -- are you
14 saying that anytime that the majority benefits that
15 that's automatically not a legitimate purpose?

16 Q. No -- well, I don't -- I don't want to
17 argue with you.

18 A. No, no, I guess --

19 Q. I -- I want to know if, generally speaking,
20 do you think it satisfies a legitimate union purpose
21 if you're taking an action that benefits the majority
22 of the US Airways pilots?

23 A. That's so subjective. Sometimes yes, but
24 possibly sometimes no.

25 Q. What would be the possibly no?

1 A. Well, I guess if the majority of pilots
2 on your property were white and you decided to put
3 everyone else in the bottom of the list, that would
4 benefit the majority of the pilots, but it would
5 definitely not be a legitimate union purpose.

6 Q. Okay. And paragraph --

7 A. On this --

8 Q. -- on page three, you're going through
9 bullet points here, and you're saying there's no
10 question that USAPA has a legitimate union purpose
11 for a seniority proposal different from the Nicolau
12 award. And you are -- you are highlighting.

13 Are these what you think are USAPA's
14 legitimate union purposes for something -- a
15 seniority proposal different than the Nicolau award?

16 A. These are some of the legitimate union
17 purposes that have been expressed by USAPA through
18 our legal counsel.

19 Q. Okay. So here you say it's legitimate to
20 integrate seniority based on date of hire.

21 Is it your understanding that that is a
22 legitimate union purpose?

23 A. I believe it's generally accepted that it
24 is one of many legitimate union purposes, yes.

25 Q. Okay. And then you talk about, it's

1 legitimate to respect pre merger career expectations.

2 And that's what we just discussed earlier,
3 correct?

4 A. Yes.

5 Q. Okay. And it's legitimate to take into
6 account changed circumstances including the relative
7 economic strength and viability of America West
8 flying versus US Airways flying.

9 What did you mean by that?

10 A. I believe that was just a confirmation of
11 Judge Silver's opinion and what -- what she has
12 said. No, that couldn't be -- that can't be right
13 because she said that afterwards.

14 Can you restate the question, please?

15 MS. AXEL: Could you read it back.

16 (THE QUESTION WAS READ BACK.)

17 A. Oh, I think I wrote that because
18 realizing the DFRs are -- are tried or considered
19 on present day circumstances, you can't determine
20 if we violated the duty of fair representation
21 because of something that happened ten years ago if
22 the present circumstances have changed. For
23 instance, say one of the carriers has gone out of
24 business, that would be a changed circumstance.

25 Q. Okay. Well, now I'm confused.

1 So when you were writing this in 2010,
2 changed -- what changed circumstances are you
3 referring to?

4 A. What --

5 MR. SZYMANSKI: 2000 -- 2012.

6 MS. AXEL: I'm sorry. Thank you, Pat.

7 Q. 2012.

8 A. I think specifically, the economic
9 viability of the two companies.

10 Q. In 2005?

11 A. Maybe I misunderstood your question. I'm
12 sorry.

13 Q. Well, you're talking about changed
14 circumstances, and you're also talking about America
15 West versus US Airways.

16 A. Yes.

17 Q. So are we talking the changed circumstances
18 from -- in 2005 or in 2010?

19 A. I think the change --

20 Q. Or 2012?

21 A. The difference between when the list
22 was -- when Nicolau list came out, he weighted the
23 economic viabilities of the two companies, America
24 West and US Airways. And as it turned out, it
25 appears that the assumptions were incorrect and

1 that it was not the East division that was
2 financially weaker than the West, it was just the
3 reverse. That's what I'm referencing.

4 Q. And why do you say that it turned out that
5 he was incorrect?

6 A. Because of the growth on the East versus
7 the stagnation, the downsizing in the West. And
8 the lower, you know, revenue on the West.

9 Q. It's my understanding that the East and
10 West are currently operating under separate
11 contracts; is that correct?

12 A. That's correct, yes.

13 Q. Okay. And what year is the East contract?

14 A. I believe it's an amended 1998 contract.

15 Q. And what year is the West contract?

16 A. '04, I believe.

17 Q. Okay. So would it be fair to say that the
18 East pilots are being paid under 1998 terms?

19 A. I don't know if that would be fair or
20 not. There's been significant letters of agreement
21 signed since then.

22 Q. When was the last letter of agreement?

23 A. I don't know.

24 Q. Okay. Are the East pilots currently being
25 paid at a lower wage than the West pilots?

1 A. Yes.

2 Q. And that's because they have not had a new
3 letter of agreement or anything subsequent to the
4 merger with America West; is that correct?

5 A. Yes.

6 Q. Okay. And so you're saying that George
7 Nicolau was wrong about the economic viability of the
8 companies because the East is continued to be paid
9 under lower wages than the West and, therefore, are
10 more economically viable?

11 A. No.

12 Q. Okay. What are you saying?

13 A. I'm saying that the East operation has
14 grown and is doing quite well, and the West
15 operation has not been doing well.

16 Q. And you think that that is a function of
17 the pre merger economic viability of the two sides?

18 A. You were asking about the difference
19 between 2010 and 2005, or you were asking
20 specifically about changed circumstances?

21 MS. AXEL: Could you read back my
22 question, please?

23 (THE QUESTION WAS READ BACK.)

24 A. I don't understand the question. Sorry.

25 Q. Would you agree with me that the reason

1 that there have not been integrated operations in the
2 last seven years is because the USAPA has refused to
3 accept the Nicolau Award?

4 A. No.

5 Q. What's wrong with that statement?

6 A. I believe it's incorrect.

7 Q. Okay. Why -- why has there not been
8 integrated operations?

9 A. Because we don't have a single collective
10 bargaining agreement.

11 Q. And why is that?

12 A. Because US Airways management doesn't
13 want us to have a single collective bargaining
14 agreement, or didn't until right now.

15 Q. Are you familiar that US Airways made a
16 proposal in I believe 2007 called the Kirby proposal?

17 A. I am, yes.

18 Q. Okay. And that proposal was not agreed to
19 by USAPA, correct?

20 A. I believe that's correct, yes.

21 Q. And do you know why it was not agreed to by
22 USAPA?

23 A. I do not.

24 Q. You don't know?

25 A. No.

1 Q. It wasn't because it included integration
2 of the Nicolau award?

3 A. I have no idea. I don't know that it
4 didn't include the Nicolau award.

5 Q. And the Kirby proposal, are you aware that
6 it's been on the table for many years subsequent?

7 A. No. To my knowledge, it's not on the
8 table.

9 Q. Was it on the table in 2000 -- when did you
10 get on the BPR?

11 A. October 2009.

12 Q. And was it on the table in October of 2009?

13 A. Not as far as I know, it wasn't. It was
14 never brought to my attention.

15 Q. What about 2010?

16 A. No.

17 Q. 2011?

18 A. No.

19 Q. '12?

20 A. No.

21 Q. Okay.

22 A. I see Marty shaking his hand -- his head,
23 but no one ever called it to my attention that
24 there was a Kirby proposal on the table, and I've
25 been on the board for four years.

1 Q. Well, we're not on the board, so we can't
2 really call things to your attention, but...

3 MR. SZYMANSKI: And Marty --

4 A. I wasn't saying you -- you were calling
5 it to my attention. Nobody within USAPA or
6 anywhere has called it to my attention that the
7 Kirby proposal is -- is an offer right now.

8 Q. Well, and that's because USAPA ignored the
9 Kirby proposal because it includes the Nicolau award;
10 isn't that correct?

11 A. I don't know who USAPA is.

12 Q. You don't know who USAPA is?

13 A. Well, when you say USAPA, is USAPA an
14 entity or is it an individual --

15 Q. Yeah, the organization as a whole ignores
16 the entire Kirby proposal.

17 MR. SZYMANSKI: Let's let people finish
18 questions and finish answers before we start
19 the other one, please.

20 MR. HARPER: It's more fun for the
21 reporter if we do it simultaneous.

22 MR. SZYMANSKI: Not from where I sit.

23 (Exhibit Number 1079: E-mail string with
24 the top from David Simmons dated 11/15/12,
25 Bates USAPA 223046 - 047 marked for

1 identification, as of this date.)

2 Q. And I've handed you what's been marked as
3 Exhibit 1079. And this is a series of e-mails among
4 the BPR and some others; is that correct?

5 A. It appears to be correct, yes.

6 Q. Okay. And it's actually referencing the
7 Kirby proposal, correct?

8 A. It looks like Dave Simmons is, yes. His
9 first one, yes.

10 Q. Do you recall a resolution in November of
11 2012 to the BPR discussing the Kirby proposal?

12 A. I do not, no.

13 Q. Do you recall if you voted against that?

14 A. I don't recall the resolution. I
15 recently had a conversation with John Scherf about
16 it or he was conversing about it and I did not have
17 any recollection of that vote or that resolution.

18 Q. Okay. And -- well, you actually e-mailed
19 Steve -- you, Steve Crimi --

20 A. Um-hum.

21 Q. -- e-mailed Dave Simmons copying the
22 officers of BPR, Eric Ferguson and Jeff Koontz, that
23 the Kirby proposal resolution did not fail three to
24 eight, it was ruled out of order by the chair because
25 it contained language that violated the constitution.

1 Do you see that?

2 A. Yes, I do.

3 Q. Okay. So I believe you earlier testified
4 that you were unaware that the Kirby proposal was
5 still on the table at any point after 2007, correct?

6 A. I did, yes.

7 Q. And is that still your testimony?

8 A. Yes.

9 Q. Okay. So what -- what are you -- the Kirby
10 Proposal here, are you telling me that it wasn't on
11 the table in 2012, even though the BPR was voting on
12 it?

13 A. As far as I know, yes.

14 Q. Okay. So what were you guys voting on?

15 A. Someone brought a resolution forward that
16 said, should we accept the Kirby proposal? I can't
17 prevent them from doing that. That doesn't mean
18 the Kirby proposal was an offer.

19 Q. And you, as a BPR rep, didn't think that
20 maybe you should determine whether the Kirby proposal
21 was still on the table?

22 A. That's not a question.

23 Q. I think it is.

24 MS. AXEL: Read it back.

25 (THE QUESTION WAS READ BACK.)

1 A. That's not a question.

2 Q. You didn't think that you had an
3 obligation, as a BPR rep, to determine if there was a
4 proposal on the table from the company?

5 A. Actually -- well, I'll rephrase that.

6 Q. Did you, as a BPR rep, think that you had
7 an obligation to determine if there was a proposal on
8 the table from the company?

9 A. At that time did I think that?

10 Q. Do you think that in general?

11 A. I have -- I'm confident that proposal was
12 not on the table.

13 Q. Why?

14 A. Because I had been on the board for some
15 time, and we had a negotiating committee, we had
16 officers, we're trying to get a contract. No one
17 ever brought it to my attention or any board
18 member's attention that I'm aware of that there was
19 a proposal being advanced by the company. No one
20 ever, while I was on the board, told me that the
21 Kirby proposal was being offered by the company.

22 Q. You also say in here that the -- the
23 resolution was ruled out of order because it
24 contained language that violated the constitution.

25 A. Yes.

1 Q. Those are your words.

2 What language was that that violated the
3 constitution?

4 A. Do you have the resolution?

5 Q. Sure. Let's look at it.

6 A. And I'll qualify that by saying this
7 statement of mine doesn't necessitate me
8 understanding what the violation was. I didn't
9 rule it out of order, the president did.

10 Q. As a BPR member, do you think you have an
11 obligation to be familiar with USAPA's constitution?

12 A. Yes.

13 Q. Okay. So when you're writing that the
14 chair, because it contains language that violated the
15 constitution, did you understand what you were
16 saying?

17 A. What month was this? What year was this?
18 Yes, I fully understood that. And that is a true
19 statement.

20 Q. Okay.

21 A. The chair ruled the resolution out of
22 order because he said it violated the constitution.
23 That's a true statement.

24 Q. And do you understand why he ruled it out
25 of order because it violated the constitution?

1 A. Right this minute I don't. But if I can
2 have a moment to review this.

3 (Exhibit Number 1080: E-mail from USAPA
4 Communications dated 11/15/12, Bates USAPA
5 227002 - 5 marked for identification, as of
6 this date.)

7 A. Do you know which page the Kirby proposal
8 resolution is on?

9 Q. I think it's on the second.

10 Yep, the board then considered the
11 resolution shown below dealing with the NAC/Kirby
12 proposal.

13 A. I'm still not sure I'm reading the right
14 one here.

15 Q. It says a motion to amend the agenda to
16 allow Phoenix to present an amended resolution
17 required a two-thirds majority vote and was defeated
18 by a vote six to five.

19 A. Okay.

20 Q. And you voted no; is that correct?

21 A. It appears to be correct, yes.

22 Q. Okay. And this proposal is dealing with
23 the Kirby proposal?

24 A. Yes.

25 Q. Yeah.

1 And why did you vote no to allow this
2 resolution to go forward?

3 A. I don't recall.

4 Q. Was it because it violated the
5 constitution?

6 A. No, I think it was because I was opposed
7 to the Kirby proposal.

8 Q. Why were you opposed to the Kirby proposal?

9 A. Because it was woefully inadequate.

10 Q. Why?

11 A. Why was it woefully inadequate?

12 Q. Yeah.

13 A. Because I believed we deserved more.

14 Q. It had nothing to do with the fact that the
15 Kirby proposal included the Nicolau award?

16 A. I don't know that the Kirby proposal
17 included the Nicolau. And I will point out that
18 since everyone seems to be insistent that the Kirby
19 proposal was on the table, this makes it appear
20 that it was not on the table because it makes the
21 request to ask for the proposal. It directs the
22 NAC to request an updated comprehensive proposal
23 from US Airways management, which I would deduce
24 means that there was not a proposal on the table at
25 the time.

1 Q. Why were you against the NAC asking for an
2 updated proposal?

3 A. Probably having to do with conversations
4 with those who wanted to advance the Kirby
5 proposal, assuming that if we asked for an updated
6 proposal from the company, it would be the Kirby
7 proposal.

8 Q. What's the harm in negotiating with the
9 company?

10 A. There's no harm -- we were negotiating
11 with the company.

12 Q. Okay. So you were negotiating with the
13 company about an MOU, correct?

14 A. Not at this time, I don't believe we
15 were, were we?

16 Q. In November of 2012?

17 A. Okay. I guess we were.

18 Q. And you understand that the MOU was --
19 well, skip that.

20 Going back to the e-mail, which I
21 believe --

22 MS. AXEL: Was that 1079?

23 Q. You guys didn't even let that resolution be
24 voted on, correct?

25 A. If the record's correct, that appears

1 correct, yes.

2 Q. And what's the harm in allowing the
3 resolution to even be voted on? Why did you not just
4 bring it up for --

5 A. Oh, I'm sorry, let me -- your question
6 was -- no, it was -- when you say we didn't allow
7 it to be voted on, the chair ruled it out of order.
8 So, yes, it was not voted on, but it wasn't we. It
9 was the decision of the chair.

10 Q. And a motion to amend the agenda to allow
11 Phoenix to present an amended version of the
12 resolution --

13 A. Um-hum.

14 Q. -- required a two-thirds majority to vote
15 and was defeated by a vote to six to five. And you
16 voted no on that.

17 A. Oh, okay. I'm sorry.

18 Q. And my question is why?

19 A. I misunderstood that.

20 MR. SZYMANSKI: I think you already asked
21 that.

22 But go ahead Steve.

23 A. Is that where -- that was -- I believe
24 that was reported incorrectly. Isn't that what
25 Dave Simmons is referring to here, that that report

1 was incorrect? It was not voted down six to five,
2 it was ruled out of order by the chair.

3 Q. No. What I'm talking about is the motion
4 to amend.

5 A. The motion to amend. Okay. I apologize.

6 Q. And Dave Simmons says, and then we sought
7 to clean it up right there with the two-thirty --
8 two-thirds majority. That was voted down three to
9 eight.

10 So -- and this is what the Exhibit 1080 is
11 talking about, is the motion to amend --

12 A. Okay.

13 Q. -- which is what you voted no on.

14 A. Okay.

15 Q. Why did you vote no?

16 A. Because I didn't want to debate the Kirby
17 proposal, I suppose. But I -- I can't recall.

18 Q. Did you have any understanding as to why
19 the president ruled the proposal out of order?

20 A. I don't recall if I did at the time or
21 not.

22 Q. And did you believe that the proposal
23 contained language that violated the constitution?

24 A. I don't recall.

25 (Exhibit Number 1081: US Airline Pilots

1 Association BPR Regular December Meeting Day 2
2 Recap dated December 13, 2012, Bates WP020806
3 - 809 marked for identification, as of this
4 date.)

5 Q. I've handed you what has been marked as
6 Exhibit 1081, which is a e-mail from the
7 communications committee titled: BPR Regular
8 December Meeting Day Two Recap; is that correct?

9 A. Yes.

10 Q. Okay. And in this document it appears that
11 you are discussing a couple different resolutions; is
12 that correct, among other things?

13 A. Yes.

14 Q. And there was a -- there was two
15 resolutions that are starting on the last two pages
16 of this document, which are -- there's a Bates number
17 of WP020808 and WP020809. And the first one is a
18 resolution to interpret the USAPA constitution so as
19 to ignore and amend paragraph 8D as an objective of
20 USAPA.

21 Do you see that?

22 A. Yes.

23 Q. Okay. And after discussion, the resolution
24 failed eight to three. No was voted on by the
25 Charlotte, D.C. and Philadelphia domiciles; is that

1 correct?

2 A. Yes.

3 Q. And did you vote no on that resolution?

4 A. I believe I did, yes.

5 Q. And why did you do that?

6 A. Because I didn't want it to pass.

7 Q. Why?

8 A. Because I didn't want to change the
9 constitution, and I knew my constituents didn't
10 either.

11 Q. Okay. And that's the constitutional
12 requirement to use date of hire?

13 A. With conditions and restrictions. Date
14 of hire principles, yes.

15 Q. And you understand that in December of
16 2012, probably the same day that the BPR was meeting,
17 that the NAC was in Dallas negotiating the MOU,
18 correct?

19 A. I don't recall, but I'll take your word
20 for it.

21 Q. Okay. And do you think that the NAC should
22 have had additional flexibility in negotiations --

23 A. About?

24 Q. -- about USAPA's constitutional --
25 actually, scratch that question.

1 And paragraph -- section eight, paragraph D
2 of the USAPA constitution, and this is in the
3 resolution here, states that, USAPA wants to maintain
4 uniform principles of seniority based on date of hire
5 and the perpetuation thereof with reasonable
6 convictions and restrictions to preserve each pilot's
7 unmerged career expectations.

8 Is that your recollection of what the USAPA
9 constitution says?

10 A. Yes.

11 Q. Okay. And I think you testified to this
12 earlier, but do you believe that the Nicolau Award
13 can be passed with the USAPA constitution stating
14 that?

15 A. I know I had trouble answering that the
16 first time because it's a difficult question. Is
17 it within the realm of possibilities that it could
18 be advanced? I suppose yes, it is within the realm
19 of possibilities.

20 Q. Do you think that it would comply with the
21 USAPA constitution?

22 A. I can debate that.

23 Q. What's your opinion?

24 A. I don't have one right now. I would have
25 to give that some thoughtful consideration for more

1 than 60 seconds.

2 Q. Okay. So sitting here today, your four
3 years on the BPR, you have no opinion about whether
4 the Nicolau award complies with the USAPA
5 constitution?

6 A. The Nicolau award at face value,
7 stand-alone Nicolau award, does not comply.

8 Q. Okay. But you do think that a dynamic
9 proposal would comply with the USAPA constitution?

10 A. As I've said, yeah, it is within the
11 realm of possibilities that with a dynamic list of
12 the proper conditions and restrictions, you could
13 argue that the Nicolau complies.

14 Q. Would you support a dynamic list?

15 A. I would, yes.

16 (Exhibit Number 1082: E-mail string with
17 the top from Steve Crimi dated 1/10/13, Bates
18 USAPA 233775 marked for identification, as of
19 this date.)

20 Q. Mr. Crimi, I've handed you what's been
21 marked as Exhibit 1082, which is a e-mail dated
22 January 10th, 2013 from Dave Ciabattone to the
23 Connecticut, D.C. and Philadelphia reps, and a reply
24 from yourself; is that correct?

25 A. It appears correct, yes.

1 Q. Okay. And in the first e-mail
2 Mr. Ciabattoni is asking you all, have you considered
3 whether the MOU satisfies the third leg of the stool
4 in the transition agreement?

5 What did you understand he meant by that
6 question?

7 A. I'm not sure I do know.

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

10 A. Yes.

11 Q. Okay. And that was the agreement between,
12 I believe, US Airways, America West, and I'm not sure
13 if ALPA was a party to that agreement or not, but for
14 the merger between America West and US Airways,
15 correct?

16 A. It was between ALPA -- the two ALPA.

17 Q. Okay.

18 A. Yes, and US Airways.

19 Q. And you -- you write back to Mr. Ciabattoni
20 that you've considered it for months and you're
21 confident that everything is just peachy regarding
22 the language included in the MOU.

23 Do you see that?

24 A. Yes.

25 Q. What language, if you recall, in the MOU

1 made it that the -- it did not satisfy the third leg
2 of the stool in the transition agreement?

3 A. If I knew what the third leg was that
4 he's referencing, I could probably do a little
5 better answer on that question.

6 Q. Well, you appeared to know what it was on
7 January 10th of this year, because you answered the
8 question.

9 A. Yes, I did.

10 Q. So you've just forgotten what he meant?

11 A. Yes.

12 Q. You understand that --

13 A. Do you know what the three legs of the
14 stool are?

15 Q. The fun part about a depo is you don't get
16 to ask me questions.

17 A. Okay.

18 Q. So you understand that the -- if there's a
19 ratified collective bargaining agreement, that the
20 transition agreement requires the implementation of a
21 Nicolau award, correct?

22 A. Could you say that one more time, please,
23 or read it back?

24 MS. AXEL: Could you read it back.

25 (THE QUESTION WAS READ BACK.)

1 A. I'm not sure that I do without reviewing
2 the transition agreement.

3 Q. When you were responding to this e-mail,
4 what did you understand him to be asking you?

5 Because you did respond, correct?

6 A. Yes, I did respond.

7 I suppose he's asking -- the only thing I
8 can conclude is that he is asking about a single
9 collective bargaining agreement, if this would be
10 the third leg of the stool. I have no idea what
11 the other two legs are, though.

12 Q. What had you been considering for months?

13 A. I don't recall.

14 Q. You don't recall at all?

15 A. I think at a time there was discussion --
16 it would appear that there was concern on the East
17 side that it might trigger the Nicolau and the West
18 was saying that it would trigger the Nicolau award.

19 Q. Okay.

20 A. I think that's what they were
21 perpetuating. So that's probably what we were
22 discussing there.

23 Q. So would it be fair to say that what you
24 were indicating that you had considered for months
25 was whether or not the MOU was going to require

1 implementation of the Nicolau award?

2 A. I don't know if I'm -- that's what I'm --
3 I don't know that I'm referencing the MOU here or
4 not.

5 Q. Well, Mr. Ciabattoni is asking you
6 specifically about the MOU.

7 A. Um-hum.

8 Q. And you don't know if you were referencing
9 the MOU?

10 A. I must have been, yes.

11 Q. Okay. And that, indeed, is what you had
12 been considering for months about whether the MOU was
13 going to require implementation of the Nicolau award,
14 correct?

15 A. Again, to me this seems a little bit of
16 out of context. And that's why when you asked me
17 if -- if this was the document in response, I'm
18 taking your word that it is. But it seems a little
19 bit out of context to me, so I'm having trouble
20 saying absolutely.

21 Q. What do you mean that if this is in
22 response? Do you think that your -- the top e-mail
23 is something that is not in response or that there is
24 somehow -- this has been altered?

25 A. It's a possibility. I don't know for

1 sure.

2 Q. You understand that there's a Bates label
3 at the bottom of this e-mail --

4 A. Um-hum.

5 Q. -- and it was a document produced by your
6 counsel to us --

7 A. Okay.

8 Q. -- as a USAPA document?

9 A. I understand that.

10 Q. Okay. And I will tell you that the only
11 documents with Bates numbers were documents that were
12 produced as TIFF images.

13 Do you understand what that means?

14 A. No.

15 Q. Okay. Well, TIFF images -- it's a document
16 that's a photograph of something.

17 A. Okay.

18 Q. So you can't alter it.

19 A. Okay.

20 Q. Do you -- do you still think that this is
21 out of context, as you said?

22 A. No, I guess not.

23 Q. Okay. So going back to my question, is
24 what you had been considering for months whether the
25 MOU was going to trigger the Nicolau Award?

1 A. I don't know for sure. But I'm thinking
2 that was probably it. But I cannot swear to it.

3 Q. Okay. And you also are talking about --
4 you had said that you had spoken at length with our
5 merger counsel again and again and listened to him
6 intently?

7 A. Um-hum.

8 Q. Is that correct?

9 A. That's correct.

10 Q. And who's your merger counsel?

11 A. Pat Szymanski.

12 Q. Pat Szymanski.

13 And when you had spoken to him at length,
14 was that in meetings like we had talked about before,
15 where there was four more BPR members?

16 A. No, I think more generally speaking, at
17 BPR meetings.

18 Q. At BPR meetings?

19 A. Side bars, that sort of thing.

20 Q. Side bars, okay.

21 Just conversations with you and Pat?

22 A. No, not necessarily. Whoever was
23 there --

24 Q. Okay.

25 A. -- who wanted to discuss things with Pat.

1 Q. And then you say, my problem is that we
2 have a lying a-hole, paren, my opinion, paren,
3 leading us being enabled by three East fools on the
4 BPR.

5 Who is the lying a-hole that you're
6 referencing there?

7 A. In my opinion?

8 Q. Yes.

9 A. That would be our president.

10 Q. Okay. And three East fools, who are those
11 people?

12 A. That would be the two DCA reps and
13 Jamie Weidner.

14 Q. Okay. And why do you think that they are
15 fools?

16 A. Because of the way they allowed the
17 negotiations to be directed.

18 Q. And then you say, why we didn't use our
19 leverage to effect a comprehensive and absolute
20 solution to the seniority issue is beyond me, but I'm
21 not merger counsel.

22 What leverage were you referring to there?

23 A. Well, we had things that the company
24 wanted from us that we were willing to sell to them
25 at a certain price.

1 Q. What did the company want from you?

2 A. The company wanted scope relief. They
3 wanted change of control relief. They wanted
4 co-chair relief.

5 Q. Do you know who Jack Butler is?

6 A. Yes.

7 Q. Who's Jack Butler?

8 A. He is the lead counsel for the UCC.

9 Q. And did he attend a BPR meeting?

10 A. Yes.

11 Q. And was it the import of that meeting that
12 if USAPA didn't agree to the MOU that the merger
13 would go forward without them?

14 A. I don't recall. I imagine he probably
15 said something like that.

16 Q. But you thought that you had negotiation --
17 you had leverage with scope relief, change of control
18 relief and co-chair relief, correct?

19 A. That is correct.

20 Q. What was the comprehensive and absolute
21 solution to the seniority issue that you were
22 referencing in this e-mail dated January 10th of this
23 year?

24 A. Well, it was my personal belief that we
25 should have settled the seniority issue with the

1 APA prior to signing the MOU. And that's what I'm
2 referencing. So I'm not necessarily referencing
3 simple -- simply leveraging our position against
4 the company, but using it to nego- -- to bring
5 everyone to the table to negotiate the seniority
6 settlement.

7 Q. And the seniority settlement with the APA
8 would be the single list for APA and USAPA pilots; is
9 that correct?

10 A. Yes.

11 Q. Okay. What about the issue with the West
12 pilots, how are you going to resolve that?

13 A. We were going to properly represent them.

14 Q. And how do you properly represent them?

15 A. We take into consideration their careers.

16 Q. And you believe that their careers were --
17 well, let me scratch that.

18 What do you believe their career
19 expectations were?

20 A. Oh, I can't say without looking at the
21 data.

22 Q. But you said that you were going to
23 properly represent them based on their career
24 expectations, correct?

25 A. Yes.

1 Q. Okay. And by you, you're referring to the
2 majority East on the BPR, correct?

3 A. No, I'm referring to the organization
4 called USAPA. That's why we put two NAC members
5 from the West on the negotiating committee and
6 that's why we put two merger committee members from
7 the West.

8 Q. USAPA is dominated by East pilots, correct?

9 A. I don't know.

10 Q. Are there more East pilots in USAPA than
11 West?

12 A. Yes.

13 Q. Okay. On the BPR, how many East pilots are
14 there?

15 A. Eight.

16 Q. How many West pilots are there?

17 A. Three.

18 Q. Okay. And as we just saw when the West
19 pilots tried to bring up a resolution, it was voted
20 down -- a resolution regarding seniority, it was
21 voted down eight to three, correct?

22 A. There was a resolution regarding changing
23 the constitution that was voted down eight to
24 three.

25 Q. But it's your position that USAPA can

1 properly represent the West pilots in a seniority
2 merger with APA pilots?

3 A. Yes.

4 Q. Okay. I want to have you look at
5 Exhibit 1023, which is a signed copy of the MOU.
6 Now, in Exhibit 1082, you were saying that there is
7 language included in here that means that the MOU
8 does not trigger the Nicolau Award, correct?

9 A. Let me read this again.

10 THE WITNESS: Can you read back the
11 question?

12 (THE QUESTION WAS READ BACK.)

13 A. I don't know that that's necessarily
14 true. But I believe there is no language in the
15 MOU that triggers the Nicolau award.

16 Q. Well, what language were you referring to
17 when you were responding to Dave Ciabattoni's
18 question about whether the MOU satisfies the third
19 leg of the stool?

20 A. I don't know exactly what language,
21 specifically what language.

22 Q. You have no idea what language in the MOU
23 you were referring to?

24 A. No.

25 Q. Would it help refresh your recollection to

1 look at the MOU?

2 A. It might.

3 Q. Why don't you do that?

4 A. Okay. Do you have somewhere you would
5 like me to look in particular?

6 Q. Probably section ten.

7 A. Okay.

8 Q. We're trying to figure out what language
9 you believe says that the MOU does not trigger the
10 transition agreement.

11 A. Do you know what page section ten starts
12 on?

13 MR. HARPER: Right after nine.

14 MR. SZYMANSKI: Page six.

15 THE WITNESS: Thank you.

16 MR. HARPER: I'm sorry.

17 MR. SZYMANSKI: No, it's section nine,
18 but it's page six.

19 A. No, this isn't going to refresh my memory
20 because I'm not -- for one thing, I'm not
21 addressing any specific language, I'm addressing
22 discussions with merger counsel.

23 Q. Take a look at section 10H specifically for
24 me, which is on page seven.

25 A. Okay.

1 Q. Does that refresh your recollection as to
2 whether that's the language that you were referring
3 to in the e-mail to Dave Ciabattoni?

4 A. No. Because, again, it doesn't appear
5 that I'm referencing any particular paragraph or
6 language.

7 Q. Do you have any understanding about what
8 section 10H -- or why section 10H was included in the
9 MOU?

10 A. Well, so that the seniority lists
11 wouldn't be changed.

12 Q. Okay. Even though it was your position
13 that you thought that the -- you should have used
14 your leverages to have an absolute solution on the
15 seniority issue, correct?

16 A. Do I think that's what it says even
17 though -- you'll have to rephrase the question.

18 Q. Scratch the question.

19 Do you have any understanding of what
20 section 10H means?

21 A. Yes.

22 Q. What's that?

23 A. Means that the seniority lists currently
24 in effect at the airlines cannot be altered.

25 Q. Okay. And that's East and West, correct?

1 A. Yes.

2 Q. Okay. Do you think the MOU is a collective
3 bargaining agreement?

4 A. No.

5 Q. Why not?

6 A. Because it's not.

7 Q. You realize that Judge Silver has found
8 otherwise?

9 A. No, not -- not the way I read her
10 opinion.

11 Q. You don't read her opinion to say that this
12 is a collective bargaining agreement?

13 A. No, she specific- -- what I recall her
14 saying is she specifically acknowledged that the
15 collective bargaining agreement envisioned in the
16 transition agreement will never come to be.

17 Q. Okay.

18 A. And also --

19 Q. Do you recall that the company believes
20 this is a collective bargaining agreement, correct?

21 A. No, I do not. If this is a collective
22 bargaining agreement -- can't ask questions.

23 Q. Are you familiar with something called
24 McCaskill-Bond?

25 A. Yes.

1 Q. What's your understanding of the
2 McCaskill-Bond proceedings that will occur based on
3 the MOU?

4 A. I believe it's legislation that dictates
5 that carriers such as us with two different
6 collective bargaining agents, how it would come to
7 terms on seniority.

8 Q. Has the BPR discussed whether or not the
9 West pilots should participate in McCaskill-Bond?

10 A. You're referencing now the certified
11 class of West pilots?

12 Q. Correct.

13 A. Formally, I don't know if we have
14 addressed that at a BPR meeting. We've talked
15 amongst ourselves, yes.

16 Q. Okay. And what was the -- what were those
17 discussions about, whether or not they should
18 participate?

19 A. I mean, it's come up in many
20 conversations, knowing that the West wants to
21 participate and that the company's been advancing
22 that position.

23 Q. Do you have an opinion about whether the
24 West should participate?

25 A. Yes.

1 Q. And what's that?

2 A. That by law, I don't believe they're
3 allowed to participate because there's a collective
4 bargaining agent.

5 Q. And are you aware that there -- look at
6 section 10A, correct? To the seniority integration
7 process, consistent with McCaskill-Bond, shall begin
8 as soon as possible after the effective date.

9 A. Yes.

10 Q. Okay. And it doesn't say anything in here
11 about that process being limited to just USAPA,
12 correct?

13 A. That is correct.

14 Q. Okay. What's the harm of having the West
15 pilots participate in the McCaskill-Bond?

16 A. There are many subgroups who I imagine
17 would like to participate, and that would be the
18 harm. And it would abrogate the responsibilities
19 of the union.

20 Q. What are the other subgroups that would
21 want to participate?

22 A. Well, I'm sure the Empire group would
23 like to participate. I'm sure the TWA group would
24 like to participate. Perhaps the Piedmont group
25 would like to participate.

1 Q. Let's talk about on the USAPA side, because
2 the TWA pilots are on the APA side, correct?

3 A. That is correct, yes. But we're talking
4 about legal precedent.

5 Q. Well, I'm talking about who on the USAPA
6 side, other than the West pilots, would want to
7 participate?

8 A. Well, we have the Empire --

9 Q. Okay.

10 A. -- group. Maybe we have the Piedmont
11 group, I -- I don't know. The Mid-Atlantic group
12 perhaps would like to participate.

13 Q. Have any of them expressed a desire to
14 participate?

15 A. Well, the Empire Group sued for
16 seniority, so I don't know if they've expressed a
17 desire to participate or not because they would
18 probably go through our officers.

19 Q. So you don't know if they have or they have
20 not?

21 A. I don't know.

22 Q. Okay. But you're aware that the West
23 pilots have demanded that they should have a seat at
24 the table?

25 A. Yes.

1 Q. Okay. And do -- were the Empire pilots
2 integrated into a seniority list with the U.S. Air
3 pilots?

4 A. No, they were integrated with Piedmont.

5 Q. Piedmont.

6 And was Piedmont then integrated with the
7 U.S. Air pilots?

8 A. Yes.

9 Q. Okay. So there was integrated operations
10 between Piedmont and US Airways, correct?

11 A. Yes.

12 Q. Okay. And there's not integrated
13 operations between the West pilots and the East
14 pilots, correct?

15 A. Yes.

16 Q. So I think you said that the harm of having
17 the West pilots participate would be that other
18 groups would want to participate. And what was the
19 other one, that they -- they weren't the --

20 A. It would abrogate the responsibilities of
21 USAPA.

22 Q. Why would it abrogate USAPA's
23 responsibilities?

24 A. Because they're the sole collective
25 bargaining agent.

1 Q. But how would the West's participations
2 abrogate? USAPA would still participate, correct?

3 A. USAPA would still participate.

4 Q. Right.

5 A. But part of their responsibility is
6 negotiating, representing the entire class of
7 pilots at US Airways.

8 Q. And you understand that the West pilots
9 have taken the position that the East pilots are
10 incapable of doing that, correct?

11 A. I suppose that's correct.

12 I guess more specifically, that would be
13 the class of pilots that are representatives of the
14 pilots, so West pilots have taken that position.

15 MS. AXEL: I'm sorry, could you read back
16 that answer?

17 Q. You understand that last night Judge Silver
18 certified the West class, correct?

19 A. Yes.

20 Q. Do you understand what that means?

21 A. Yes.

22 Q. Okay. So that the pilot representatives
23 that are the current class representatives are now
24 legally representing the entire group of West pilots,
25 correct?

1 A. Yes.

2 Q. You understand that there were -- that
3 was -- the West class was certified twice before,
4 correct?

5 A. Yes.

6 Q. It was the third time that we were
7 certified?

8 Do you understand that USAPA opposed that
9 certification?

10 A. This time, yes.

11 Q. Yeah.

12 Did you agree with that?

13 A. I didn't have an opinion on that because
14 I know that we have not opposed it in the past and
15 this time we have opposed it.

16 Q. Are you part of a merger committee?

17 A. No.

18 Q. Who's on the merger committee?

19 A. Jess Pauley, Kevin Barry, Bob Davison,
20 Ken Stravers and -- who am I forgetting?

21 Q. Are you familiar with any West pilots --
22 MR. HARPER: Let him say.

23 MS. AXEL: Oh, I'm sorry.

24 Q. Were you done?

25 A. No, I'm forgetting someone. Is Rocky

1 Calveri -- is that it? Thank you.

2 Q. Are you familiar with any West pilots that
3 support a date of hire seniority list?

4 A. No.

5 Q. Are you familiar with any East pilots that
6 support something other than date of hire?

7 A. No.

8 Q. So all East pilots support date of hire?

9 A. No, I didn't say that.

10 Q. You're just not familiar with them?

11 A. I'm not familiar. Although, I suppose on
12 the forum of Chip Munn's there are numerous pilots
13 that don't support the USAPA position on the East.

14 Q. Who's Chip Munn?

15 A. Chip Munn is a web board moderator of
16 some sort.

17 Q. Do you know why he doesn't support the
18 USAPA position?

19 A. No.

20 Q. Do you have any guess?

21 A. It appears because he is a contrarian and
22 he likes to be important, but that's just my
23 opinion.

24 (Exhibit Number 1083: E-mail string with
25 the top from Steve Crimi dated 1/10/13, Bates

1 USAPA 233781 - 782 marked for identification,
2 as of this date.)

3 Q. Mr. Crimi, would you be considered a junior
4 East pilot?

5 A. No.

6 Q. Who is -- who are the junior East pilots?

7 A. I don't know, that's -- that's so
8 subjective. I guess you would get a different
9 answer from different people.

10 Q. Are you still a first officer?

11 A. Yes. I can hold Captain.

12 MS. AXEL: I'm sorry, what number was
13 this?

14 COURT REPORTER: 83.

15 Q. I've handed you what has been marked as
16 Exhibit 1083, which is a series of e-mails between
17 Dave Ciabattoni, yourself and some others. And in
18 this e-mail -- in the top two e-mails, Dave
19 Ciabattoni asked you, is it true that Gary has said
20 on a number of occasions that the East pilots would
21 forget about Nicolau for an extra 50 grand a year?
22 And you respond saying, yes, he said it, I'm a
23 hundred percent certain.

24 What did -- what did he mean? What was
25 this compensation in reference to?

1 A. It appears to be a conversation about
2 hearsay of something Gary Hummel said.

3 Q. And you heard Gary Hummel say that he
4 would -- the East pilots would forget about the
5 Nicolau for an extra 50 grand a year?

6 A. No.

7 Q. You didn't hear that?

8 A. No.

9 Q. You heard that from three sources and they
10 told you?

11 A. I don't recall because it's clear that
12 I'm kind of joking here.

13 Q. Oh, you're joking in this e-mail?

14 A. 100 percent certain, okay, 99 percent
15 certain. They could all be lying, so...

16 Q. Who were the three sources you're
17 referencing here?

18 A. I don't remember.

19 Q. Is this in reference to certain East
20 pilots?

21 Do you remember one of the sources?

22 A. There's 300 or so. And that's just my
23 guess.

24 Q. What do you base that guess on?

25 A. Web boards, votes for domicile

1 representatives.

2 Q. Are those the D.C. pilots?

3 A. No.

4 Q. Where are they?

5 A. Pardon?

6 Q. Where are these pilots?

7 A. Oh, I suppose they're throughout the
8 system. I don't know.

9 Q. Has USAPA ever done a poll on the pilots to
10 see if they would accept the Nicolau award?

11 A. No, not that I know of.

12 Q. Why not?

13 A. I have no idea.

14 Q. Do you think that would be a good idea?

15 A. No.

16 Q. Why not?

17 A. I don't know that I think it's a good
18 idea or a bad idea. USAPA's position is they
19 aren't going to advance the Nicolau award and...

20 Q. You earlier said that you believed that the
21 East pilots in USAPA can adequately represent the
22 West pilots, correct?

23 A. Yes.

24 Q. And you just said that USAPA's position is
25 that they're not going to advance the Nicolau award,

1 correct?

2 A. Yes.

3 Q. And you understand that the West pilots'
4 position is that the Nicolau award should be
5 advanced, correct?

6 A. I suppose, yes.

7 Q. Do you still think that you can -- the East
8 pilots can adequately represent the West pilots?

9 A. Yes, I do. But I also believe that there
10 are hundreds of West pilots that the Nicolau award
11 is not a particular issue. In fact, I would
12 estimate there's about 600 pilots, it's not a
13 particular issue.

14 Q. And what do you base that on?

15 A. The fact that they're not participating.

16 Q. Participating in what?

17 A. They are not -- they have not taken the
18 time to join the union to support their
19 representatives whose position is a hardy Nicolau
20 or nothing.

21 Q. Okay. I'm confused. So you think the
22 pilots that have not joined USAPA don't support the
23 Nicolau award?

24 A. That is correct.

25 Q. And what do you base that opinion on?

1 A. Because they've been asked again and
2 again and again by those supporting the Nicolau
3 list to please join the union so your voice can be
4 heard and you can support your representatives.

5 Q. Isn't it equally possible that those 600
6 pilots don't want to pay dues to a union that they
7 believe does not represent their interest?

8 A. No, because they have to pay dues anyway.

9 Q. Oh, they have to pay dues anyway.
10 So they just -- they don't want to join --
11 scratch that.

12 That's your opinion, though, correct?

13 A. Yes.

14 Q. Did you ever take a poll of those pilots?

15 A. Of those pilots?

16 Q. Yes.

17 A. No.

18 Q. Did you ever talk to any of those pilots
19 specifically?

20 A. I've talked to them, yes.

21 Q. And that's what their position is?

22 A. I don't know, I haven't --

23 Q. That's what they've told you?

24 Has anyone told you that they didn't join
25 because they don't want -- they don't support the

1 Nicolau award?

2 A. I have been told by West pilots that the
3 Nicolau award is not a all or nothing for them.

4 Q. How many?

5 A. I don't know.

6 Q. More than five?

7 A. No. Just a few.

8 Q. Less than five?

9 A. Yes.

10 Q. Okay.

11 A. I don't -- I don't interact with the West
12 pilots.

13 Q. And you still think that there are 600
14 pilots that -- West pilots that don't support the
15 Nicolau award, based on less than five pilots telling
16 you that the Nicolau is not important to them?

17 A. It's my opinion, the fact that they're
18 not participating, that it's not their biggest
19 concern.

20 Q. But you have no idea why these pilots are
21 not participating, correct?

22 A. No, I have an idea. I have an opinion.

23 Q. You have an opinion, but you actually have
24 no idea because you have talked to less than five of
25 them; is that correct?

1 A. Was what part correct? That was a
2 two-part question.

3 MS. AXEL: Read it back.

4 (THE QUESTION WAS READ BACK.)

5 A. I have opinion -- I do have an opinion.
6 I don't know if I have an idea or not. I'm not
7 sure what you're defining as an idea.

8 Q. Well, it's your opinion based on what?

9 Your supposition that these pilots did not
10 join the union because they do not support the
11 Nicolau, that's entirely your supposition, correct,
12 Mr. Crimi?

13 A. No.

14 Q. It's not a guess on your part?

15 A. Well, if you extrapolate the opinion of
16 John Scherf, who has said that his mandate is loud
17 and clear because of --

18 Q. Mr. -- that's not -- that's not the
19 question I asked.

20 MS. AXEL: Can you read back the question
21 I asked?

22 MR. SZYMANSKI: You're asking -- you're
23 asking him -- wait a minute. You're asking
24 him what his opinion is based on, and he was
25 going ahead and explaining that. And then you

1 interrupted him. So please, don't interrupt
2 him when he's giving an answer.

3 MS. AXEL: If he answers the question on
4 the table, then I won't, Pat.

5 A. You were -- you were asking me to
6 explain, and you have interrupted me about four
7 times now.

8 Q. Okay. Why don't you explain to me why you
9 think 600 pilots don't support the Nicolau.

10 A. If you listen to the West class or the
11 Leonidas representatives, they will point to the 90
12 some percent -- 97 percent ratification vote of the
13 support of their pilots. If you use that logic,
14 then you could say that the 600 pilots who are not
15 bothering to do what they ask is also
16 representative of pilots that aren't supportive of
17 them. That's how I've derived my opinion.

18 Q. Okay. So it's not based on actually
19 talking to any of the 600 or so pilots, correct?

20 A. No, that's not correct.

21 Q. Just based totally on your guess on a
22 number of other issues?

23 A. No, my answer was -- to your question was
24 no, your statement was not correct, because I have
25 talked to some.

1 Q. Oh, less than five, correct? That's what
2 you just told me, you talked to less than five West
3 pilots --

4 A. Yes.

5 Q. -- that said the Nic was not important?

6 Okay. And, again, you understand that the
7 judge last night certified the class, meaning that
8 she thinks that the representatives are actually
9 adequate, a federal judge, correct?

10 A. I'm not sure what your question was.

11 Q. Well, I'm asking if you understand that she
12 certified the class, meaning that she found as a
13 matter of law that the class representatives do
14 advance the interests of the West pilots?

15 Do you understand that?

16 A. Yes, I still understand that. You asked
17 that earlier.

18 Q. And you still disagree -- so you're saying
19 you disagree with the federal judge's opinion on
20 that?

21 A. No, I do not.

22 Q. Were you in support of the second MOU, MOU
23 II?

24 A. You have to be more specific. What do
25 you mean was I in support of?

1 Q. Do you think MOU II is a good deal for
2 USAPA pilots?

3 A. No, I do not.

4 Q. And why is that?

5 A. I just think it was -- relative to what
6 was possible, I don't think it was a good deal. Is
7 it a better deal than what we're experiencing right
8 now? Yes.

9 Q. And why -- what do you think could have
10 made it a better deal?

11 A. Better economic returns.

12 Q. You voted to refer it to the membership for
13 ratification, though, correct?

14 A. Yes.

15 Q. Okay. And why did you do that if you
16 didn't think it was a good deal?

17 A. Because under the present leadership and
18 the present circumstances, I felt it was the best
19 deal that we could get, even though I felt it was
20 far short of what was possible.

21 Q. Under present leadership. So that's
22 referring to Hummel and the NAC?

23 A. And the six members of the board that
24 wanted to go this direction.

25 Q. So you think if others had been

1 negotiating, they would have been able to get a
2 better deal from the company is what you're telling
3 me?

4 A. No, that's not what I'm telling you.

5 Q. Okay. Well, you said that it was the best
6 deal that we could get under present leadership.

7 A. Yes.

8 Q. So do you think other leadership could have
9 gotten you a better deal?

10 A. Well, what do you mean by other
11 leadership?

12 Q. Well, I mean the leaders -- not having the
13 current leadership is what I mean.

14 A. Under different circumstances, under
15 different dynamics, yes, I think there was a much
16 better deal available to the US Airways pilots.

17 Q. Do you think that the MOU adequately
18 compensates for giving up the scope protections?

19 A. Not even close.

20 Q. Okay. Do you have any opinion on how much
21 the scope protections are worth?

22 A. When you say scope protections, what do
23 you mean in your mind?

24 Q. Again, you can't ask me questions, Mr. --

25 A. Okay. Can you be more specific and tell

1 me what you mean?

2 Q. Let's talk about the change of control
3 provision.

4 Do you have any understanding of how much
5 the change of control provision is worth
6 economically?

7 A. I know it's worth a substantial amount.

8 Q. What are you -- what is substantial in your
9 mind?

10 A. Substantial in all of the -- gives the
11 company guy in the MOU I believe is close to a
12 billion dollars worth.

13 Q. You think that -- just so I understand what
14 you're saying. You think that the change of controls
15 provision is worth a billion dollars?

16 A. No, not necessarily the change of
17 controls stand-alone. There are other provisions
18 that we gave up.

19 Q. Change of controls plus the co-chair?

20 A. The co-chair was a very big revenue
21 producer for the company.

22 Q. What else did you guys give up that -- that
23 put into that billion?

24 A. Well, we gave up other -- I think those
25 are the two main, the change of control and the

1 co-chair.

2 Q. Okay. And, again, going back to your BPR
3 vote, why did you vote for it even though you thought
4 it wasn't a good deal?

5 A. Again, under the present circumstances,
6 the present makeup, the present dynamics of the
7 board, the officers, legal counsel, six BPR
8 members, I felt it was the best deal we could get.

9 Q. And there was a monetary payment tied to a
10 unanimous board approval, correct?

11 A. I believe so, yes.

12 Q. The retrospective pay?

13 A. And the reason I say I believe so is
14 because I wasn't privy to the actual conversation
15 between our representatives and the company.

16 Q. And you're talking about the NAC
17 conversations, correct?

18 A. Yes.

19 Q. Okay. And was part of the reason that you
20 voted in support of the MOU to get that retrospective
21 pay?

22 A. I suppose, yes.

23 MS. AXEL: Can we take a short break?

24 MR. SZYMANSKI: Sure.

25 (A BRIEF RECESS WAS TAKEN.)

1 (Exhibit Number 1084: E-mail from Steve
2 Crimi dated 1/25/13, Bates USAPA 330360 - 361
3 marked for identification, as of this date.)

4 Q. Okay, Mr. Crimi, I have handed you
5 Exhibit 1084, which is a January 25 -- January 25th,
6 2013 NAC update, and then your e-mail forwarding or
7 responding to Faith Eckstein and Jeff Dunlap; is that
8 correct?

9 A. Yes.

10 Q. Okay. And you say that if anyone wants to
11 know what the shameless selling of a deal looks like,
12 it is below. I don't have the energy tonight to
13 point out the depth of the horse manure.

14 Why did you think that this was a shameless
15 selling of a deal?

16 A. Because it was a shameless selling of a
17 deal, in my opinion. It was -- it was --

18 Q. By whom?

19 A. -- produced to get the pilots to vote for
20 it, not to be objective about the MOU.

21 Q. So who was doing the shameless selling?

22 A. Well, I guess it was directed by the
23 president and I believe supported by the NAC.

24 Q. So Gary Hummel and the NAC then, in your
25 opinion?

1 A. Yes. And I believe it was also supported
2 by the majority of the board, although they had no
3 input into any of these communications like this.

4 Q. And did you think that the president and
5 the NAC were doing -- were giving adequate updates
6 and explaining the MOU to pilots?

7 A. Yes, but in a slant towards the positives
8 to try to get them to vote for it.

9 Q. Okay. So you -- that's fine.
10 Did you think it was appropriate for them
11 to do the slant on the MOU, to sell it like that?

12 A. No, I didn't think it was appropriate.

13 Q. Why?

14 A. Because I think they should have produced
15 unbiased information for the pilots to make an
16 informed decision.

17 Q. And they were not doing that?

18 A. In my opinion, that's correct.

19 (Exhibit Number 1085: E-mail string with
20 the top from Dave Ciabatttoni dated 1/2/13,
21 Bates USAPA 297678 - 682 marked for
22 identification, as of this date.)

23 Q. And I've handed you what has been marked
24 Exhibit 1085, which is a series of e-mails between
25 Dave Ciabatttoni and the Philadelphia, Charlotte and

1 D.C. domiciles; is that correct?

2 A. Yes.

3 Q. Okay. And I am not -- it appears that the
4 first e-mail on page one is from Dave Ciabattoni,
5 although it doesn't have the from line, it says his
6 name down there at the bottom.

7 Can you see that?

8 A. Yes, I can.

9 Q. And he says in italics there, what is the
10 company's current position on Nicolau? Please read
11 Siegel -- Siegel Bob's last filing to Judge Silver,
12 it's Nicolau.

13 Did you agree with that?

14 A. No, I did not.

15 Q. Okay. So you don't believe that the
16 company's position is the Nicolau?

17 A. No, I don't.

18 Q. Okay. Do you understand that the company
19 has stated they've taken the position that the West
20 pilots should be given party status in
21 McCaskill-Bond?

22 A. Yes, I understand that.

23 Q. And do you disagree with that?

24 A. No, I do not disagree with that. I
25 understand that to be their position.

1 Q. Okay. But you disagree with the West
2 pilots having status -- party status in
3 McCaskill-Bond?

4 A. That they should?

5 Q. Yes.

6 A. Yes, I disagree with them.

7 Q. And on the second page here Dave's writing,
8 guys a few questions, so what's up with seniority?
9 Have we come all this way to fumble it in the red
10 zone?

11 Do you think -- what did he mean by that;
12 do you know?

13 A. He was concerned about seniority.

14 Q. Okay. And was he concerned about the
15 Nicolau award being used?

16 A. Judging by what he wrote here, yes.

17 Q. Are you concerned about the Nicolau award
18 being used?

19 A. No.

20 Q. Why are you not concerned?

21 A. Because I don't believe it will be used.

22 Q. And what's that based on?

23 A. Judge Silver's opinion and judgment, her
24 order and judgment.

25 Q. And that's the October 2012?

1 A. Yes.

2 Q. Okay. So you believe that that precludes
3 using the Nicolau?

4 A. Precludes?

5 Q. Yeah, that was my question.

6 A. Again, the reason I'm hesitating is
7 because earlier you asked me is it in the realm of
8 possibilities or can the Nicolau be used in the
9 constitution and all that. So does it preclude the
10 Nicolau from being used? I suppose not. But I'm
11 confident with her order and her judgment and her
12 recent statements to counsel that she understands
13 that the Nicolau does not have to be used.

14 Q. And you are intending to prevent the
15 Nicolau award being used in your position as the BPR
16 rep, correct?

17 A. I don't know if that's correct. I won't
18 be on the board long enough to have a say one way
19 or another.

20 Q. Okay. But you do not support the Nicolau
21 award, correct?

22 A. No, I do not.

23 Q. Okay.

24 (Exhibit Number 1086: E-mail string with
25 the top from Mark King dated 2/8/13, Bates

1 USAPA 336214 - 216 marked for identification,
2 as of this date.)

3 Q. Mr. Crimi, I have handed you Exhibit 1086,
4 which is a Charlotte domicile update with some
5 additional e-mails above it.

6 Do you see that?

7 A. Yes.

8 Q. Okay. And the Charlotte domicile update is
9 dated February 7th, and it is titled: An Urgent
10 Charlotte Domicile Update.

11 And did you write this one?

12 A. I probably had some input.

13 Q. Okay. And on the bottom, towards the
14 bottom of page two in caps, and I don't know why
15 there's question marks on this, this is how it was
16 produced to us, but it says in bold, we are still
17 waiting for the company and APA to tell us what this
18 means.

19 And was that in reference to -- what was
20 that in reference to?

21 A. I'm not sure. Give me just a moment
22 here.

23 Oh, I think it's just a general reference
24 to the -- and some of the ambiguous language that
25 we thought was ambiguous and didn't nail things

1 down. And we were disappointed that we couldn't
2 ask the NAC and get the answer to our question.
3 They would respond to us, let's check with the
4 company and we'll get back with you.

5 Q. The company in APA, correct?

6 A. Yes.

7 Q. Okay. So...

8 And Mark King responds on February 7th,
9 number two and three were briefed to the Charlotte
10 reps on day one of the meeting, they lie.

11 Who's Mark King?

12 A. Mark King is or was the scope committee
13 chairman.

14 Q. Okay. And where is he domiciled; do you
15 know?

16 A. He's a -- domiciled in Charlotte.

17 Q. So same as you, correct?

18 A. Yes.

19 Q. Okay. And he's disagreeing with you here
20 and he's talking about a day one meeting.

21 Was that the BPR meeting where the reps
22 were briefed on the MOU?

23 A. I don't know. Could you read the
24 question back again?

25 (THE QUESTION WAS READ BACK.)

1 A. Yeah, I don't know if that's the BPR
2 meeting or if it was a domicile meeting during the
3 NAC road shows.

4 Q. Okay.

5 A. Because we had two meetings.

6 Q. Okay. And then John Owens responds that
7 this is all so irrational.

8 Do you know what he was referring to there?

9 A. No.

10 Q. Okay. And you're aware that the
11 ratification vote was reported by domicile, correct?

12 A. I believe I -- yes, I am.

13 Q. And do you know how that came about?

14 A. No idea.

15 Q. Did you agree with the decision to report
16 the balloting by domicile?

17 A. I didn't know there was a decision made
18 so no, I don't have an opinion on that.

19 (Exhibit Number 1087: E-mail string with
20 the top from Steve Crimi dated 1/23/13, Bates
21 USAPA 330341 - 343 marked for identification,
22 as of this date.)

23 Q. I've handed you what's been marked as
24 Exhibit 1087, which is a series of e-mails between a
25 number of people, but the ones on the top page that

1 I'm going to ask about are between yourself and Jay
2 Morgan, correct?

3 A. Yes, it is.

4 Q. And on January 23rd you asked Jay Morgan,
5 when the MOU ratification is complete will there be a
6 break down of voter participation by base and how
7 they voted?

8 Why did you ask him that?

9 A. Because I wanted to know the break down,
10 I wanted to know how my pilots voted.

11 Q. Okay. So it's just about knowing about
12 your -- your pilots?

13 A. Yeah, we were hopeful for a good voter
14 turn out, and obviously very curious how the
15 individual pilot domiciles voted.

16 Q. And then Jay responds that, we will leave
17 that up to the NAC.

18 A. Okay.

19 Q. Are you aware of the NAC making any
20 decision to vote to release the break down by base?

21 A. I'm unaware.

22 Q. Okay. And you're aware that in this
23 litigation that USAPA has taken the position that the
24 ratification by -- of the West pilots of the MOU was
25 somehow a waiver of a DFR or the right to pursue

1 Nicolau Award, correct?

2 A. I'm aware of that one.

3 Q. And you're aware that Judge Silver
4 essentially told them that was not the case last
5 night in her opinion, correct?

6 A. Yes. And I'm not sure I would agree.
7 Thinking about your question, that I agree that it
8 was our -- USAPA's position that it was a waiver.
9 I don't know that I would use that word. I think
10 it was more of a confirmation that everyone was
11 content with the MOU as written. So I'm not aware
12 of the waiver issue.

13 Q. Okay. Have you read all the legal
14 pleadings in this case?

15 A. Not all of them. I've tried to keep up
16 to date with what I believe are the important legal
17 briefings, judgments, opinions, that sort of thing.
18 All the motions, the important motions.

19 Q. When the DOJ filed their lawsuit against
20 the company regarding the antitrust issues, are you
21 aware that subsequent to that all of the unions
22 involved have come out strongly in support of the
23 merger?

24 A. No, I'm not aware of that, because I
25 don't believe that's true.

1 Q. Why don't you believe that's true?

2 A. Because you said all. I don't believe
3 all is the case. I don't think all of them did.

4 Q. Who is not?

5 A. I believe the IM did not, but I'm not
6 sure about that. I believe there was a substantial
7 union that did not come out in strong support, but
8 I may be mistaken.

9 Q. APA came out in support, correct?

10 A. I believe so, yes.

11 Q. The union representing the flight
12 attendants came out in support, correct?

13 A. I believe so.

14 Q. ALPA came out in support of it, correct?

15 A. I'm not sure.

16 Q. Okay. How come USAPA didn't issue a strong
17 support for the union?

18 A. Because of the makeup of the board. We
19 just didn't have an overwhelming support to do
20 that. It was a difference between supporting the
21 merger and supporting present management is what it
22 came down to.

23 Q. Can you explain that to me. I'm confused.

24 A. There's no one on the board that I'm
25 aware of that doesn't strongly support the merger.

1 But there are many individuals on the board that
2 don't necessarily strongly support the present
3 management team.

4 Q. Of the company or of USAPA?

5 A. Of US Airways.

6 Q. Okay. So it was a decision not to support
7 the management of --

8 A. There was no formal decision made, it was
9 really a decision not to make a decision.

10 (Exhibit Number 1088: Document entitled
11 Articles Joint CLT PHL Domicile Update
12 September 1, 2013, Bates WP019134 - 136 marked
13 for identification, as of this date.)

14 Q. Mr. Crimi, I've handed you what has been
15 marked as Exhibit 1088, which is a joint Charlotte,
16 Philadelphia domicile update dated Sunday
17 September 1st, 2013.

18 Did you have a part in drafting this?

19 A. No.

20 Q. Do you know who did?

21 A. I believe Bill McKee had a large role,
22 Paul DiOrio had a large role and there may have
23 been others, but I'm unaware.

24 Q. Did you agree with this update?

25 A. I did.

1 Q. What?

2 A. I did, yes.

3 Q. Okay. And was part of the reason that this
4 update was issued was dissatisfaction with the MOU?

5 A. I believe it was, yes. But -- well, can
6 you strike that answer and let me review it again
7 real quick?

8 Q. Sure.

9 A. No, let me change my answer. I don't
10 believe that was the case that the
11 dissatisfaction -- although I'm sure we expressed
12 some dissatisfaction with the MOU, but that wasn't
13 what prompted this to go out. Or what prompted
14 this to go out is we did not want to give
15 wholehearted support to the merger going forward in
16 the chance that significant changes would be made
17 that we were unaware of. And that was the context
18 of what prompted this.

19 Q. And paragraph four down here, starting with
20 no other pilot group in history, and it says that the
21 final result is that the APA received 13.5 percent
22 equity stake in the combined company, paren,
23 approximately a hundred thousand per pilot, end
24 paren, while the US Airways pilots received a IOU.

25 Is that correct?

1 A. Is it correct it says that, yes.

2 Q. Do you believe that's true under the MOU?

3 A. What's true?

4 Q. That the APA pilots received a equity stake
5 in the combined company?

6 A. That's what they were reporting.

7 Q. And that the US Airways pilots did not
8 receive that?

9 A. Equity in the company?

10 Q. Yeah.

11 A. That's correct.

12 Q. So when you say that the APA pilots are
13 reporting that, you haven't seen any documents that
14 actually shows that they've received it?

15 A. No, I believe I've written -- or I've
16 read written documents that indicated they've
17 received that equity.

18 Q. So would it be fair to say that the APA
19 pilots got more out of the merger than the US Airways
20 pilots?

21 A. Not necessarily, no.

22 Q. Why not? What's wrong with that statement?

23 A. It's a broad statement. It's hard to
24 quantify that statement.

25 Q. But the US Airways pilots did not get the

1 equity stake in the company?

2 A. They did not, yes. In that respect they
3 got more, speaking just equity, yes.

4 Q. Okay. I'd like to have you take a look at
5 what has been previously marked as Exhibit 1052. And
6 it's an e-mail from Steve Bradford to Gary Hummel,
7 Steve Smyser and Rob Streble, and those are the four
8 officers of USAPA, correct?

9 A. Yes.

10 Q. All right. And I know that I asked you if
11 you were a junior East pilot and you said no. But it
12 says here that the junior members of the BPR are
13 DeWitt Ingram, Steve Crimi, Mike Gillies and Pete
14 Dugstad. And I suppose that's just Steve Bradford's
15 opinion. But he's talking here about what's driving
16 you guys; is that correct?

17 A. I don't know. Let me see.

18 It appears he's given his opinion on
19 that, but I wholeheartedly disagree with his
20 assumptions.

21 Q. Okay. And he's saying that what drives you
22 guys is fear.

23 Do you see that?

24 A. I do.

25 Q. Okay. Do you agree with that?

1 A. I absolutely and 180 degrees in
2 opposition to his opinion. In fact, my opinion is
3 it's the others on the majority of the board that
4 are being driven by fear. No, I'm --

5 Q. What do you think they're afraid of?

6 A. I think they're afraid of the risk and,
7 you know, something bad will happen and that's how
8 they base their decisions.

9 Q. Okay. And he says down here in these
10 bullet points that they don't trust anyone, and USAPA
11 is seen as a vehicle to get back what they lost.

12 Do you agree with that?

13 A. I do not agree with that at all.

14 Q. Why not?

15 A. Because that's not how my mind works.
16 That's not how I think. I'm there to represent my
17 pilots, not myself.

18 Q. And then on the next page, on the third to
19 last bullet point he says, they feel that they --
20 they feel that they just sit tight that they will
21 move up quickly and gain both money and seniority.
22 Because of this, they feel that doing nothing is a
23 viable option.

24 Do you agree with that?

25 A. Not at all, no. I'm a very analytical

1 person, I don't make decisions based on fear, and I
2 don't make decisions based on money, no.

3 Q. And this last bullet point is, to these
4 guys seniority is everything.

5 Is that true?

6 A. Absolutely not. Not even close. He's
7 way off the mark.

8 (Exhibit Number 1089: Document entitled
9 BPR Meeting 067 August 25, 2011 marked for
10 identification, as of this date.)

11 Q. I just handed you what has been marked as
12 Exhibit 1089, which is a document entitled: BPR
13 Meeting 067 August 25th, 2011.

14 And you were on the BPR August 25th, 2011,
15 correct?

16 A. Yes.

17 Q. Do you recall if you were at this meeting?

18 A. No, I do not.

19 Q. If you go to the second page, it says roll
20 call, and next to Charlotte it has McKee, Crimi and
21 Ingram.

22 Does that refresh your recollection as to
23 whether you were there?

24 A. No.

25 Q. Okay. But, in fact, this document says

1 that you were there, correct?

2 A. Yes.

3 Q. Do you have any reason to doubt that this
4 is true?

5 A. No.

6 Q. Six -- six pages in.

7 And this is on day two. And if you look at
8 the date -- the previous day, again, there's a roll
9 call. And, again, I believe that it says that you
10 were there. It says, Crimi, DDR, Borman.

11 What does that mean?

12 A. That means that -- oh, I must be looking
13 at the wrong line because that's not what it says.

14 You did say page six, didn't you?

15 Q. Yeah, I'm sorry. There's no document.
16 It's the document entitled day two.

17 A. Oh, day two.

18 That means Courtney Borman sat in for me,
19 another Charlotte-based pilot.

20 Q. So you weren't there?

21 A. That's correct.

22 Q. Would you have reviewed these notes,
23 however?

24 A. No, these wouldn't have been available to
25 us for sometime afterwards, so most likely I

1 reviewed notes that Courtney Borman provided me.

2 Q. Okay. But you would have reviewed these
3 when they became available to you?

4 A. Sometimes, yes; sometimes, no. And the
5 reason is sometimes they -- they don't get to us
6 until it's too late to review, unfortunately.

7 Q. And on the next page, number six, it
8 says -- it's talking about the negotiating committee
9 briefs the board.

10 And number six says, negotiations have been
11 going on for 3.5 years, committee will not give in,
12 but having a difficult time. Not a question about
13 being ineffective. If it is not Kirby, they are not
14 interested. And that's in quotes.

15 A. Um-hum.

16 Q. Do you recall receiving notes from Courtney
17 Borman about this?

18 A. No.

19 Q. Okay. And, again, it's still your
20 testimony that the Kirby proposal was -- you were
21 unaware that the Kirby proposal was on the table at
22 any time after 2007?

23 A. Yes, it was never brought to us.

24 Q. Okay.

25 A. That I recall.

1 Q. If we could go onto -- there's a --
2 actually, a PowerPoint attached to this document, if
3 you keep going. And it's a negotiating committee
4 update PowerPoint. Front page looks like this.

5 A. Oh.

6 Q. If you go back.

7 Do you recall ever seeing this PowerPoint?

8 A. I can't say that I do. I probably have
9 seen it. If it's in that PowerPoint, I'm sure I've
10 seen it or something very similar to it.

11 Q. Okay. And if you go to slide 11.

12 A. Slide 11.

13 MR. SZYMANSKI: The numbers are in the
14 upper right corner in small type.

15 Q. And slides 10 and 11 read -- yeah, and
16 who -- in August of 2011 Paul DiOrio was the chairman
17 of the NAC, correct?

18 A. I believe so, yes.

19 Q. Okay. And on slides 10 and 11 they're
20 talking about the pace of negotiations.

21 A. Um-hum.

22 Q. And they say, if you were frustrated at the
23 pace of negotiations, believe me, so are we,
24 exclamation point, exclamation point. Spend hours
25 and hours developing proposals/solutions only to have

1 them dismissed out of hand by the company.

2 And then slide 11 says, it's not a question
3 of being ineffective, rather, if it's not Kirby, they
4 are not interested.

5 And, again, it's still your testimony that
6 you were unaware that the Kirby proposal was still on
7 the table in 2011?

8 A. Yes. And I see the reference to the
9 Kirby proposal position, but I don't see a
10 reference to -- at no time did the NAC bring us the
11 Kirby proposal and said look, we want you guys to
12 take a look at this and vote on it.

13 Was their position Kirby -- Kirby
14 proposal positions on myriad of subject in the
15 contract? It obviously was.

16 Q. Okay. And then if you go to slide 12 on
17 the next page. It says that the company refuses to
18 move off the Kirby proposal from four-plus years ago.

19 Do you see that?

20 A. Yes.

21 Q. Okay. And, again, still you're saying the
22 NAC never brought you the Kirby Proposal?

23 A. They never formally brought us the Kirby
24 proposal to say this is the Kirby proposal, we've
25 reached an agreement, we'd like you guys to vote on

1 it. The Kirby proposal all took place well ahead
2 of me being on the board, and, in fact, when I was
3 furloughed.

4 Q. I understand that.

5 If the NAC -- was the NAC given any
6 instructions that -- do not accept the Kirby
7 proposal?

8 A. I believe they were before I was on the
9 board. But I'm -- you know, honestly, I'm not
10 100 percent sure on that. But it happened before I
11 was on the board.

12 Q. And if the NAC had brought the Kirby
13 proposal to you, would you have voted for it?

14 A. No.

15 Q. And why is that?

16 A. Same reason I said before, that the
17 economic returns, it was woefully inadequate.

18 Q. And because the seniority list in the Kirby
19 proposal was the Nicolau, correct?

20 A. No, I don't know that it was the Nicolau
21 award, as I said before.

22 Q. Did you understand if the Kirby proposal
23 was put into effect that the Nicolau award would --
24 would be used?

25 A. Not necessarily, no, that is not correct.

1 Q. Why is that not correct?

2 A. Because Section 22 is the section of the
3 collective bargaining agreement that's subject to
4 negotiations.

5 Q. And you were -- you understand that the TA
6 required the Nic, correct?

7 A. An unmodified transition agreement
8 required the Nic?

9 Q. Yeah.

10 A. That was the agreement in the unmodified
11 transition agreement.

12 Q. And that superseded the Section 22,
13 correct?

14 A. I don't know how to answer that. That it
15 did supersede Section 22?

16 Q. For purposes of negotiations between
17 Airways and USAPA, the TA was the governing document,
18 correct?

19 A. I suppose up until negotiations are
20 complete. But when negotiations are completed, I
21 can't say that the TA is going to be the defining
22 document.

23 Q. Earlier you testified that there are
24 approximately 600 West pilots that are not members of
25 USAPA, correct?

1 A. Yes, I believe I testified to something
2 similar to that, yes.

3 Q. Is that -- in fact, there are 600 USAPA
4 pilots that are not members, correct?

5 A. 600 USAPA pilots that are not members?

6 Q. Yeah.

7 A. I'm not sure what that means.

8 MR. SZYMANSKI: You mean US Airways
9 pilots.

10 Q. US Airways pilots, I'm sorry.

11 A. I don't know the number of US Airways
12 pilots that are not members.

13 Q. Well, it's my understanding that there's
14 only approximately 250 West pilots that are not
15 members of USAPA, and that there are a total of 600
16 pilots. So I'm just trying to clarify why you think
17 that there are 600 West pilots that are not members?

18 A. I didn't say that, I believe, if you
19 check the record.

20 Q. I believe you did.

21 So are you changing your testimony now that
22 there are not 600 West pilots that are members?

23 A. I believe I was referencing
24 participation.

25 Q. Okay. And you were referencing all pilot

1 participation?

2 A. If I said -- no, West pilot
3 participation. If I said members, I spoke -- that
4 was a mistake. So I don't know whether they're
5 members or not. All I know is they're not
6 participating in votes.

7 Q. So your testimony is that there's 600 West
8 pilots not participating in votes?

9 A. I'm going by the numbers that I see from
10 documents such as Judge Silver when she certified
11 the class yesterday. She referenced 1,600 West
12 pilots. That's the number that I've always had in
13 my mind, and it's between 1,600 and 1,700 West
14 pilots. Generally speaking, on almost every vote,
15 there's approximately 1,000 West pilots that vote.
16 That means there's 600 pilots somewhere that aren't
17 voting. I don't know whether they're members or
18 not.

19 Q. And it's based on their lack of voting that
20 you have decided that they don't support the Nic?

21 A. That's not a question.

22 Q. Is it based on their lack of voting that
23 you have decided that they don't support the Nic?

24 A. I think it's an indication that they may
25 not support the Phoenix representatives, and

1 therefore they may not support the Nic.

2 Q. But you just have no idea, correct?

3 A. I believe I answered that earlier.

4 Q. Do you know if the board of the BPR has
5 ever articulated a legitimate union purpose for not
6 using the Nicolau award?

7 A. Through our legal counsel I believe we
8 have, on many occasions.

9 Q. Other than through your legal counsel, have
10 you -- has the board otherwise articulated a
11 legitimate union purpose?

12 A. Do you mean have we passed a resolution
13 and spoken as with one voice?

14 Q. Yes, yes.

15 A. I'm not sure there was any purpose, so
16 no.

17 Q. I'm going to hand you what's been marked
18 Exhibit 1000.

19 Have you ever seen this document before?

20 A. I don't know.

21 Q. And for the record, Exhibit 1000 is USAPA's
22 response to plaintiff's interrogatories.

23 Just -- have you seen this document before?

24 A. I've seen it, but I don't know that I --
25 if I've read the text or not.

1 Q. Okay. I'm just going to ask you about --
2 on paragraph -- on page three -- well, actually,
3 starting on the bottom of page two. The first
4 interrogatory is identify and list each reason that
5 supports your determination to agree to Section 10H
6 of the MOU.

7 And if you recall, Section 10H was the
8 provision that we went over earlier about the two
9 lists.

10 A. Yes.

11 Q. And on the top of page three, the response
12 by USAPA is that the reasons that Section 10H was
13 agreed to include first and foremost, the MOU
14 conferred unprecedented and previously unattainable
15 economic benefits on all US Airways pilots.

16 Do you agree with that statement?

17 A. I think I do, yes.

18 Q. Even though you believe that the MOU gave
19 up a billion dollars with the change of control and
20 co-chair provision?

21 A. Well, I'm not comparing it to anything.
22 It's a stand-alone statement. Whether we gave up
23 ten billion dollars in concessions, the statement
24 is conferred unprecedented and previously
25 unattainable economic benefits. To me that's a

1 stand-alone and not relative to anything.

2 Q. You believe that unprec- -- okay. Well, we
3 won't fight over the definition of unprecedented.

4 Give me a few minutes. But we may be done.

5 (A BRIEF RECESS WAS TAKEN.)

6 Q. A few more questions for you.

7 You said that the Kirby proposal would have
8 been unacceptable to you if it had come up for a vote
9 because the rates and other issues were not
10 acceptable; is that correct?

11 A. That's correct, yes.

12 Q. Have you -- so you had studied the Kirby
13 proposal then?

14 A. No, I hadn't studied it. But the
15 overview was plenty.

16 Q. Okay. And have you ever compared the Kirby
17 rates with the rates in the MOU?

18 A. No, I haven't.

19 Q. Okay. Do you know what stove pipe bidding
20 is?

21 A. No.

22 Q. Okay. How long were you at -- on furlough
23 with US Airways?

24 A. Four years and eight months, I believe.

25 Q. Did you fly for any other airlines during

1 that time?

2 A. Yes, PSA.

3 Q. Anyone else?

4 A. No.

5 Q. What was PSA?

6 A. They're a wholly-owned subsidiary of US
7 Airways, an express carrier.

8 Q. And were you with them that entire four
9 years and eight months?

10 A. No, not the entire time. Actually, I
11 might have been with PSA for four years and eight
12 months. And I think I was furloughed in November
13 and took a job with them in September. So -- but
14 my dates might be all -- all wrong.

15 Q. Did you ever work for an airline called
16 Freedom Air?

17 A. Yes.

18 Q. And how long did you work for Freedom Air?

19 A. About five months, I think.

20 Q. And was that in the time period that you
21 were furloughed from US Airways?

22 A. Yes. But I thought you were asking about
23 this furlough when I was working for PSA. I was
24 furloughed also in 1997 and 1991.

25 Q. Okay. How long were you furloughed in

1 1997?

2 A. Five-and-a-half months.

3 Q. And what about 1991?

4 A. About 14 months.

5 Q. And when -- when was it that you worked for
6 Freedom Air?

7 A. I believe it was January of 2003 to May
8 of 2003. But I would not swear to that.

9 Q. So that was the 2001 furlough then, the
10 most recent furlough, correct?

11 A. Yes, actually it was 2002.

12 Q. Okay.

13 A. I believe I was furloughed in November of
14 2002. But I might be mistaken.

15 Q. So while -- I think you told me that you
16 worked for only PSA during those four years and eight
17 months that you were furloughed, but that's
18 incorrect?

19 A. I'm sorry, that is incorrect. I was
20 thinking that was a different furlough, and yes,
21 you weren't asking about that, you were just asking
22 about this latest furlough.

23 Q. So during this latest furlough you worked
24 for PSA and for Freedom Air?

25 A. Yes.

1 Q. And what was Freedom Air?

2 A. It was an express carrier owned by Mesa
3 group, I believe, flying for America West.

4 Q. Okay. And that was a non-unionized
5 airline, correct?

6 A. Yes.

7 Q. Okay. And I believe that ALPA had put out
8 a notice to pilots to not go fly for them, correct?

9 A. They did, yes.

10 Q. And you went and flew for them anyway?

11 A. Yes.

12 Q. Okay. Why was that?

13 A. Because they had no legal right to say
14 that.

15 Q. Okay. And even though you went and flew
16 for this non-unionized air, you now are a union
17 representative for US Airways, correct?

18 A. That's correct.

19 Q. I think we're done.

20 MR. SZYMANSKI: Thank you very much.

21 (TIME NOTED: 12:22 p.m.)

22 (SIGNATURE RESERVED.)

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WITNESS' CERTIFICATE

I, STEVEN ANTHONY CRIMI, 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.

STEVEN ANTHONY CRIMI

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

NOTARY PUBLIC

My commission expires:

1 Huseby, Inc.
1230 West Morehead Street, Suite 408 (Page 1 of 2)
2 Charlotte, North Carolina 28208

3 E R R A T A S H E E T

4 RE: Don Addington; et al.
vs. US Airline Pilots Association, et al.
5 DEPOSITION OF: Steven Anthony Crimi
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8 it is signed. We would appreciate your prompt
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25	Page: _____	Line: _____	should read:	_____

1 STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

2

3

REPORTER'S CERTIFICATE

4

I, V. Dario Stanziola, a Notary Public in

5

and for the State of North Carolina, do hereby

6

certify that there came before me on Thursday,

7

September 19, 2013, the person hereinbefore named,

8

who was by me duly sworn to testify to the truth

9

and nothing but the truth of his knowledge

10

concerning the matters in controversy in this

11

cause; that the witness was thereupon examined

12

under oath, the examination reduced to typewriting

13

under my direction, and the deposition is a true

14

record of the testimony given by the witness.

15

I further certify that I am neither

16

attorney or counsel for, nor related to or employed

17

by, any attorney or counsel employed by the parties

18

hereto or financially interested in the action.

19

IN WITNESS WHEREOF, I have hereto set my

20

hand, this the 26th day of September 2013.

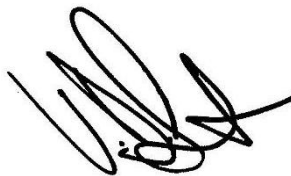
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V. DARIO STANZIOLA, CSR, RPR, CRR
Notary Public No. 20011200120

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17:12

yesterday

34:8

143:11

York 20:22

24:25

Z

zone 122:10