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Doug Poulton, Stephan Robson and Philip Valente III*

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

AMERICAN AIRLINES FLOW-THRU  
PILOTS COALITION, GREGORY R.  
CORDES, DRU MARQUARDT, DOUG  
POULTON, STEPHAN ROBSON and  
PHILIP VALENTE III, on behalf of  
themselves and all others similarly situated  
Plaintiff,

v.

ALLIED PILOTS ASSOCIATION and  
AMERICAN AIRLINES, INC.  
Defendants.

Case No.: 3:15-cv-03125 RS.

[Assigned to Judge Richard Seeborg]

**STIPULATION AND ORDER  
APPROVING CLASS ACTION  
NOTICE**

Plaintiffs American Airlines Flow-Thru Pilots Coalition, Gregory R. Cordes, Dru  
Marquardt, Doug Poulton, Stephan Robson and Philip Valente III (collectively, "Plaintiffs") and  
Defendant Allied Pilots Association ("Defendant") (collectively the "Parties") hereby stipulate,

Stipulation and [Proposed] Order Approving Class Action Notice  
Case No. 3:15-cv-03125-RS

1 and respectfully request the Court to approve as to form and content, the proposed Class Action  
2 Notice (attached hereto as Exhibit 1). In support thereof, the Parties show as follows:

3 WHEREAS, this Court granted class certification.

4 WHEREAS the Plaintiffs have retained CPT Group, Inc. to act as Class Action  
5 Administrator and oversee the administration of the Class Action.  
6

7 WHEREAS the Parties have engaged in extensive communications regarding the form and  
8 content of the proposed Class Action Notice.

9 WHEREAS the Parties agree to all material terms and conditions set forth in the proposed  
10 Class Action Notice.

11 WHEREAS the Parties agree that Plaintiffs will provide counsel for Defendants with  
12 adequate opportunity to review the neutral website prior to the neutral website going live.

13 WHEREAS the Parties will agree on those documents to be posted on the neutral website  
14 at a date in advance of the neutral website going live.  
15

16 WHEREAS the Parties agree that Plaintiffs' counsel will provide the Court with a  
17 declaration prior to the date of trial attesting to the date of, and facts surrounding the mailing of  
18 the class notice, and attaching the exclusion requests (if any).

19 Therefore, the parties respectfully request the Court to approve, as to form and content the  
20 proposed Class Action Notice (attached hereto as Exhibit 1). The foregoing is so stipulated and  
21 agreed between the parties by and through their undersigned counsel.  
22

23 Dated: January 30, 2020

Respectfully submitted,

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Jeffrey B. Demain

Attorneys for Defendant Allied Pilots Association  
\*Admitted pro hac vice

**Signature Attestation**

Pursuant to Local Civil Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the above signatories.

Dated: January 31, 2020.

TIMOTHY D. MCGONIGLE

By: /s/ Timothy D. McGonigle  
Timothy D. McGonigle

**ORDER**

Based on the foregoing stipulation of counsel, and GOOD CAUSE appearing to do so, the Court hereby makes the following Order:

The proposed Class Action Notice is approved as to form and content and shall be implemented pursuant to the terms and conditions set forth therein.

Dated: 2/3/2020

A handwritten signature in blue ink, appearing to read "Richard L. Seaberg", is written over a horizontal line.

United States District Court Judge

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA  
CLASS ACTION NOTICE

**If you are a pilot who obtained employment at American Airlines because of the Flow-Through Agreement, also known as “Letter 3” or “Supplement W,” a class action lawsuit may affect your rights.**

*A court authorized this notice. This is not a solicitation from a lawyer.*

- Certain pilots have sued the Allied Pilots Association (“APA”) alleging that APA did not represent the interests of pilots who came to American Airlines from an American Eagle Airline under the Flow-Through Agreement, also known as “Letter 3” or “Supplement W,” when APA and American Airlines negotiated the Length of Service Credits for pilots contained in Letter G to the 2015 basic agreement.
- The Court has certified the lawsuit as a class action on behalf of all pilots who worked at American Eagle Airlines and began flying at American Airlines after September 11, 2001, pursuant to the terms of the Flow-Through Agreement, also known as “Letter 3” or “Supplement W,” excluding all pilots who ceased their employment at American Airlines on or before December 1, 2014.
- The Court has not decided whether APA did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now:

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>DO NOTHING</b>	<p><b>Stay in this lawsuit. Await the outcome. Give up certain rights.</b></p> <p>By doing nothing, you keep the possibility of getting money that may come from a trial or a settlement. But you give up any rights to sue APA separately about the same legal claims in this lawsuit.</p>
<b>ASK TO BE EXCLUDED</b>	<p><b>Get out of this lawsuit. Get no money from it. Keep rights.</b></p> <p>If you ask to be excluded and money is later awarded, after a trial or in a settlement, you will not share in it. But you will keep any rights to sue APA separately about the same legal claims in this lawsuit.</p>

- Your options are explained in this Notice. To be excluded, you must act within **60 days of receiving this Notice**.
- Lawyers must prove the claims against APA. If money is obtained from APA, you will be notified about how to ask for a share.

Please read on as further information is provided regarding this matter.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA  
CLASS ACTION NOTICE

**WHAT THIS NOTICE CONTAINS**

<u>BASIC INFORMATION</u>	1
1. <u>Why did I get this notice?</u>	1
2. <u>What is this lawsuit about?</u>	1
3. <u>What is a class action and who is involved?</u>	1
4. <u>Why is this lawsuit a class action?</u>	1
<u>THE CLAIMS IN THE LAWSUIT</u>	2
5. <u>What does the lawsuit complain about?</u>	2
6. <u>What does APA say?</u>	2
7. <u>Has the Court decided who is right?</u>	2
8. <u>What are the Plaintiffs asking for?</u>	2
9. <u>Is there any money available now?</u>	2
<u>WHO IS IN THE CLASS</u>	2
10. <u>Am I part of this Class?</u>	2
11. <u>Which current and former pilots are included?</u>	3
12. <u>What if I am not sure if I am included?</u>	3
<u>YOUR RIGHTS AND OPTIONS</u>	3
13. <u>What happens if I do nothing at all?</u>	3
14. <u>Why would I ask to be excluded?</u>	3
15. <u>How do I ask to be excluded from the Class?</u>	3
<u>THE LAWYERS REPRESENTING YOU AS A CLASS MEMBER</u>	4
16. <u>Do I have a lawyer in this case?</u>	4
17. <u>Should I get my own lawyer?</u>	4
18. <u>How will the lawyers be paid?</u>	4
<u>THE TRIAL</u>	4
19. <u>How and when will the Court decide who is right?</u>	4
20. <u>Do I have to come to the trial?</u>	4
21. <u>Will I get money after the trial?</u>	4
<u>GETTING MORE INFORMATION</u>	5
22. <u>Where can I get more information?</u>	5

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA  
CLASS ACTION NOTICE**BASIC INFORMATION****1. Why did I get this notice?**

Records show that you currently fly as a pilot for American Airlines, or you flew for American Airlines since December 1, 2014, and that you came to American Airlines from one of the American Eagle Airlines under the Flow-Through Agreement, also known as “Letter 3” or “Supplement W.” This notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise within **60 days of receiving this Notice**. After 60 days have passed, the judge or a jury will decide whether the claims being made against the Allied Pilots Association (“APA”), on your behalf, are correct. Judge Richard Seeborg of the United States District Court for the Northern District of California is overseeing this class action. The lawsuit is known as *American Airlines Flow-Thru Pilots Coalition, et al. v. Allied Pilots Association, et al.*, Civil Action No. 3:15-cv-03125 RS.

**2. What is this lawsuit about?**

Pilots who came to work at American Airlines from one of the American Eagle Airlines under the Flow-Through Agreement, also known as “Letter 3” or “Supplement W,” are referred to as “Flow-Thru Pilots” or “FTP.” This lawsuit is about whether APA fairly represented the interests of the FTPs in the negotiations for the 2015 Basic Agreement that resulted in Letter G, which provided up to two years of additional Length of Service (“LOS”) credits for pilots at American Airlines under certain specified circumstances. As negotiated between APA and American Airlines, the terms of those circumstances set forth in Letter G excluded FTPs from these additional LOS credits. The lawsuit alleges that APA violated its duty of fair representation (“DFR”) in not negotiating to have FTPs included under Letter G.

**3. What is a class action and who is involved?**

In a class action lawsuit, one or more people called “Class Representatives” (in this case the American Airlines Flow-Thru Pilots Coalition, Gregory R. Cordes, Dru Marquardt, Doug Poulton, Stephan Robson, and Philip Valente III) sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” The Class Representatives who sued—and all the Class Members like them—are called the Plaintiffs. APA, which is being sued, is called the Defendant. One court resolves the issues for everyone in the Class—except for those people who ask to exclude themselves from the Class and from being a Class Member within **60 days of receiving this Notice**.

**4. Why is this lawsuit a class action?**

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court found that:

- There are more than 300 FTPs.
- There are legal questions and facts that are common to each of the FTPs;
- The claims of the Class Representatives are typical of the claims of the rest of the Class;
- The Class Representative and the lawyers representing the Class will fairly and adequately represent the Class Members’ interests;
- The common legal questions and facts are more important than questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

**Questions? Contact the Settlement Administrator toll free at 1-\*\*\*-\*\*\*-\*\*\*\***



UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA  
CLASS ACTION NOTICE

## THE CLAIMS IN THE LAWSUIT

### 5. What does the lawsuit complain about?

In the lawsuit, the Plaintiffs say that APA did not represent FTPs fairly when the terms of Letter G were negotiated. As a result, Plaintiffs claim FTPs did not receive the additional LOS credits that some other pilots at American Airlines received. Plaintiffs say that FTPs lost work at American Airlines after September 11, 2001 in the same way as pilots who received the LOS credits under Letter G, including pilots who were furloughed from TWA-LLC before flying at American Airlines. You can read the Plaintiffs' Complaint at <http://www.aaflowthrupilots.org>. The Judge has ruled that the claims in this case will be limited to the issue of whether APA violated the duty of fair representation in negotiating Letter G.

### 6. What does APA say?

APA denies that it did anything wrong. APA says that Letter G only applies to pilots who lost work because of furloughs following September 11, 2001, and that FTPs were not furloughed but continued to work at American Eagle. You can also read APA's Answer to the Complaint at <http://www.aaflowthrupilots.org>.

### 7. Has the Court decided who is right?

The Court hasn't decided whether APA or the Plaintiffs are correct. By certifying the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims at a trial.

### 8. What are the Plaintiffs asking for?

The Plaintiffs are asking for money for Class Members to make up for the loss of the LOS credits given to other pilots under Letter G. The Plaintiffs are also asking for a declaration that APA breached its duty to represent the FTPs fairly.

### 9. Is there any money available now?

No money is available now because the Court has not yet decided whether APA did anything wrong, and the two sides have not settled the case. There is no guarantee that money ever will be obtained. If it is, you will be notified about how to ask for a share.

## WHO IS IN THE CLASS

You need to decide if you are affected by this lawsuit.

### 10. Am I part of this Class?

The Court decided that, for the purpose of determining liability and compensatory damages, if any, on Plaintiffs' claim against the APA for breach of the duty of fair representation in negotiating the "Letter G" agreement with American Airlines, the Class would consist of: all pilots who worked at American Eagle Airlines and began flying at American Airlines after September 11, 2001, pursuant to the terms of the Flow-Through Agreement, also known as "Letter 3" or "Supplement W," excluding all pilots who ceased their employment at American on or before December 1, 2014. If you fall under this description, you are part of this Class.



UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA  
CLASS ACTION NOTICE

**11. Which current and former pilots are included?**

Both current and former FTPs are included if they are currently flying at American Airlines or if they flew at American Airlines for any period of time after December 1, 2014, as long as they came to American Airlines pursuant to the terms of the Flow-Through Agreement after September 11, 2001.

**12. What if I am not sure if I am included?**

If you are still not sure whether you are included, you can get more information by visiting the following neutral website: <http://www.aaflothrurpilots.org>. You can also get free help by calling or writing the Class Action Administrator or Class Counsel at the address or phone number listed on the last page of this notice (under the heading “Getting More Information”).

**YOUR RIGHTS AND OPTIONS**

You have to decide whether to stay in the Class or ask to be excluded, and you have to decide this now.

**13. What happens if I do nothing at all?**

You don’t have to do anything now if you want to keep the possibility of getting money from this lawsuit. By doing nothing, you are staying in the Class. If you stay in the class and the Plaintiffs obtain money, either as a result of a trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will not be able to sue, or continue to sue, APA—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the orders and judgments the Court issues in this class action.

**14. Why would I ask to be excluded?**

If you already have your own duty of fair representation (DFR) lawsuit against APA concerning the negotiation of Letter G and want to continue with it or simply do not want to pursue a claim, you need to ask to be excluded from the Class. If you exclude yourself from the Class—which also means to remove yourself from the Class, and is sometimes called “opting-out” of the Class—you won’t get any money from this lawsuit even if the Plaintiffs obtain money as a result of the trial or from any settlement (that may or may not be reached) between APA and the Plaintiffs. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action.

If you start your own lawsuit against APA after you exclude yourself, you will have to hire and pay your own lawyer for that lawsuit, and you will have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against APA, you should talk to your own lawyer soon, because your claims may be subject to a six-month statute of limitations.

**15. How do I ask to be excluded from the Class?**

To ask to be excluded, you must send an “Exclusion Request” by email or by a signed letter, stating that you want to be excluded from the class in *American Airlines Flow-Thru Pilots Coalition, et al. v. Allied Pilots Association, et al.*, Civil Action No. 3:15-cv-03125 RS. You must include your name, address and American Airlines employee number. You must send your Exclusion Request by mail to **AAFTPC Class Exclusion, c/o CPT Group, Inc., P.O. Box \*\*\*, \_\_\_\_\_, CA \_\_\_\_\_** or by email to [Exclusion@AAFTPC.com](mailto:Exclusion@AAFTPC.com) (or by hitting “Reply” to the emailed Notice you received with the above information in the body of your Reply). You must email or mail your Exclusion Request within **60**

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA  
CLASS ACTION NOTICE

**days of receiving this Notice. You must make your Exclusion Request in writing. An oral request by telephone or in person will not exclude you from the Class.**

## **THE LAWYERS REPRESENTING YOU AS A CLASS MEMBER**

**16. Do I have a lawyer in this case?**

The Court decided that the law firms of Braunstein & Braunstein, PC and Timothy D. McGonigle, P.C. are qualified to represent you and all Class Members. These law firms are collectively called "Class Counsel."

**17. Should I get my own lawyer?**

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you may have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

**18. How will the lawyers be paid?**

If Class Counsel gets money for the Class, they may ask the Court for fees and expenses. If the Court grants Class Counsel's request, the fees and expenses could be either deducted from any money obtained for the Class or paid separately by APA, depending on what the Court may order.

## **THE TRIAL**

If the case is not resolved through a settlement, the Court has scheduled a trial to begin on April 6, 2020, to decide who is right in this case. The trial will also decide the amount of damages that APA will have to pay, if Plaintiffs are found to be right.

**19. How and when will the Court decide who is right?**

As long as the case is not settled before trial, which is scheduled to begin on April 6, 2020, Class Counsel will have to prove the Plaintiffs' claims at a trial. During the trial, a jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiffs or Defendant are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win, or that they will get any money for the Class.

**20. Do I have to come to the trial?**

You do not need to attend the trial unless you have been subpoenaed as a witness. Class Counsel will present the case for the Plaintiffs, and APA's counsel will present APA's defenses. You or your own lawyer are welcome to come at your own expense.

**21. Will I get money after the trial?**

If the Plaintiffs obtain money as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA  
CLASS ACTION NOTICE

**GETTING MORE INFORMATION**

**22. Where can I get more information?**

This Class Action Notice provides a summary of the Lawsuit. More details regarding the Action, such as copies of documents and other information are posted on the following neutral website: <http://www.aaflothrupalots.org>. All inquiries by Class Members regarding this Class Action Notice should be directed to the Class Action Administrator or Class Counsel at the following address and phone number:

**CPT GROUP, INC.**  
50 Corporate Park  
Irvine, CA 92606  
Toll Free Phone Number: 1-\*\*\*-\*\*\*-\*\*\*\*

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Date of this Notice: \_\_\_\_\_, 2020