

SOUNDOFF

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7. *Subject:*

Federal Judge Rules APA's C&R Lock-out Unlawful Violation Of LMRDA -
BOD Must Act To Reinstate All MDD Member's Access

8. *Text:*

By now APA's former general counsel should have informed the NO's and BOD of adverse federal court ruling issued earlier this week in the matter of Emery v. APA (FLSD, Case No. 9:14-cv-80518, Jan. 4, 2017), which essentially found APA's C&R Lock-out of its disabled MDD members to be an unlawful and impermissible infringement of their free speech rights in violation of the LMRDA Union Member Bill of Rights.

Wherein, the honorable Judge Daniel T.K. Hurley held in part;

Former APA President CA Wilson's granting of C&R access to other inactive members, "...draws into sharp contrast the disparate treatment afforded to MDD

Pilots.” Moreover, that, “...APA’s policy of denying MDD pilots access to C&R acts to silence criticism of the union’s management by a discreet minority of disabled members. Inasmuch as the evidence in the record fails to establish APA’s policy can be justified under the [LMRDA] second clause in Sec. 101(a)(2), it is; ORDERED and ADJUDGED that APA’s policy of denying MDD pilots access to Challenge & Response constitutes and impermissible infringement on the Plaintiff’s right to free speech guaranteed by LMRDA.”

Sadly, the BOD passed on many opportunities to avert this debacle, and most certainly could have and should have corrected this issue long before needlessly spending hundreds of thousands in unnecessary legal fees in at least seven different forums, only to tend up at the losing end of a publicly embarrassing court ruling. Anyway you cut it, this is a black-eye for the APA, and is truly ironic; especially considering that as APA loudly and publicly beats the NAI drum to protect the labor rights of all airline employees industry-wide, it does so while a federal judge ruled that APA itself was violating the constitutional freedom of speech and statutory labor rights of its very own members. This ruling only serves to further highlight the fatally flawed legal advice, representational failures, and unlawful actions condoned and defended by APA’s failed and former general counsel James and Hoffman and former legal director Bennet Boggess, and the BOD detrimental reliance upon such. Additionally, it defies logic why APA continues to employ the failed and fraudulent firm of James and Hoffman as litigators on various matters for the association, as they continue to improperly meddle in my right to fair and impartial Article VII proceedings related to both Wilson and Torell role in this debacle. It is time to sever ties with them on all APA matters once and for all.

Moreover, the BOD must take note that this court ruling has now created a legal record that APA treated its disabled MDD members disparately. Which will make it easy to establish that at a minimum, APA has also treated these pilots arbitrarily, if not discriminatorily for purposes of breaching its DFR. Which will only serve bolster potential DFR claims of these MDD pilots, who have suffered substantial harm while being locked-out of both the virtual and physical union hall over the past two and a half years, as the result of APA’ unlawful C&R and membership card policies. During which they were unable to participate in union meetings related to the most crucial negotiations of their careers, relating to their contractual and seniority rights under the JCBA and SLI. To be certain the APA and the AAPSIC arbitrarily failed to protect the seniority rights of the majority of MDD members (some 228 pilots); while giving preferential treatment to a certain 11 other similarly situated disabled MDD pilots and all LUS disabled pilots, all of whom had their original relative seniority protected on the ISL. In order to avoid this looming DFR debacle, the BOD can and must ensure the disparate treatment of some 228 wronged MDD pilots is corrected, and that they too are pulled and plugged in the original position on the ISL, just as the 11 other MDD’s have been treated. The vehicle to do so is via the now pending ISL Dispute Resolution Complaints of myself and similarly situated MDD pilots

Surprisingly, as of tonight, APA has not yet notified the affected 239 MDD pilots of last week's publicly available court ruling, nor taken any action to reinstate their C&R access. Since Emery's lawsuit is an individual action, the judge will only be issuing an injunction to reinstate Emery herself. However, given significance of the Court's ruling and exposure it creates, my hope that APA would move aggressively to reinstate MDD member's lawful right to access C&R as quickly as they revoked it. Regardless, APA has statutory obligations and a duty to treat all of its members equally and fairly, and accordingly all MDD pilots must be immediately reinstate to C&R. Otherwise, the other 238 MDD pilots will be forced to file a slam-dunk class action lawsuit to enforce the Emery decision to all similarly situated pilots, just as the Association For Union Democracy (AUD) has previously offered to do. Not to mention that the Emery decision gives rise to additional claims by each of the remaining 237 MDD pilots, as well as punitive damages under the LMRDA. To be certain once attorney's get involved they will seek maximum damages from APA. Thus, it would be foolish to allow this matter linger, and expose APA to unnecessary expenditure of even more union resources, when it can simply be resolved by the BOD.

Therefore, on behalf of myself and all similarly situated wronged MDD members, I respectfully ask that the BOD immediately convene telephonically, for purposes of issuing a directive to reinstate all MDD members to C&R, and also to direct the ISL DRC to treat all MDD pilots equally and fairly, by pulling and plugging them at their original relative seniority position on the ISL.

Fraternally,
Lawrence Meadows
MIA/FO/777/MDSB

Note: If you want to separate paragraphs, do so by using a blank line between each paragraph. Any Tabs or special characters will be stripped from the message.

SOUNDOFF will replace the incoming communications aspect of the Phonewatch system. A key difference is that the messages will be delivered directly to the union leadership. Also, e-mail and web site messages from pilots will be in their own words, not dependent on translation by a pilot volunteer. The SOUNDOFF archives are searchable by authorized users.