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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA
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STATE OF ARIZONA
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Phoenix, AZ 85007

DISTRICT OF COLUMBIA
441 Fourth Street, NW, Suite 600 South
Washington, DC 20001

STATE OF FLORIDA
PL-01, The Capitol
Tallahassee, FL 32399

COMMONWEALTH OF PENNSYLVANIA
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Harrisburg, PA 17120

STATE OF TENNESSEE
500 Charlotte Avenue
Nashville, TN 37202

STATE OF TEXAS
300 W. 15th Street, 7th Floor
Austin, TX 78701

and

Case No. 1:13-cv-01236-CKK

COMMONWEALTH OF VIRGINIA
900 East Main Street
Richmond, VA 23219

Plaintiffs,

v.

US AIRWAYS GROUP, INC.
111 W. Rio Salado Parkway
Tempe, AZ 85281

and

AMR CORPORATION
4333 Amon Carter Boulevard
Fort Worth, TX 76155

Defendants.

MOTION OF ALLIED PILOTS ASSOCIATION, ASSOCIATION OF PROFESSIONAL FLIGHT ATTENDANTS, ASSOCIATION OF FLIGHT ATTENDANTS-CWA AND TRANSPORT WORKERS UNION OF AMERICA TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT DEFENDANT’S MOTION TO SET TRIAL DATE [ECF No. 11]

The Allied Pilots Association, the Association of Professional Flight Attendants, The Association of Flight Attendants-CWA, and the Transport Workers Union of America – unions made up of American Airline (“American”) pilots, flight attendants, mechanics and other service employees – hereby move this Court for leave to file an *amicus curiae* brief in support of Defendants US Airways Group, Inc. and AMR Corporation’s Motion to Set Trial Date [ECF No. 11]. The attached brief, exhibit A hereto, discusses why American Airlines employees believe that an expeditious resolution is necessary if American and the airline industry as a whole is to remain competitive.

I. INTEREST OF THE AMICI

The Allied Pilots Association (“APA”), located at 14600 Trinity Blvd., Suite 500, Fort Worth, TX 76155-2512, an unincorporated association, is a labor union founded in 1963 by a group of American Airlines pilots. The APA is the largest independent pilots’ union in the world. The APA is the certified collective bargaining agent for approximately 10,036 American pilots, 100% of its mainline pilots and approximately 76% of its total pilots.

The Association of Professional Flight Attendants (“APFA”), located at 1004 West Euless Boulevard, Euless, Texas 76040, is the certified bargaining representative of approximately 16,000 Flight Attendants employed by American Airlines. Today, this workforce is about 36% smaller than it was in May 2002, when almost 25,000 Flight Attendants worked for American.

The Association of Flight Attendants-CWA (“AFA”), located at 501 Third Street, NW, Washington, DC 20001, is the certified collective bargaining representative for the approximately 1,800 flight attendants employed by American Eagle Airlines, Inc., the wholly-owned subsidiary of American Airlines. AFA is also the certified collective bargaining representative for the approximately 8,000 flight attendants employed by US Airways, Inc. AFA has a direct financial interest in the successful re-organization of American Airlines and its emergence from bankruptcy protection through the consummation of its agreed-to merger with US Airways

The Transport Workers Union of America (“TWU”), located at 501 Third Street, NW, Washington, DC 20001, represents over 200,000 employees in the airline industry, railroad industry, and transit sector, as well as employees in other industries. In the airline industry TWU represents employees at American Airlines, Southwest Airlines and a number of other carriers. TWU currently represents about 23,000 employees at American Airlines including aircraft

mechanics (and related employees), fleet service employees (baggage handlers and related employees), Materials Logistics Specialists, Flight Dispatchers, Simulator Pilot Instructors, Maintenance Control Technicians and Flight Simulator Technicians. TWU represents Flight Dispatchers on US Airways. TWU also represents Mechanics & Related, Fleet Service, Dispatchers, and Ground School Instructors at American Eagle. In 2000, TWU represented about 35,000 American Airlines employees. Since 2000, the number of TWU represented employees at American has shrunk to 23,000.

The careers of the American employees represented by *amici* depend heavily on the competitive success of American and the airline industry as a whole. For instance, because of industry-wide seniority rules, pilots and Flight Attendants tend to stay with one carrier for their entire careers. The *average* tenure of the current APA pilots is almost 18 years. On average Flight Attendants have worked for American for more than 20 years. Thus, it is fair to say that few interested parties care more than the *amici's* members about the long-term survival and competitiveness of American.

II. ARGUMENT

As the principal unions representing American's pilots, flight attendants and mechanics, *amici* have a substantial interest in the outcome of this litigation and a viewpoint that will assist the Court in deciding the case. They seek to participate as *amicus curiae* at this stage to impress upon the Court the need for expeditious consideration of the case.

As this Court previously noted, an *amicus curiae*, "does not represent the parties but participates only for the benefit of the Court." *United States of America v. Microsoft Corp.*, 2002 WL 319366, *2 (D.D.C. 2002). "District Courts have inherent authority to appoint or deny *amici* which is derived from Rule 29 of the Federal Rules of Appellate Procedure." *Jin v. Ministry of*

State Security, 557 F.Supp.2d 131. 136 (D.D.C. 2008) (citation omitted). It is “solely within the discretion of the Court to determine the fact, extent, and manner of participation by the amicus.” *United States of America v. Microsoft Corp.*, 2002 WL 319366, *2 (D.D.C. 2002). *Amicus* participation should be permitted, among other reasons, when a party “has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Jin v. Ministry of State Security*, 557 F.Supp.2d 131. 136 (D.D.C. 2008) (citation omitted).

As explained in the attached brief, the careers of *Amici* are inextricably linked to the success of American. The pilots and flight attendants, for instance, frequently spend their entire career with American. Their futures will be determined by the long-term viability and competitiveness of American. Whether American is allowed to proceed with the merger or is required to operate as a stand-alone airline will have a drastic impact on the employees represented by *Amici*.

None of the parties to this litigation represent the employee interests. *Amici* are able to provide unique information and perspective with respect to the impact on employees of delaying the merger. Absent the *Amici*'s involvement, this Court will not have information regarding the impact on employees, including pilots, flight attendants and mechanics, of allowing or disallowing the merger. The views of *Amici* will assist the Court in determining the scheduling for this litigation.

Amici has consulted with DOJ, American and US Airways regarding the filing of the *amicus* brief. American and US Airways have consented to APA's filing of the *amicus* brief. The Department of Justice does not object to the filing of the *amicus* brief. *Amici* sought

permission for this filing from the State parties, but given the urgency of the filing, did not receive such permission before filing this motion.

Therefore, *Amici* respectfully requests that the court grant *Amici* leave to file the *amicus* brief.

Dated: August 23, 2013

Respectfully submitted,

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