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5 Attorneys for Plaintiffs AMERICAN AIRLINES  
6 FLOW-THRU PILOTS COALITION,  
7 GREGORY R. CORDES, DRU MARQUARDT,  
8 DOUG POULTON, STEPHAN ROBSON,  
and PHILIP VALENTE III on behalf of themselves and all  
others similarly situated

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 AMERICAN AIRLINES FLOW-THRU	)	Case No.: 3:15-cv-03125 RS
13 PILOTS COALITION, GREGORY R.	)	
14 CORDES, DRU MARQUARDT, DOUG	)	
POULTON, STEPHAN ROBSON , and	)	[Proposed] ORDER DENYING SECOND
15 PHILIP VALENTE III, on behalf of	)	MOTION TO DISMISS FILED BY
themselves and all others similarly situated,	)	DEFENDANT AMERICAN AIRLINES, INC.
	)	
16 Plaintiffs,	)	
17 vs.	)	March 17, 2016
	)	1:30 P.M.
18 ALLIED PILOTS ASSOCIATION and	)	Courtroom 3, 17 <sup>th</sup> Floor
19 AMERICAN AIRLINES, INC.,	)	Judge Richard Seeborg
	)	
20 Defendants.	)	
	)	

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22 This matter is before the Court on the second motion of defendant American Airlines,  
23 Inc. (“American”) to dismiss the Second Amended Complaint as to American pursuant to Rule  
24 12(b)(6) of the Federal Rules of Civil Procedure.

25 The Court denies the motion. The Second Amended Complaint alleges facts plausibly  
26 showing, directly or by reasonable inference, that American colluded with a breach of the duty of  
27 fair representation by co-defendant Allied Pilots Association (“APA”). The allegations plausibly  
28

1 show, directly or by reasonable inference, that American knew of APA's violation of its duty of  
2 fair representation and gave APA substantial assistance in breaching such duty. *Richardson v.*  
3 *Texas & N.O. R. Co.*, 242 F.2d 230, 235-236 (5<sup>th</sup> Cir. 1957). The allegations are sufficient to  
4 hold American liable for aiding and abetting the APA's breach of duty. See *Glover v. St. Louis-*  
5 *S.F.R. Co.*, 393 U.S. 324, 331 (1969) (allegations that union and employer "have been acting in  
6 concert . . . to set up schemes and contrivances to bar Negroes from promotion wholly because of  
7 race.") and *ibid.* (Harlan, J. concurring: "I believe that [*Richardson*] . . . also supports today's  
8 holding that the federal courts may grant railroad employees ancillary relief against an employer  
9 who aids and abets their union in breaching its duty of fair representation.").

10 SO ORDERED.

11  
12 Dated: March 2016.

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Richard Seeborg, United States District Judge