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JUN 11 2009

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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANAUNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

PHI, INC., ET AL.

CIVIL NO. 06-1469 c/w 06-2243

VERSUS

JUDGE DOHERTY

OFFICE & PROFESSIONAL EMPLOYEES  
INTERNATIONAL UNION, ET AL.

MAGISTRATE JUDGE HILL

JUDGMENT

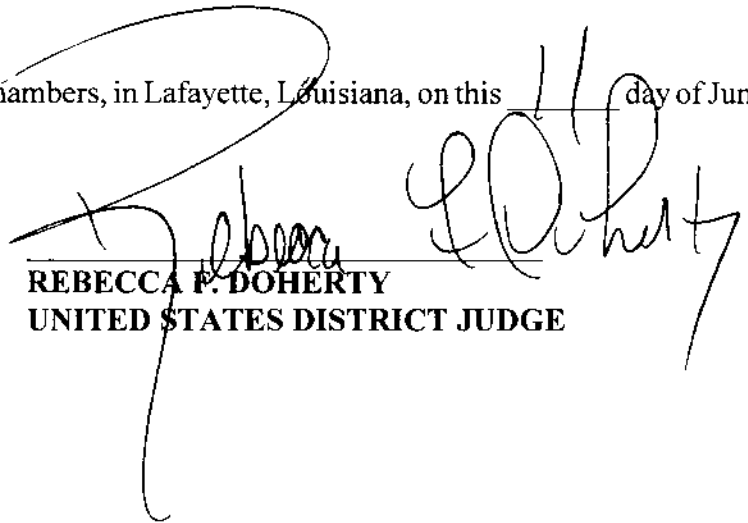
For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, determining that the findings are correct under the applicable law, and considering the objection of Norman A. Sherman, Jr. to the Report and Recommendation in the record;

**IT IS ORDERED** that the decision of the magistrate judge is **AFFIRMED** and the claims of the following individual pilot complainants are **DISMISSED WITHOUT PREJUDICE**, pursuant to Fed. R. Civ. P. 37(d), 41(b) and 16(f), for failure to comply with this court's discovery orders: Larry Burgoyne, Michael Butler, Thuong Tran Duc, Daniel Goodson, Joseph Gubler, Frank Haynes, Adam Hite, James Pecnik, Richard Phelps, John Rohner, William Rosenbalm, Dennis Smith, David Squires, Michael Stricklin, Jerold Swinderman and Stephen Torres.

**IT IS FURTHER ORDERED** that this Court cannot determine at this time whether the claim(s) of pilot Norman A. Sherman, Jr. should or should not be dismissed without prejudice, as this Court cannot determine what claim(s) Mr. Sherman has brought against PHI. Therefore, the Unions have not carried their burden of demonstrating that PHI has not been prejudiced by the late production of Mr. Sherman's discovery. Considering the foregoing, **IT IS ORDERED** that, on or before the close of business on June

12, 2009, the Unions shall submit to this Court and PHI a one-page summary of the claim(s) alleged by Mr. Sherman against PHI so that this Court can assess whether PHI has been prejudiced by Mr. Sherman's late production of discovery. The Court will discuss this matter at the June 17, 2009 pre-trial conference.

**THUS DONE AND SIGNED**, in chambers, in Lafayette, Louisiana, on this 11 day of June, 2009.



REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE

SENT  
DATE 6-11-09  
BY CB

TO via fax: Brousseau  
Gallagher  
Herman  
Richard-Spencer  
Schwarzwald  
Smith