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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 AMERICAN AIRLINES FLOW-THRU)
PILOTS COALITION, *et al.*,)

20 Plaintiffs,)

21 v.)

22 ALLIED PILOTS ASSOCIATION, *et al.*,)

23 Defendants.)

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

**REPLY DECLARATION OF THOMAS
DUNCAN IN SUPPORT OF APA'S MOTION
FOR SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, FOR PARTIAL SUMMARY
JUDGMENT**

Fed. R. Civ. P. 56

24 Date: April 21, 2016

25 Time: 1:30 p.m.

Courtroom: 3 - 17th Floor

26 Judge: Hon. Richard Seeborg

1 I, THOMAS L. DUNCAN, hereby declare as follows:

2 1. I am a pilot employed by American Airlines (“American” or the “Company”). I make
3 this reply declaration in support of the Motion for Summary Judgment or, in the alternative, for Partial
4 Summary Judgment filed by Defendant Allied Pilots Association (“APA”) in the above-captioned
5 case.

6 2. I previously submitted a declaration with APA’s opening brief supporting its summary
7 judgment motion. *See* ECF No. 47 (“Duncan Decl.”). As I stated in that prior declaration, I am a
8 member of the American Airlines Pilots Seniority Integration Committee (“AAPSIC”), which
9 represents pilots employed by American prior to its merger with US Airways in the ongoing seniority
10 integration process. Rather than repeat my background and qualifications to testify regarding the
11 seniority integration process, I hereby incorporate my prior declaration for that purpose.

12 3. In their Opposition to APA’s Motion, Plaintiffs argue: “APA has not shown that it has
13 not or will not continue to assert that Eagle time should be excluded from longevity in fashioning an
14 integrated seniority list” and “APA can reassert this argument at any time.” *See* ECF No. 54, at 21. (To
15 be clear, as I have previously explained, APA is not a party to the seniority integration proceedings and
16 has not taken any position in those proceedings; I gather that Plaintiffs meant to refer to AAPSIC
17 rather than APA.)

18 4. The evidentiary record in the seniority integration proceedings closed on January 15,
19 2016. At the conclusion of hearings on that day, Arbitrator Ira Jaffe announced, “this completes the
20 evidentiary record.” A true and correct copy of relevant excerpts from the reporter’s transcript from the
21 Arbitration Hearing held on January 15, 2016, is submitted with this declaration as Exhibit 52
22 (continuing the numbering scheme from APA’s original compendium of exhibits), and that statement
23 can be found at page 5435. AAPSIC submitted its post-hearing brief to the arbitration panel on March
24 28, 2016. That post-hearing brief argues against the use of longevity as a factor in integrating the
25 seniority lists.

26 5. Ever since submitting its revised position statement on September 19, 2015, AAPSIC
27 has continuously advocated for the position contained in that position statement, and not for the
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1 position contained in its earlier position description (submitted June 19, 2015), which was later
2 withdrawn. *See* Duncan Decl. ¶¶ 29, 51-61. AAPSIC has no intention of returning to its June 19
3 proposal, even if it had an opportunity to do so. Likewise, I do not know of any scenario in which
4 AAPSIC could or would reenter the now-abrogated stipulation regarding longevity and regional
5 carriers. *See id.* ¶ 39.

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2 I declare under penalty of perjury that the foregoing is true and correct on the basis of my
3 personal knowledge and my review of the documents described in this declaration.

4 Executed on April 5, 2016, at LEBANON, TN.

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7 Thomas Duncan
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