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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Don Addington; John Bostic; Mark)
Burman; Afshin Iranpour; Roger Velez;)
9 Steve Wargoeki,

No. CV 08-1633-PHX-NVW
(consolidated)

10

Plaintiffs,

ORDER

11

vs.

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US Airline Pilots Association; US)
Airways, Inc.,

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Defendants.

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Don Addington; John Bostic; Mark)
Burman; Afshin Iranpour; Roger Velez;)
16 Steve Wargoeki, et al.,

CV08-1728-PHX-NVW

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Plaintiffs,

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vs.

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Steven Bradford; Paul Diorio; Robert)
Frear; Mark King; Douglas Mowery; John)
20 Stephan, et al.,

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Defendants.

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Before the Court are Plaintiffs' Motion for Award of Attorneys' Fees (doc. # 600)
23 and Defendants' Motion to Dismiss Second Amended Complaint (doc. # 620). On
24 February 9, 2010, the counsel for all parties participated in a status conference with the
25 Court regarding whether to stay proceedings in this Court pending the current appeal in
26 the Ninth Circuit. The Court took the issue under advisement, set oral argument on
27 pending motions on attorneys' fees and dismissal tentatively for February 24, 2010, and
28 indicated it would issue its ruling on a stay shortly. (Doc. # 634.) This is that ruling.

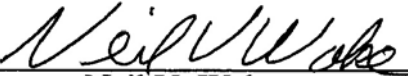
1 On July 23, 2009, USAPA filed a notice of appeal to the Ninth Circuit from the
2 Partial Judgment and Permanent Injunction (doc. # 594) filed July 17, 2009, and sought
3 an expeditious hearing. (Doc. # 595.) The Ninth Circuit processed USAPA's appeal
4 expeditiously and heard oral argument on December 8, 2009. The Ninth Circuit likely
5 will also render its rulings on the appeal expeditiously.

6 The parties agree that if the Ninth Circuit reverses the July 17, 2009 partial
7 judgment and permanent injunction, the pending motions will be moot, and staying
8 proceedings will have had no adverse effect on Plaintiffs. If the Ninth Circuit affirms the
9 partial judgment in favor of Plaintiffs, a stay will have delayed resolution of Plaintiffs'
10 claims for attorneys' fees and individual damages for the length of the stay. Defendants
11 seek a stay of one to three months. However, the Ninth Circuit may make rulings on the
12 appeal that should be considered in deciding the pending motions to ensure that the
13 Court's rulings are consistent with the Ninth Circuit's rulings. Weighing these competing
14 legitimate interests, the Court concludes that it is likely that a decision on appeal will be
15 made expeditiously and that the net balance of fairness and economy to all parties favors
16 a stay of the pending motions and of the case until then.

17 IT IS THEREFORE ORDERED that Plaintiffs' Motion for Award of Attorneys' Fees
18 (doc. # 600), Defendants' Motion to Dismiss Second Amended Complaint (doc. # 620), the
19 proceedings in this Court are stayed pending decision of the appeal of the July 17, 2009
20 partial judgment and permanent injunction in the Ninth Circuit, Case No. 09-16564, or until
21 further order of this Court.

22 IT IS FURTHER ORDERED vacating the oral argument on Plaintiffs' Motion for
23 Award of Attorneys' Fees (doc. # 600) and Defendants' Motion to Dismiss Second Amended
24 Complaint (doc. # 620) set for February 24, 2010.

25 DATED this 11th day of February, 2010.

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Neil V. Wake
United States District Judge