

1                   BEFORE THE ALPA ARBITRATION BOARD  
2  
3   - - - - -X  
4 THE CREW MEMBERS OF           :  
5 US AIRWAYS,                   :  
6                   Plaintiff,           :  
7           vs.                   :  
8 THE CREW MEMBERS OF           :  
9 AMERICA WEST AIRLINES,       :  
10                   Defendant.       :  
11   - - - - -X

13                   HEARING, VOLUME VI I

14  
15 GEORGE NICOLAU, Chairman  
16 CAPTAIN STEVE GILLEN, Pilot Neutral  
17 CAPTAIN JIM BRUCIA, Pilot Neutral  
18  
19                   Washington, D. C.  
20                   Thursday, December 14, 2006  
21 REPORTED BY:  
22           DONALD R. THACKER

1           Hearing before the ALPA Arbitration Board, on  
2 December 14, 2006, in Washington, D. C., at the

1214arb7  
3 Marri ott Wardman Park, 2660 Woodl ey Road Northwest,  
4 at 9: 30 a.m. , before DONALD R. THACKER, a Notary  
5 Public wi thin and for the Di strict of Columbi a, when  
6 were present on behal f of the respective parties:

7 DANIEL M. KATZ, ESQ.  
8 JASON WHITEMAN, ESQ.  
9 Katz & Ranzman  
10 5028 Wi sconsi n Avenue Northwest, Sui te 250  
11 Washi ngton, DC 22036  
12 202-659-4656  
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14 On behal f of US Ai rways

15  
16 JEFFREY R. FREUND, ESQ.  
17 Bredhoff & Kai ser, PLLC  
18 805 15th Street Northwest, Sui te 1000  
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20 202-842-2600  
21 jfreund@bredhoff.com  
22 On behal f of Ameri ca West Ai rli nes

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1 P R O C E E D I N G S  
2 CHAIRMAN NICOLAU: Are we ready?  
3 MR. FREUND: Good morni ng. I have one  
4 prel i mi nary carryover pi ece of busi ness from  
5 yesterday, j ust before we go on the record, probabl y  
6 onl y because we have got blank tabs that we haven' t  
7 filled up yet i n our cross-exami nati on exhi bi t  
8 books. I thought that for the panel 's reading

9 pleasure we would mark as Exhibit E the quote from  
10 the Keller award that I read yesterday.

11 Here are three for you. There is another  
12 quote in there as well, that you can read at your  
13 leisure, that discusses or that sets out the Keller  
14 decision with respect to the consideration of age in  
15 a seniority integration. That happened to be on the  
16 same page as this document and so we'll probably be  
17 talking about it later, but for present purposes it  
18 was that first quote that I read into the record  
19 that was relevant.

20 So we put that I think behind tab E of our  
21 cross-examination exhibits. And we will give you  
22 the whole Keller award at some point. I am sure you

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1 will want every piece of paper that can possibly  
2 ever been produced but I just --

3 CHAIRMAN NICOLAU: True.

4 MR. FREUND: -- I didn't want to try to  
5 print out that many pages on our tiny little printer  
6 up in our workroom.

7 MR. KATZ: Is that it, Jeff?

8 MR. FREUND: That is it, yes.

9 MR. KATZ: I have a preliminary matter or  
10 two. One is we were waiting to hear back from the  
11 America West pilot representatives about paragraph 5  
12 of our proposed conditions and restrictions relating  
13 to the Eischen award, and if they are not agreeable  
14 to the language or we can't work something out we

15 would like to offer the Eischen award as part of the  
16 case. It is the decision is listed as one of the  
17 joint exhibits, so I think sooner or later we will  
18 have to deal with that issue. It doesn't have to be  
19 dealt with today but I guess I would pose a question  
20 through the chair as to whether there is a response.

21 MR. FREUND: Not yet.

22 CHAIRMAN NICOLAU: Not yet. There will

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1 be, so we will save that.

2 MR. KATZ: Okay, I did want to offer on  
3 behalf of the US Airways merger committee the  
4 technical assistance of Rick Salamat and his  
5 software, if the panel decides that there is  
6 something they want to run, just take a look at it,  
7 change the assumptions that we had put into the  
8 model to run the materials in Exhibits E and F, we  
9 would be happy to have him do that for the panel on  
10 whatever terms the panel wants to specify.

11 MR. FREUND: I have my views on that but I  
12 think since I am assuming the panel isn't going to  
13 need to do that today I would just as soon reserve  
14 my views on that one as well.

15 CHAIRMAN NICOLAU: Okay, but at some point  
16 you should give us your response, so we know whether  
17 we are free to do that or not.

18 MR. FREUND: Sure.

19 MR. KATZ: Okay. We would call as our  
20 last witness as part of our case in chief, Kevin

21 Barry.  
22 Whereupon,

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1 KEVIN BARRY  
2 was called as a witness and, having first been  
3 previously duly sworn, was examined and testified as  
4 follows:

5 REDIRECT EXAMINATION

6 CHAIRMAN NICOLAU: He has been under oath  
7 even longer than Captain Kirch.

8 MR. FREUND: You know, I brought the wrong  
9 book -- okay, we have got it.

10 THE WITNESS: I have been under oath my  
11 whole life. I tell the truth.

12 BY MR. KATZ:

13 Q We are actually coming full circle now,  
14 since Kevin was our first witness as well as our  
15 last in our case in chief, but we welcome you back  
16 to the stand, Captain Barry.

17 A It is a pleasure to be here.

18 Q And let me ask first off, we had put into  
19 our volume E as Exhibit 20 the proposed conditions  
20 and restrictions to the award.

21 MR. FREUND: I don't have my A volume. I  
22 didn't think we were going to be talking about it.

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1 MR. KATZ: If you want to cross-examine on  
Page 5

2 it wee will provide you with ours.

3 MR. FREUND: Appreciate that.

4 BY MR. KATZ:

5 Q What did you want to say, Mr. Barry, about  
6 that?

7 CHAIRMAN NICOLAU: About what?

8 BY MR. KATZ:

9 Q About Exhibit E-20, our proposed  
10 restriction and --

11 A I would like to add into the conditions  
12 and restrictions that the Cagle award, which was  
13 carried forward on the Shuttle merger by Mr. Nicolau  
14 to also be part of the conditions and restrictions  
15 carried forth on to this merger.

16 Q Some of those very obviously expired by  
17 their terms because there were dates in there that  
18 Mr. Cagle limited them to, but there are others.  
19 Would you give us an example of the others that seem  
20 to go on perpetually, or at least for the careers of  
21 the pilots who are affected by them?

22 A Yes, the others are based on the

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1 conditions and restrictions of the Cagle award that  
2 the Empire pilots will continue to receive their  
3 date-of-hire for longevity contributions to a  
4 defined benefit plan, should one come back again, or  
5 vacation accrual, is the as the same.

6 But they have also, I believe the Cagle  
7 award also gave them their Empire date of hire as

8 their furlough date, and we would like that  
9 condition and restriction be carried forward too.

10 Any of the conditions and restrictions  
11 that are in the Cagle award which you read on your  
12 own that have relevance to be carried forward, we  
13 would like the same to be carried forward.

14 Q And in the volume E there are some  
15 exhibits that we haven't mentioned yet. I refer you  
16 to tab 36, it appears to be an SEC filing on behalf  
17 of US Airways Group, Incorporated, and do you have a  
18 date on that, Kevin?

19 A Let me see, filing date was  
20 September 29th, 2005.

21 Q So it was just two days after the  
22 consummation of the merger transaction?

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1 A That is correct.

2 Q And this appears to be a prospectus. What  
3 is there you want to show us in there?

4 A I will show you that it is an SEC filing  
5 form 424(b)(4) filing, and it talks about the merger  
6 agreement, and the structure of the merger  
7 agreement.

8 Q What does it say?

9 A I direct your attention to the paragraph  
10 under structure of the merger agreement, "On the  
11 effective date of the merger, Barbell Acquisition  
12 Corporation, a wholly owned subsidiary of US Airways  
13 Group newly organized to effect the merger, merged

14 with and into America West Holdings. Through this  
15 transaction, America West Holdings became our wholly  
16 owned subsidiary."

17 This explains the transaction, that  
18 actually America West was acquired by us and is now  
19 a subsidiary of US Airways.

20 But, I would like to go on to say that our  
21 merger committee's position is that this was a  
22 merger and that this no one acquired anybody, and

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1 that is our position going forward, despite the fact  
2 that this document shows that it was an acquisition  
3 by us.

4 Q This appears to be page 84 of the  
5 prospectus, according to the number on the bottom of  
6 the page.

7 A Correct.

8 Q Exhibit 37?

9 A Is a listing of the America West Airline  
10 stock price for the third quarter of 2004 to  
11 September 26, 2005.

12 This is historical data, obviously, and if  
13 you will notice starting on the left-hand column at  
14 the beginning of 2004 as the stock ticks down in  
15 price as the price of the stock had dropped  
16 significantly.

17 I draw your attention to the last rise in  
18 the stock way to the right, the bottom of that which  
19 is probably, draw your finger across it, is around



20 \$7 a share, is approximately April 22nd, the date  
21 that the merger was first announced, which created  
22 the up tick in that stock.

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1 Q Where is the -- the bottom you are  
2 pointing us to in 2005 at April?

3 A Would be the first -- would be the lowest  
4 point starting from right to left, which would be in  
5 April, 2005.

6 Q Where do you get the \$7?

7 A I am sorry, I am misreading. I am sorry,  
8 \$6, a little less than 6.

9 Q Looks to me like it is between 4 and 5,  
10 the numbers --

11 A Oh, I am sorry, you are correct, I am  
12 looking across.

13 Q The scale starts at 4 and the line goes  
14 almost down to that, doesn't it?

15 A Yes, it does. I am looking at a bleed  
16 through from the other page. It actually looks like  
17 it is bottomed out somewhere just a little bit above  
18 \$4.

19 Q And because you printed the volume numbers  
20 on the bottom you can see quite a bit of activity  
21 right around that point where it starts up again?

22 A Correct.

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1 Q And that correlates with the announcement  
2 of the proposed merger with US Airways?

3 A Correct, the first notice of April 22nd,  
4 2005.

5 Q Okay. And the second page appears similar  
6 to one that you put in volume A?

7 A Right, but they were from different  
8 sources so I wanted to use the same source. So it  
9 is just a continuation of the LCC stock price from  
10 the date of September 27th and it opened on the  
11 market up until most recently of December 8, 2006.

12 Q And so on the first page prior to the  
13 announcement of the merger what appeared to be the  
14 trend of America West stock?

15 A Well, it appears to be trending down from  
16 the beginning of 2004, all the way through 2004,  
17 with the exception of the third quarter there is a  
18 slight up tick. Beginning of 2005 back down to  
19 where its low point in the third quarter of 2004,  
20 and then just kind of bouncing along the bottom  
21 until the merger was announced.

22 Q Since then it has been up, up and away?

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1 A Up, up and away. As mentioned here, the  
2 AWA closing price of September 26th was \$8.70, and  
3 conversion rate of 0.5362 shares of AWA to 1 share  
4 of LCC. But on LCC opening price on September 27th  
5 was \$21.05.

6 Q Exhibit 38, did you have some additional  
7 comments about that document?

8 A This is a document you have seen before.  
9 It is basically just a reminder that we are putting  
10 all of this stuff in the end, about the  
11 transformation plan that we were attracting  
12 investors for a stand alone plan, and where the  
13 money was coming from, just so it is an easy to find  
14 document.

15 Q And that was the fellow John Luth who  
16 Philip Carey talked about who was raising that  
17 money?

18 A Right. Mr. Luth who had worked for US  
19 Airways in the first reorganization was working for  
20 us in the second reorganization also, finding equity  
21 capital.

22 Q And he found the capital for the merger?

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1 A Correct.

2 Q Exhibit 39?

3 A Exhibit 39 is a document you have seen  
4 before also, but again, and this also goes hand in  
5 hand with 40 which is the transcript from Doug  
6 Parker's conversations to employees, stockholders  
7 maybe even those who were in the room, but shows the  
8 percentage of cash for the last 12 months revenues,  
9 where he talks down in this end where he has been  
10 with three or four bankrupt carriers and they hadn't  
11 come to that conclusion yet, but obviously if you

12 look fourth from the left is LCC, and he uses the  
13 analogy that he was in a nicer neighborhood. And  
14 the transaction was good for both groups, both  
15 companies.

16 Q And both pilot groups?

17 A And both pilot groups.

18 Q Okay, Exhibit 41?

19 A Exhibit 41 is a repeat from the second  
20 quarter of 2006. Just wanted to point out again on  
21 stand alone basis America West reported a net profit  
22 of 68 million for the second quarter in 2006, as

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1 compared with a net loss of 2 million for the same  
2 period.

3 US Airways reported a \$246 million on a  
4 stand alone basis for the second quarter, as  
5 compared to a net loss of 44 million, showing you  
6 where the percentage of revenue was coming from.

7 Goes on to talk about the 1.25 billion  
8 which was refinanced at a lower rate and better  
9 terms.

10 Q There is some additional information on  
11 the finances of the combined company and the two  
12 operating airlines in Exhibit 42, isn't there?

13 A Yes, there is. As was required I believe  
14 by the SEC. Again, I am not an expert but I have  
15 been told it was required by the SEC, that they must  
16 continue filing these separate reports for a certain  
17 period of time.

18                   So after the second quarter report which  
19 showed a profit of us for 248 million, and America  
20 West for 68 million. We joined in the third quarter  
21 and for the nine months ended September 30th, 2006,  
22 under the America West side the income before taxes

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1 was \$30 million. And direct your attention to the  
2 next page where it shows the US Airways portion of  
3 it, the income before taxes 347 million.

4           Q    How does that relate to the pilot  
5 seniority integration, Kevin?

6           A    Well, it shows you the investment of  
7 \$1.1 billion that the employees of US Airways made  
8 was actually taking hold and helping to turn the  
9 company around and make it profitable.

10          Q    Does that have any impact on the manner in  
11 which the seniority list should be integrated?

12          A    No. Again we are a union, we don't try to  
13 sort people by what they bring in revenue and what  
14 they make, we sort people by fair and equitable  
15 methods of integration.

16          Q    What is the committee's view on fair and  
17 equitable?

18          A    The committee's view on a fair and  
19 equitable integration is the date of hire as  
20 adjusted for length of service, with the conditions  
21 and restrictions that we have included in our plan.  
22 We believe it is a fair plan. We have looked at

1 lots of different plans as Rikk had testified to,  
2 different methodologies of putting the list  
3 together.

4           Unfortunately the only way that we seem to  
5 be able to find a fair and equitable method of  
6 putting them together is looking at revenue or  
7 income that a pilot will attain over the years. You  
8 can look at positions, you can look at all the other  
9 conditions that guys could have been this or  
10 couldn't have been this, but you have to kind of  
11 look at where a guy could have obtained the highest  
12 point which is what Rikk had used in his  
13 demonstration.

14           So it allows somebody to get to that  
15 position if they want to. If they choose not to  
16 then that is fine, but at least it gives them that  
17 opportunity to do so.

18           We also believe that the list, by sorting  
19 people for length of service, gives credit for the  
20 sweat equity that each pilot group has brought into  
21 this agreement. We have people that have  
22 contributed significant amount to the US Airways

1 name, the company, and the revenue that we have. We  
2 believe it is a tangible asset that all pilots can  
3 understand and get their arms around, that it is --  
4 people understand length of service. That is how we

5 are paid by our job, that is how individual lists  
6 are sorted for the most part.

7 We also believe that it allows that our  
8 pilots which are older than America West's to be  
9 able to have a reasonable chance of obtaining the  
10 positions in the premium flying that we have brought  
11 to this merger.

12 Q Thank you, Kevin. Appreciate your  
13 thoughts on that.

14 That completes our direct examination.

15 RE CROSS EXAMINATION

16 BY MR. FREUND:

17 Q Have you seen the movie My Cousin Vinnie?

18 A We tried to rent it last night but it was  
19 not available. I think you guys had every copy of  
20 that.

21 Q I wasn't going to ask you any questions.  
22 I really wasn't going to ask you any questions.

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1 A What kind of a Chief Justice would you be  
2 if you didn't ask me any questions?

3 Q Until the last thing you said, and just by  
4 happenstance I had passed out to the panel a quote  
5 from the Keller award, and I made reference to a  
6 second quote from the Keller award. That was on the  
7 page that I passed out and it had to do with age,  
8 and you had testified I think, your last point in  
9 your list of why it was your position a fair and  
10 equitable position, was based on the age of US

11 Airways pilots.  
12           So I just can't help myself to read to you  
13 this quote and ask if you agree with it? "The ALPA  
14 pilots," this is from the Keller award, Canadian and  
15 Air Canada. "The ALPA pilots strenuously urged the  
16 panel to consider pilot demographics, i.e., age,  
17 because they, on average, are older and have fewer  
18 flying years left. The panel was told that it must  
19 preserve more higher paying flying positions for  
20 ACPA in order to preserve the age equity. To that  
21 end a process they called MAP was proffered.  
22 Mapping would have preserved the same number of

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1 positions in each category for each pilot group on a  
2 go forward basis. In essence it would have created  
3 two independent parallel seniority lists and  
4 seniority list would not merge until all existing  
5 CAIL pilots retired.

6           "The panel rejects this approach," and now  
7 comes the important part, "age is not a collective  
8 agreement equity that the CAL pilots had on  
9 October 17, 2000. Results from the fact that the  
10 ALPA pilot group is older as CAIL had done very  
11 little hiring for the last five years prior to 2000,  
12 whereas Air Canada had. Undoubtedly the hiring  
13 pattern will affect the ALPA pilots long term quote  
14 bumping ability unquote and expectations, but it is  
15 not an equity and therefore is not something that  
16 can legitimately be protected." I take it you don't



17 agree with that?

18 A I don't agree with that for a couple of  
19 reasons.

20 MR. FREUND: I am not interested in your  
21 reasons. I just wanted to see if you agreed with  
22 it. Thank you.

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1 FURTHER REDIRECT EXAMINATION

2 BY MR. KATZ:

3 Q I would like to know your reasons.

4 MR. FREUND: What a surprise.

5 THE WITNESS: My reasons are we do things  
6 by age. When airlines hire groups of employees for  
7 a class they sort them by their date of birth, to  
8 give the older guys an opportunity above the younger  
9 guys, realizing that older pilots have less time on  
10 the property. That is a policy -- a procedure that  
11 has gone on here for some years.

12 Some airlines now, I understand, may or  
13 may not be changing that based on last four digits  
14 of Social Security, height, weight, whatever, but  
15 that is how it was done when I was hired. It was  
16 how it was done when the America West pilots were  
17 hired and all the pilots on the USAir list were  
18 hired. So I think it is fair and equitable to treat  
19 people that are older, to give them the  
20 opportunities to reach the goals that they were  
21 going to get premerger.

22 MR. KATZ: Thank you. That concludes it.  
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1 CHAIRMAN NICOLAU: Anything?

2 Thank you, Kevin.

3 THE WITNESS: Thank the Board for their  
4 time. Wish everybody a Happy Holiday and look  
5 forward to coming back as one airline.

6 CHAIRMAN NICOLAU: Thank you.

7 MR. KATZ: That completes our case in  
8 chief. We rest.

9 CHAIRMAN NICOLAU: You rest.  
10 Are you ready to proceed?

11 MR. FREUND: Absolutely. I do have one  
12 piece of business before we break up. Before the  
13 hearing started there was some skirmishing between  
14 Dan and me about whether the arbitration position  
15 statement that we submitted was sufficiently --  
16 well, I will put it differently, was in compliance  
17 with the ground rules, and you ruled that it was in  
18 compliance with the ground rules, but you had said  
19 that you hoped at some point that we would be a  
20 little more precise.

21 And as we said in one of our e-mail  
22 exchanges responding to Dan's request that we be

1 directed to make a more expansive and detailed  
2 presentation, we said that we had done a lot of

3 thinking about what the approach should be, that our  
4 arbitration position statement set it out in broad  
5 strokes, that we were going to listen very carefully  
6 to the testimony that was going to be adduced over  
7 the course of the next two weeks, which we have now  
8 finished, and at that point we would be in a  
9 position, at some point after that we would be in a  
10 position to share in greater detail our arbitration  
11 position statement.

12 Well, we did exactly what we said we would  
13 do. We had formulated the general notions of an  
14 arbitration position statement and in fact we had  
15 formulated before the hearing started a fairly  
16 precise notion of what we thought was an appropriate  
17 arbitration position, namely an integrated, process  
18 for integrating seniority lists, and we did that  
19 before the hearings began, but we nevertheless  
20 listened very carefully to the testimony during the  
21 course of the week.

22 Quite frankly, the testimony during the

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1 course of the week, and in particular yesterday's  
2 testimony, has persuaded us that our original  
3 thinking about what the seniority integration ought  
4 to be was, I hate to use the word generous because  
5 that is not really what I mean, but was too generous  
6 to our friends across the table, and that we could  
7 quite properly ratchet it down from what our  
8 original thinking was. But we have decided not to

9 do that.

10 The position that we had thought our way  
11 through prior to December 4th is the position that  
12 we are going to be advancing to the panel, and  
13 rather than hold everybody in suspense until  
14 January 8th and to give Dan and Rikk and everybody  
15 on that side plenty of time to crank it through  
16 whatever models they want to crank it through,  
17 hopefully using correct assumptions this time, we  
18 thought we would pass it out today so that no one  
19 would accuse us of sandbagging, surprise; and so  
20 that the three of you could have the opportunity of  
21 thinking about it over the course of the Christmas  
22 break, which I am sure you are going to spend all of

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1 your time thinking about this case.

2 So, while it isn't really a  
3 cross-examination exhibit it does seem to me that  
4 it -- there is a useful storage place which would be  
5 behind exhibit -- behind tab F in our book and we  
6 will pass --

7 MR. KATZ: I can make them another one.

8 MR. FREUND: We will pass three copies to  
9 the panel, and three copies to Dan.

10 And I simply commend it to everyone's  
11 reading during the course of the break. I will  
12 describe it in very broad terms and you can read the  
13 details of it at your leisure.

14 It is a ratio of working pilots to working

15 pilots in two separate sets, one a ratio between  
16 captains and another a ratio between first officers.  
17 The precise details and the precise position numbers  
18 of the pilots that ought to be ratioed are set out  
19 in the document. I won't burden the panel or the  
20 record with going through what is already in  
21 writing.

22 In addition to the other conditions and

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1 restrictions that have already been agreed upon, we  
2 propose one, a very precise condition and  
3 restriction, and that is set out in paragraph 6.  
4 That says we propose reserving for the --

5 CHAIRMAN NICOLAU: Mr. Freund, I don't  
6 have anything but paragraph 4.

7 MR. FREUND: Well, I don't know, that must  
8 have gotten ripped out of the printer before it was  
9 done.

10 CHAIRMAN NICOLAU: I was looking for it,  
11 but I couldn't find it.

12 ROGER: You need the invisible ink  
13 reveal er.

14 MR. FREUND: Maybe that is sort of a  
15 suggestion that we shouldn't be proposing this  
16 condition and restriction, but we will anyway, even  
17 though it wasn't on your piece of paper.

18 So paragraph 6 provides that there be  
19 reserved for US Airways pilots all the captain  
20 vacancies in the nine A 330 aircraft operating on

21 the US Airways operating certificate as of May 19,  
22 2005, for two years from the effective date of the

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1 integrated seniority list, or until July 1st, 2009,  
2 whichever comes first, so that the US Airways pilots  
3 and only the US Airways pilots, wherever they were  
4 on the seniority list, would be entitled to those  
5 positions.

6 We will spend, I guarantee you, not eight  
7 days putting on testimony that supports this  
8 position.

9 CHAIRMAN NICOLAU: Okay, thank you.  
10 Anything else before we recess until  
11 January 8th, is it?

12 MR. FREUND: January 8th.  
13 (Discussion off the record.)

14 MR. KATZ: I can understand where the  
15 America West representatives were embarrassed about  
16 putting forth a proposal for this and hid it for two  
17 weeks after the start of the case and well past --

18 CHAIRMAN NICOLAU: It wasn't hidden.

19 MR. KATZ: Well, it still hasn't provided  
20 enough information for us to run a list on it,  
21 because they have never given us the list of the  
22 people who are management and supervisors, that

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1 would treat as management and supervisors and remove  
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2 from the list, and so we can't possibly duplicate  
3 what they are going to be presenting without that  
4 information.

5 MR. FREUND: I think the certified  
6 seniority list has management pilots identified.

7 MR. KATZ: Not at all. Not on the America  
8 West side. And on the US Airways side it does, but  
9 not on the America West side.

10 MR. FREUND: Well, we can provide that.

11 MR. KATZ: Good.

12 CHAIRMAN NICOLAU: Anything else?

13 MR. KATZ: No.

14 MR. BRUCIA: Nothing.

15 MR. GILLEN: No.

16 CHAIRMAN NICOLAU: So we stand recessed  
17 until the 8th of January, apparently at the  
18 Mayflower, right?

19 MR. KATZ: Right.

20 CHAIRMAN NICOLAU: Okay. Happy Holidays,  
21 gang.

22 MR. FREUND: Same to you.

1364

1 MR. KATZ: Yes.

2 (Whereupon, at 10:02 a.m., the hearing was  
3 recessed, to be reconvened at 10:00 a.m., on January  
4 8, 2007.)

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C O N T E N T S

WITNESS	DIRECT CROSS REDIRECT RECROSS	
KEVIN BARRY		
By Mr. Katz		1341
		1356
By Mr. Freund		1353



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