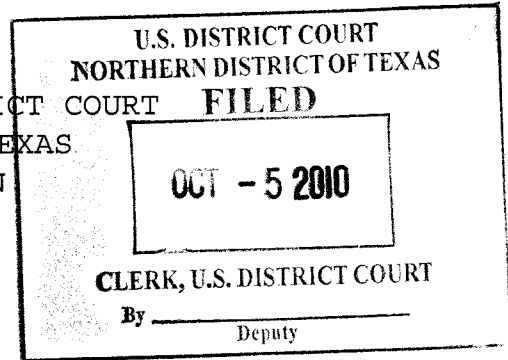


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



SCOTT ADAIR, ET AL., §
Plaintiffs, §
VS. §
AMERICAN AIRLINES, INC., §
Defendant. §

NO. 4:10-CV-481-A

MEMORANDUM OPINION
and
ORDER

Before the court for decision is the motion of defendant, American Airlines, Inc., to dismiss the complaint, as revised and amended, of plaintiffs, Scott Adair, Dennis Bryant, Kathleen Cosand, Wayne Dennis, David Ditzel, James Kranich, Curt Lowery, Scott McKee, Michael Meland, Robert Mykytiuk, Chad Poirier, and Christopher Sestich, for lack of subject-matter jurisdiction. The court has concluded that such motion should be granted.


The ground of the motion is that this case presents only a minor dispute within the meaning of the Railway Labor Act, with the consequence that this court lacks jurisdiction to hear the dispute. Defendant supports its motion with citation to a number of court decisions standing for the proposition that the courts lack jurisdiction to hear minor disputes absent exceptional circumstances. See, e.g., Miklavic v. USAir, Inc., 21 F.3d 551,

555 (3d Cir. 1994). Plaintiffs agree with defendant's assessment that this case presents a minor dispute and that the court would not have jurisdiction to hear it if an exceptional circumstance does not exist in this case. Plaintiffs urge that there is an exceptional circumstance that causes this court to have jurisdiction to hear the dispute and that is that resort to administrative remedies would be futile.

Bearing in mind that plaintiffs have the burden to establish that this court has jurisdiction to entertain the dispute presented to the court by this action, the court has studied the record to the end of determining whether plaintiffs have established that the futility exception applies. The court is satisfied that plaintiffs have not established that such an exception exists in this case. Therefore,

The court ORDERS that defendant's motion be, and is hereby, granted, and that all claims and causes of action asserted by plaintiffs in the above-captioned action be, and are hereby, dismissed for lack of jurisdiction.

SIGNED October 5, 2010



JOHN MCBRYDE
United States District Judge