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and the Class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

AMERICAN AIRLINES FLOW-THRU PILOTS COALITION, et al., Plaintiffs, v. ALLIED PILOTS ASSOCIATION et al. Defendants.	Case No.: 3:15-cv-03125 RS [Assigned to Judge Richard Seeborg] JOINT CASE MANAGEMENT STATEMENT AND [PROPOSED] ORDER Date: July 11, 2019 Time: 10:00 a.m. Courtroom 3 – 17 th Floor
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The parties to the above-captioned case, Plaintiffs American Airlines Flow-Thru
Pilots Coalition, *et al.*, and Defendant Allied Pilots Association (“APA”), respectfully

1 submit this Case Management Statement and Proposed Order pursuant to the Standing
 2 Order for All Judges of the Northern District of California, Civil Local Rules 16-9 and
 3 16-10, and this Court's Order of April 18, 2019 [dkt # 162] setting this case
 4 management conference. As this is not the parties' first case management conference
 5 statement, the parties will update the Court here only on those matters which remain
 6 relevant in light of the current posture of this action, pursuant to Civil Local Rule 16-
 7 10(d)
 8

9 10 **I. FACTS AND LEGAL ISSUES**

11 Plaintiffs are pilots known as Flow Through Pilots ("FTP") who became
 12 American Airlines pilots after transferring to American Airlines from American Eagle
 13 pursuant to a "Flow-Through Agreement" which (among other things) provided for
 14 such transfers, as well as a coalition of such pilots. Defendant APA is the union which
 15 represents all American Airlines pilots. Plaintiffs allege that APA has engaged in a
 16 history of discriminatory conduct against the FTPs and in favor of other pilot groups
 17 and breached its duty of fair representation owed to the FTPs. By Order of this Court
 18 [dkt # 67], the Court has narrowed the claims and issues remaining in this case to those
 19 relating to whether APA discriminated against the FTPs and breached its duty of fair
 20 representation owed to the FTPs in negotiating and agreeing to "Letter G" as part of a
 21 collective bargaining agreement made in 2015, which provided certain "length of
 22 service" benefits for which the FTPs were not eligible under the terms of Letter G. *Id.*
 23 In that same order, the Court dismissed from this action Plaintiffs' other claims, but
 24 noted that evidence of the history of Plaintiffs' relationship with APA might be
 25 admissible if relevant to establish discriminatory motive or intent. [Dkt # 67, p. 5.]

26 **II. CLASS ACTION STATUS:**

27 This Court granted Plaintiffs' motion for class certification as to the Letter G
 28 claim described above by Order dated June 16, 2016 [dkt # 67]. Plaintiffs have not sent

1 a Court-approved class notice to the class members. Although Plaintiffs' former
2 counsel and APA's counsel narrowed their differences on the content of a class notice,
3 they were unable to resolve those differences completely.

4 **III. RELATED CASES**

5 This case is related to two other actions involving the same parties, and which
6 are presently pending before this Court: Case nos. 17-cv-01160-RS and 18-cv-03682-
7 RS. Neither of those cases is as far advanced in their proceedings as is this case.
8 Although 18-cv-03682-RS was filed on June 20, 2018, Plaintiffs have not served
9 process in that action on the defendants to that action.

10 **IV. CURRENT STATUS OF CASE**

11 After abandonment by original counsel, this Court appointed new Class Counsel
12 by Order dated April 18, 2019 [dkt # 162]. That Order also instructed the parties to
13 meet and confer regarding any narrowly targeted and limited additional discovery that
14 might be necessary. The parties have cooperatively met and conferred, APA has
15 produced additional discovery, and a documents subpoena to American Airlines is
16 presently pending. APA has informed Plaintiffs that it does not believe that it has any
17 obligation to produce any additional discovery and it does not believe that any request
18 for judicial intervention to obtain further discovery would be meritorious. Plaintiffs
19 believe that no court intervention will be required to resolve any remaining discovery
20 issues, but cannot completely rule out that possibility just yet. Pursuant to the Court's
21 latest Order, the deadline for completion of expert discovery is August 26, 2019 [dkt #
22 167]

23 **V. MOTIONS**

24 As noted above, rulings on previous motions, including APA's motion for
25 summary judgment, have narrowed this case to the "Letter G" claim against APA for
26 breach of the duty of fair representation. American Airlines was originally named as a
27 defendant and was dismissed. As also noted above, APA does not believe that a motion
28

1 for further discovery would be appropriate or meritorious, whereas Plaintiffs cannot
2 completely rule out that possibility just yet. Looking ahead, the parties anticipate the
3 possibility of filing some typical pre-trial motions.

4 **VI. SETTLEMENT AND ADR**

5 In its April 19, 2019 Order [dkt # 162], the Court directed the parties to move as
6 quickly as possible to conduct a previously contemplated mediation. Such mediation
7 will be possible and more likely productive after expert discovery has been completed.
8 Accordingly, the parties hope to participate in mediation in early September.

9 **VII. TRIAL**

10 Plaintiffs have demanded a jury trial. Plaintiffs estimate that trial may last
11 between approximately 12 court days. APA estimates that it may need five to six days
12 of trial to present its case. APA believes that the Court has already indicated that it will
13 allow only two weeks for trial. The parties request clarification from the Court at the
14 CMC.

15 **VIII. SCHEDULING**

16 If this matter is not successfully resolved via mediation, then Plaintiffs will
17 request a trial date. APA notes that it previously sought a trial date in Fall 2018, but
18 that, at Plaintiffs' request, the Court scheduled the trial to commence on April 29, 2019.
19 Then, again at Plaintiffs' request, the Court continued the April 29 date without setting a
20 new date. APA requests that trial commence on October 21, 2019.

21 The parties will notify the Court after the mediation as to whether they have been
22 able to resolve this case without further judicial proceedings.
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1 DATED: July 3, 2019

2 TIMOTHY D. MCGONIGLE PROF. CORP.
3 Timothy D. McGonigle

4 BRAUNSTEIN & BRAUNSTEIN, P.C.
5 George Braunstein

6
7 By: /s/ Timothy D. McGonigle*
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22
23 By: /s/ Daniel M. Rosenthal*
Daniel M. Rosenthal

24 Attorneys for Defendant Allied Pilots
25 Association

26 **ECF filier Timothy McGonigle hereby attests that counsel for Defendant APA, Daniel*
27 *Rosenthal, concurred in the filing of this joint document and authorized his electronic*
28 *signature.*

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[PROPOSED] ORDER

The following Case Management Order is issued for this case, and the parties shall comply with its provisions:

IT IS SO ORDERED

Dated: _____

Richard Seeborg
United States District Judge