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2 **UNITED STATES DISTRICT COURT**
3 **FOR THE DISTRICT OF ARIZONA**

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6 Don Addington, et al.,)
7 Plaintiffs,) No. CV 08-1633-PHX-NVW
8 vs.)
9 US Airline Pilots) Phoenix, Arizona
10 Association, et al.,) May 13, 2009
11 Defendants.) 10:40 a.m.
12 _____

13 **BEFORE: THE HONORABLE NEIL V. WAKE**
14 **UNITED STATES DISTRICT JUDGE**
15 **(*Jury Trial - Day 11*)**
16 **(*Pages 2095-2101*)**

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20 Official Court Reporter:
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24 Proceedings Reported by Stenographic Court Reporter
25 Transcript Prepared by Computer-Aided Transcription

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1 P R O C E E D I N G S

2 THE COURT: The record will show the presence of the
3 jury, counsel.

4 Will the foreperson please tell us whether the jury
5 has unanimously reached a verdict. 10:40:29

6 JURY FOREPERSON: We have, Your Honor.

7 THE COURT: And will you please hand it to the clerk.

8 All right. And will the clerk please read and record
9 the verdict?

10 THE COURTROOM DEPUTY: Omitting the caption, we the 10:40:57
11 jury, duly empaneled and sworn in the above-entitled matter,
12 find as follows: On the plaintiff class's claim for breach of
13 duty of fair representation against defendant USAPA, in favor
14 of plaintiffs.

15 Signed by the foreperson this date. 10:41:13

16 THE COURT: All right. Will the clerk please poll the
17 jury.

18 THE COURTROOM DEPUTY: Juror Number 1, is this your
19 true and correct verdict?

20 JUROR NUMBER 1: Yes, it is. 10:41:22

21 THE COURTROOM DEPUTY: Juror Number 2, is this your
22 true and correct verdict?

23 JUROR NUMBER 2: It is.

24 THE COURTROOM DEPUTY: Juror Number 3, is this your
25 true and correct verdict? 10:41:28

1 JUROR NUMBER 3: It is.

2 THE COURTROOM DEPUTY: Juror Number 4, is this your
3 true and correct verdict?

4 JUROR NUMBER 4: It is.

5 THE COURTROOM DEPUTY: Juror Number 5, is this your
6 true and correct verdict?

10:41:35

7 JUROR NUMBER 5: It is.

8 THE COURTROOM DEPUTY: Juror Number 6, is this your
9 true and correct verdict.

10 JUROR NUMBER 6: It is.

10:41:41

11 THE COURTROOM DEPUTY: Juror Number 7, is this your
12 true and correct verdict?

13 JUROR NUMBER 7: It is.

14 THE COURTROOM DEPUTY: Juror Number 8, is this your
15 true and correct verdict?

10:41:48

16 JUROR NUMBER 8: It is.

17 THE COURTROOM DEPUTY: Juror Number 9, is this your
18 true and correct verdict?

19 JUROR NUMBER 9: It is.

20 THE COURTROOM DEPUTY: Thank you.

10:41:55

21 THE COURT: And the clerk is directed to record and
22 file the verdict.

23 Ladies and Gentlemen, I thank you for your services in
24 this case. And I hope you all realize the importance of trial
25 by jury to our system of government and to the fair enforcement

10:42:06

1 of our laws and the preservation of our liberties.

2 I thank you for your service. All the parties and
3 counsel thank you for your service. We have the best system of
4 justice in the world. And the principal reason is because we
5 have juries who reflect the judgment of the community, who
6 stand between conflicting litigants, and bring the conscience
7 of the community to their work. And I say this to every jury,
8 and it chokes me up every time I say it because it is so true
9 and such a fundamental part of our system of justice.

10:42:33

10:42:56

10:43:15

10:43:34

10:43:55

10 So with that, the jury is dismissed, and you are
11 released from the admonitions that I have given you. You are
12 now free to discuss the case if you wish to, but you don't have
13 to discuss the case with anyone, ever. And the lawyers are
14 instructed not to approach you about the case so you will not
15 feel bothered. But again, you are free to discuss the case
16 with anyone that you like.

17 And I will defer directing entry of judgment for until
18 a little later.

19 I'm going to take a recess now. Members of the jury,
20 you are discharged and so you are all free to go in about two
21 minutes. It's my usual practice after a jury trial to come by
22 and talk with the jurors to see if there's anything that you
23 can share with us about this process. I do not discuss this
24 case. I will not discuss anything about this case. But if you
25 have any suggestions about your service as a juror that would

1 be helpful to us, I'm always anxious to hear that.

2 So with that, the jury is discharged, and we will
3 recess. We need to take a recess for the court reporter's
4 benefit in any event, so counsel, let's take a 30-minute
5 recess. And with all that, all rise for the jury.

10:44:15

6 (Jury dismissed at 10:42 a.m.)

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C E R T I F I C A T E

I, LAURIE A. ADAMS, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 14th day of May, 2009.

s/Laurie A. Adams

Laurie A. Adams, RMR, CRR