

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CYNTHIA PROSTERMAN, JAN MARIE ) CASE NO. 16-cv-2017-MMC
BROWN, CAROLYN FJORD, KATHERINE R. )
ARCELL, KEITH DEAN BRADT, JUDY BRAY, )
JOSÉ M. BRITO, ROBERT D. CONWAY, JUDY )
CRANDALL, ROSEMARY D'AUGUSTA, ) ORDER RE: MOTION FOR
BRENDA K. DAVIS, PAMELA FAUST, DON ) PROPOSED
FREELAND, DONNA FRY, GABRIEL ) ORDER TEMPORARILY
GARAVANIAN, HARRY GARAVANIAN, ) RESTRAINING DEFENDANTS
YVONNE JOCELYN GARDNER, LEE M. ) FROM VIOLATING SECTION 1 OF
GENTRY, VALARIE ANN JOLLY, GAIL S. ) SHERMAN ANTITRUST ACT AND
KOSACH, JOHN LOVELL, MICHAEL C. ) SECTION 16720 OF THE
MALANEY, LEN MARAZZO, LISA ) CALIFORNIA CARTWRIGHT
MCCARTHY, PATRICIA ANN MEEUWSEN, ) ANTITRUST ACT; AND ORDERING
L. WEST OEHMIG, JR., DEBORAH M. ) DEFENDANTS TO SHOW CAUSE;
PULFER, DANA L. ROBINSON, ROBERT A. ) DIRECTIONS TO PLAINTIFFS
ROSENTHAL, BILL RUBINSOHN, SONDR A. )
RUSSELL, SYLVIA N. SPARKS, JUNE )
STANSBURY, CLYDE D. STENSRUD, )
WAYNE TALEFF, GARY TALEWSKY, )
ANNETTE M. TIPPETTS, DIANA LYNN )
ULTICAN, J. MICHAEL WALKER, PAMELA S. )
WARD and CHRISTINE WHALEN, )
Plaintiffs, )
v. )
AIRLINE TARIFF PUBLISHING COMPANY, )
AMERICAN AIRLINES, INC., DELTA AIR )
LINES, INC. and UNITED AIRLINES, INC., )
Defendants. )

TO DEFENDANTS: AIRLINE TARIFF PUBLISHING COMPANY, AMERICAN AIRLINES,
INC., DELTA AIR LINES, INC. and UNITED AIRLINES, INC.,

This matter comes before me on Plaintiffs, Cynthia Prosterman, et al.'s Ex Parte
Application for a Temporary Restraining Order and for an Order to Show Cause Regarding a

Order Temporarily Restraining Defendants from Violating Section 1 of the Sherman Antitrust Act
and Section 16720 of the California Cartwright Antitrust Act and Ordering Defendants to Show Cause

1 Preliminary Injunction, Memorandum of Points and Authorities, and supporting papers.

2 ~~Having considered the arguments and papers submitted, in order to preserve the *status*~~  
3 ~~*quo ante*, and finding good cause based on the record before me, I GRANT Plaintiffs' *Ex Parte*~~  
4 ~~Application, pending a hearing on \_\_\_\_\_ day, \_\_\_\_\_, \_\_\_\_\_, 2016. Based on the record before~~  
5 ~~me, I find that Plaintiffs are likely to prevail on the merits of their claims, the balance of~~  
6 ~~hardships tips in its favor, Plaintiffs would be likely to suffer irreparable injury, absent an *ex*~~  
7 ~~*parte* temporary restraining order, in the form of: injury to, or loss of, their businesses and~~  
8 ~~reputations; the inability to continue in the business of booking air transportation on the~~  
9 ~~Defendant airlines; and the likelihood of incurring ruinous penalties from the airline defendants.~~  
10 ~~The requested relief is in the public interest.~~

11  
12  
13  
14 YOU ARE HEREBY ORDERED TO SHOW CAUSE on Friday, May, 13,  
15 2016, at 9:00 a.m./p.m, before the Honorable Maxine M. Chesney, at 450 Golden Gate  
16 Avenue, San Francisco, CA 94102, Courtroom 7, why you, your officers, agents, servants,  
17 employees, and attorneys, and any other persons who are in active concert or participation with  
18 you, should not be enjoined and restrained from engaging in, committing, or performing, directly  
19 and indirectly, any and all of the following acts:  
20  
21

- 22 (1) enforcing any practice or policy that requires Plaintiffs to book flights to multi-  
23 city destinations at fares which are greater than the sum of the combined non-  
24 refundable one-way fares for each leg of a passenger's flight;
- 25 (2) agreeing with any other airline to fix, establish, raise, stabilize, or maintain any  
26 fare or fare restriction;
- 27 (3) disseminating to the other Airline Defendants certain information concerning any  
28 planned or contemplated fare or fare restriction or any planned or contemplated  
change to fares or fare restrictions; and

1 (4) penalizing Plaintiffs for booking multi-city destination flights in the manner  
2 proscribed by (1) above, including, without limitation, by issuing debit memos or  
3 limiting or terminating Plaintiffs' authorization to book flights on the Airline  
4 Defendants.

5 ~~Pending a hearing on the above Order to Show Cause you, your officers, agents, servants,~~  
6 ~~employees, and attorneys, and any other persons who are in active concert or participation with~~  
7 ~~you, ARE HEREBY RESTRAINED AND ENJOINED from:~~

8 (1) ~~enforcing any practice or policy that requires Plaintiffs to book flights to multi-~~  
9 ~~city destinations at fares which are greater than the sum of the combined non-~~  
10 ~~refundable one-way fares for each leg of a passenger's flight;~~

11 (2) ~~agreeing with any other airline to fix, establish, raise, stabilize, or maintain any~~  
12 ~~fare or fare restriction;~~

13 (3) ~~disseminating to the other Airline Defendants certain information concerning any~~  
14 ~~planned or contemplated fare or fare restriction or any planned or contemplated~~  
15 ~~change to fares or fare restrictions; and~~

16 (4) ~~penalizing Plaintiffs for booking multi-city destination flights in the manner~~  
17 ~~proscribed by (1) above, including, without limitation, by issuing debit memos or~~  
18 ~~limiting or terminating Plaintiffs' authorization to book flights on the Airline~~  
19 ~~Defendants.~~

20 Plaintiffs shall not be required to post a bond for issuance of this Order.


21 by Plaintiffs

22 This Order and supporting papers must be served on Defendants as soon as possible, but  
23 no later than April, 19, 2016. Any response or opposition to this Order to Show  
24 Cause must be filed and served on Plaintiffs' counsel no later than April, 29,  
25 2016 at \_\_\_\_\_ a.m./p.m., and any reply must be filed no later than May 4, 2016.

26 **IT IS SO ORDERED.**

27 Dated: April 18, 2016

28 By:

  
Honorable Maxine M. Chesney  
United States District Judge