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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 NEIL
ROGHAIR 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, NEIL ROGHAIR, 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. I have reviewed Plaintiffs’ Second Amended Complaint (“Complaint), Docket No. 38, in this
6 case.

7 2. From July 1, 2013 to December 1, 2015, I served as the Vice President of the Allied
8 Pilots Association (“APA”). Immediately prior to my term as Vice President, I served as Chair of the
9 APA Negotiating Committee. As Vice President and Chair of the Negotiating Committee, I was deeply
10 familiar with all aspects of APA’s negotiations with American Airlines (“American” or the
11 “Company”), including the negotiation of the 2015 CBA and Letter G, which was contained in the
12 CBA. *See* ECF No. 49-2 (APA Ex. 2).

13 3. In relevant part, Letter G provided: “All ‘New American Airlines’ Pilots (LUS [legacy
14 US Airways] and LAA [legacy American Airlines]) furloughed after September 11, 2001 ... who have
15 returned to active service or accepted recall by January 30, 2015, shall have up to two (2) years
16 Company service restored for vacation accrual and pay (LOS credit).” *See id.* (final page).

17 4. As APA Vice President, I also became very familiar with various issues surrounding a
18 group of American pilots who previously flew at MidAtlantic Airways.

19 5. As explained in the previously-submitted declaration of Tom Duncan:

20 MidAtlantic Airways was created in 2003, when, in the context of significant financial
21 struggles at US Airways, the airline and ALPA (then the collective bargaining
22 representative of its pilots) agreed that US Airways would create a new operation to fly
23 regional jets, which could be flown by pilots furloughed from US Airways. *See Naugler*
24 *v. Air Line Pilots Ass’n*, No. 05-4751 (E.D.N.Y. April 11, 2012), at 3-5 [ECF No. 49-17
25 (APA Ex. 17)]. MidAtlantic was “initially intended to operate ... as a wholly-owned
26 subsidiary” of US Airways. *See id.* at 3. However, MidAtlantic ultimately was formed
27 as a division within US Airways, rather than a subsidiary, and it operated on the US
28 Airways operating certificate issued by the Federal Aviation Administration. *Id.* As of
the date of the American-US Airways merger, certain former MidAtlantic pilots were
flying for the mainline US Airways operation and are therefore part of the group of US
Airways pilots being integrated with the American pilots in the ongoing proceeding
described below. These pilots fall into two groups: pilots who were furloughed from the
mainline US Airways operation, then worked in the MidAtlantic operation, and later

1 returned to the mainline operation; and pilots who were originally hired into the
2 MidAtlantic operation and thereafter moved to the mainline US Airways operation.

3 *See* ECF No. 47 ¶ 24.

4 6. As noted above, one group of former MidAtlantic pilots were hired directly into the
5 MidAtlantic division, were furloughed from the MidAtlantic division, and when eventually recalled,
6 were recalled directly to the mainline US Airways operation. After the most recent collective
7 bargaining agreement was executed in 2015, I became aware that some of these pilots, now flying for
8 American after the merger with US Airways, were seeking length of service credit under Letter G.
9 Because MidAtlantic was a division of US Airways, and because these pilots had been furloughed
10 from MidAtlantic, they believed they were covered by the terms of Letter G.

11 7. In or about April 2015, former MidAtlantic pilots named Derek Allen, John Karas, and
12 Dave Ciabattoni requested to address the APA Board of Directors regarding this issue. As Vice
13 President, I coordinated with them and the Board regarding their presentation, which occurred on May
14 7, 2015.

15 8. On November 23, 2015, APA requested that American grant Letter G credit to this
16 specific group of former MidAtlantic pilots described above in paragraph 6 . APA made the request in
17 an email from Brian Smith (a member of the APA negotiating committee) to Todd Jewett (a Company
18 management employee), which attached a list of affected MidAtlantic pilots. After some further email
19 discussion between Smith and Jewett, Jewett rejected the request in an email on December 3, 2015,
20 stating that this group of MidAtlantic furlougees “were never furloughed from US Airways Mainline
21 service and there are not entitled to the Length of Service Adjustment.” A true and correct copy of the
22 email exchange between Smith and Jewett is submitted with this declaration as Exhibit 53 (continuing
23 the numbering scheme from APA’s original compendium of exhibits).

24 9. This group of MidAtlantic furlougees to whom American denied LOS credit under
25 Letter G consists of approximately 60 members, far smaller than the group of more than 400 Eagle
26 Flow-Through Pilots that Plaintiffs claim to represent in their lawsuit, who had never spent any time in
27 a furlough status. *See* Complaint at ¶ 11.

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

3 Executed on April 5, 2016, at Lantana, Texas.

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