

FILED
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RICHARD W. WHELAN
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION

JW

10 Wayne Taleff *et al.*

11 Plaintiffs,

12 v.

13 SOUTHWEST AIRLINES CO.,
14 GUADALUPE HOLDINGS CORP.,
AIRTRAN HOLDINGS, INC.,

15 Defendants.
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) CASE NO.:

CV 11 2179

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION
FOR A TEMPORARY
RESTRAINING ORDER**

Date:
Time:
Judge:



CERTIFICATE PURSUANT TO
F.R.C.P 65(b)

I, Thomas Paul Pier, hereby certify as follows:

On May 2, I attempted to contact counsel for Southwest Airlines and AirTran Airlines in order to notify them of our intention to seek a Temporary Restraining Order from this Court.

By conducting an on-line search, I was able to determine that Southwest's general counsel is Ms. Madeleine Johnson. At approximately 2:00 PM PST, I called 214-792-4000 and was connected to her office, but I was thereafter informed by her assistant, Ms. Teri Lambert, that Ms. Johnson was not available. I asked for, and received an e-mail address (teri.lambert@wnco.com) to which I sent the following message:

Ms. Lambert,

Please be so kind as to forward to Ms. Madeleine Johnson.

Thank you.

Tom Pier

SENT VIA E-MAIL TO MS. TERI LAMBERT

Ms. Johnson,

I am an attorney with the Alioto Law Firm. We represent a group of consumers who intend to file suit, pursuant to Sections 7 and 16 of the Clayton Antitrust Act, 15 U.S.C. Sec. 26, to enjoin Southwest's proposed acquisition of AirTran Airways.

Pursuant to F.R.C.P. 65(b), please take NOTICE that tomorrow, May 2 or as soon as practicable, we will be filing a motion for a Temporary Restraining Order in United States District Court for the Northern District of California seeking an Order from the Court enjoining Southwest and/or Guadalupe Holdings Company from acquiring AirTran Airways.

I will be sending you all documents related to this matter as soon as they are filed with the Court.

Should you have any questions regarding this matter, please contact me via return e-mail here or at our offices at 415-434-8900.

My regards,

Tom Pier

1 I did not receive a reply.

2 Very shortly thereafter, I attempted to contact Mr. Steven Rossum, who is identified
3 on AirTran's website as his general counsel. At approximately 2:05 PM PST I called 407-
4 318-5600 x5117 and was connected to Mr. Rossum's voice-mail. I left a detailed message
5 identifying myself stating that we intended to file a motion for a Temporary Restraining
6 Order to enjoin Southwest's proposed acquisition of his company. I also sent an e-mail to
7 steven.rossum@airtran.com substantively similar to the above e-mail. I did not receive a
8 reply to either the voice message or e-mail.

9 The reasons supporting the claim that notice should not be required are set forth in the
10 Memorandum in Support of Plaintiff's Motion for a Temporary Restraining Order that
11 accompanies this motion.

12 I declare, under penalty of perjury and the laws of the state of California, that the
13 foregoing is true and correct to the best of my recollection.

14 Executed this 3rd day of May, 2011 at San Francisco, California.

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16 _____
17 Thomas Paul Pier