

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAAMERICAN AIRLINES FLOW-THRU
PILOTS COALITION, ET AL.,

Plaintiffs,

v.

ALLIED PILOTS ASSOCIATION, et al.,

Defendants.

Case No. [17-cv-01160-RS](#)**ORDER VACATING HEARING DATE
AND REQUESTING FURTHER
BRIEFING**

Defendant Allied Pilots Association (“the Association”) has moved to dismiss this action pursuant to the so-called “first-to-file rule.” The Association contends a “substantially-similar action,” *Bakos v. American Airlines, Inc.*, E.D. Pa. Case No. 2:17-cv-00402-WB, involves “substantially similar parties and substantially-similar claims,” and that it seeks relief incompatible with the relief plaintiffs seek here. *Bakos* was filed on January 27, 2017, approximately five weeks prior to the initiation of this action on March 6, 2017. Alternatively, the Association seeks a transfer of this action to the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1404(a). Defendant American Airlines separately moves to dismiss, contending the operative complaint fails to state a claim against it. The motions are presently set to be heard on July 6, 2017.

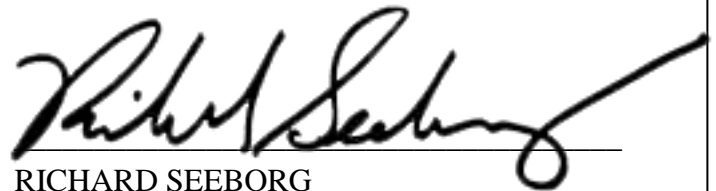
Earlier this week, the Eastern District of Pennsylvania issued a decision dismissing the *Bakos* complaint without leave to amend. The Association provided a copy of that ruling, and suggests that the parties merely present argument as to its potential impact on the Association’s

1 motion at the upcoming hearing.

2 In light of the various consequences that conceivably could flow from the decision, judicial
3 efficiency warrants soliciting further advance briefing, rather than attempting to address the matter
4 solely at the hearing. Accordingly, the hearing set for July 6, 2017 is hereby vacated. Within one
5 week of the date of this order, the Association shall file a supplemental brief, not to exceed 10
6 pages, addressing the impact of the decision in Bakos. By the same deadline, American Airlines
7 may also file a supplemental brief, not to exceed 10 pages, in the event it contends the decision has
8 any bearing on its motion. Within one week thereafter, plaintiffs may file a response, not to
9 exceed 10 pages, to the supplemental brief of the Association, and a response, of no more than 10
10 pages, to the supplemental brief of American Airlines, if any. The matter will then be reset for
11 argument, or submitted without hearing, in the Court's discretion.

12
13 **IT IS SO ORDERED.**

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15 Dated: June 30, 2017



RICHARD SEEBORG
United States District Judge