

In the Matter Between:	*
	*
LAWRENCE M. MEADOWS,	* BEFORE THE
	*
Accuser,	*
	*
vs.	* ALLIED PILOTS ASSOCIATION
	* APPEALS BOARD
ALLIED PILOTS ASSOCIATION	*
SECRETARY-TREASURER PAM	*
TORELL,	*
	*
Accused.	*

ARTICLE VII HEARING

VOLUME 1

MARCH 1, 2017

Testimony of:

Pam Torell

BE IT REMEMBERED that on March 1, 2017, from 9:28 a.m. to 5:18 p.m., I, Karen L. Shelton, a Certified Shorthand Reporter in and for the State of Texas, appeared at Allied Pilots Association, 14600 Trinity Boulevard, Suite 500, in the City of Fort Worth, County of Tarrant, State of Texas, whereupon the following proceedings were had:

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A P P E A R A N C E S

APPEALS BOARD MEMBERS:

- Mr. Chuck Hepp, Chairman
- Ms. Kate Fletcher
- Ms. Lisa Heller

THE ACCUSER:

- Mr. Lawrence M. Meadows

REPRESENTATIVE FOR THE ACCUSED:

- Mr. Jeff Thurstin

THE ACCUSED:

- Secretary-Treasurer Pam Torell

ALSO PRESENT:

- Robert Sproc - present for morning session
- Mark Myers - present for morning session where indicated

REPORTER'S NOTE:

Quotation marks are used for clarity and do not necessarily reflect a direct quote.

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ACCUSER EXHIBITS

NUMBER/DESCRIPTION	
Exhibit 1	APA Constitution and Bylaws
Exhibit 2	APA Membership Report
Exhibit 3	APA Status Codes
Exhibit 4	Meadows APA Membership Card
Exhibit 5	APA Group Term Life Insurance
Exhibit 6	Meadows APA Member Lookup Detail/Member Profile

1 ACCUSER EXHIBITS, CONTINUED

2 NUMBER/DESCRIPTION

3 Exhibit 7 8/3/15 Letter to Pam Torell from
4 Lawrence Meadows re Final Demand for
5 Membership and Account Records;
6 8/21/15 Letter to Charles Hepp from
7 Keith Wilson re Meadows v. Wilson

8 Exhibit 8 Meadows APA Member Dues Activity Log

9 Exhibit 9 APA MIA Domicile Meeting Reminder

10 Exhibit 10 12/4/14 Letter to Pam Torell from
11 Lawrence Meadows

12 Exhibit 11 E-Mail Chain re APA Membership Card
13 Issuance

14 Exhibit 12 6/30/16 Presidential Constitutional
15 Interpretation

16 Exhibit 13 December 2016 Letter Enclosing
17 Membership Card from Pam Torell

18 Exhibit 14 1/10/05 Opinion and Award in re
19 Annable v. Wissing

20 Exhibit 15 11/30/12 Letter to Robert Sproc
21 from Scott Abbott re APA Appeal
22 Board Decision in Sproc v. APA
23 National Officers and Board of
24 Directors with Attached Decision

25 Exhibit 16 LMRDA Union Member Bill of Rights
and Statute 29 U.S.C. 401

Exhibit 17 6/28/13 AAA Opinion and Award in re
Sproc v. Allied Pilots Association
Officers

Exhibit 18 Meadows Grievance 12-011

Exhibit 19 July 2012 E-Mail Chain re
Meadows 332713 Grievance

1 ACCUSER EXHIBITS, CONTINUED

2 NUMBER/DESCRIPTION

3 Exhibit 20 1/1/13 Letter to Keith Wilson from
4 Laura Einspanier re Settlement
5 Consideration and Bankruptcy Protections

6 Exhibit 21 April 2013 E-Mail Chain re Meadows
7 Grievance Hearing Brief; Attached
8 Supplemental Affidavit

9 Exhibit 22 8/29/13 Letter to Lawrence Meadows
10 from Keith Wilson re Grievance 12-011;
11 9/20/13 Letter to Keith Wilson from
12 Lawrence Meadows re Preservation of
13 Electronic Records

14 Exhibit 23 Decision and Award in re
15 Distribution of Equity by Allied
16 Pilots Association

17 Exhibit 24 1/17/14 E-Mail Chain re POC,
18 Grievance Hearing Date, BOD Meeting

19 Exhibit 25 Verified Complaint re Meadows v.
20 Allied Pilots Association and
21 American Airlines in the U.S. District
22 Court, District of Utah

23 Exhibit 26 APA Amended Proof of Claim

24 Exhibit 27 Expert Report re Lawrence Meadows'
25 Potential Earnings by Berkeley
Research Group

Exhibit 28 3/25/14 Letter to Keith Wilson from
Lawrence Meadows re Unauthorized
Exclusion of Grievance 12-011 from
APA's Amended with Attachments

Exhibit 29 3/31/14 Letter to All APA BOD
Officers from Lawrence Meadows
with Attachment

Exhibit 30 3/31/14 and 4/1/14 E-Mail Chain
re APA's Amended Proof of Claim
Document 13866

1 ACCUSER EXHIBITS, CONTINUED

2 NUMBER/DESCRIPTION

- 3 Exhibit 31 Allied Pilots Association and
4 Subsidiaries Consolidated Financial
Statements June 30, 2013 and 2012
- 5 Exhibit 32 Official Minutes of the Special
6 Board of Directors Meeting
April 22-24, 2014
- 7 Exhibit 33 4/22/14 E-Mail re MDD Pilots
- 8 Exhibit 34 Lawrence Meadows' Member Profile
9 as of 7/23/2015
- 10 Exhibit 35 Excerpts from 9/27/16 Transcript of
Evidentiary Hearing in re Meadows v.
11 Wilson
- 12 Exhibit 36 Transcript of Pam Torrell Deposition
(To be provided by Kathy Emery)

13

14 ACCUSED EXHIBITS

15 NUMBER/DESCRIPTION

- 16 Exhibit 1 6/6/16 Letter to Charles Hepp from
Pam Torell re Meadows v. Torell
- 17 Exhibit 2 2/2/17 Letter to Charles Hepp from
18 Pam Torell re Meadows v. Torell
with Attachments
- 19 Exhibit 3 4/14/15 Demand to File
20 Article VII Charges Against APA
Sec-Treasurer FO Pam Torell
- 21 Exhibit 4 4/1/14 E-Mail to Pam Torell from
22 Lawrence Meadows re APA's Amended
Proof of Claim
- 23 Exhibit 5 8/29/13 Letter to Lawrence Meadows
24 from Keith Wilson re Grievance 12-011

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1 ACCUSED EXHIBITS, CONTINUED

2 NUMBER/DESCRIPTION

3 Exhibit 6 4/23/14 Letter to Lawrence Meadows
4 from Keith Wilson re Grievance 13-064

5 Exhibit 7 6/30/16 Presidential Constitutional
6 Interpretation

7 Exhibit 8 December 2016 Letter Enclosing
8 Membership Card from Pam Torell

9 Exhibit 9 1/10/17 AAA Opinion and Award in re
10 Meadows v. Wilson

11 Exhibit 10 1/26/17 AAA Response to Accuser's
12 Request to Reconsider Award in re
13 Meadows v. Wilson

14 Exhibit 11 Meadows' Second Motion to Reconsider
15 Supplemental Award in re Meadows v.
16 Wilson and Accompanying E-Mails

17 Exhibit 12 Court Orders in U.S. District Court
18 for the District of Utah in re
19 Meadows v. APA

20 Exhibit 13 Plaintiff's Motion to Recuse Judge
21 David Sam in U.S. District Court
22 for the District of Utah in re
23 Meadows v. APA

24 Exhibit 14 Memorandum of Decision in U.S.
25 Bankruptcy Court Southern District
of New York in re AMR Corporation,
et al.

Exhibit 15 AA Status 1 Report Summary,
Lawrence Meadows No. 332713

Exhibit 16 5/1/13 Letter to Arbitrator Valverde
from Robert Sproc; Excerpts from Sproc
Post-Arbitration Hearing Brief from
Petitioner Captain Robert Sproc

Exhibit 17 APA News Digest, February 17, 2017

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ACCUSED EXHIBITS, CONTINUED

NUMBER/DESCRIPTION

Exhibit 18 Lawrence Meadows' Member Profile
as of 8/20/2015

Exhibit 19 Lawrence Meadows' Member Profile
as of 3/1/2017

1 P R O C E E D I N G S

2 (March 1, 2017, 9:28 a.m.)

3 CHAIRMAN HEPP: So let's get this appeal
4 board hearing. Mr. Meadows brought Article VII
5 charges against Pam Torell, our secretary-treasurer.
6 We have -- you have the attendance list. We have
7 Captain Rob Sproc in attendance. He's the chairman
8 of the appeal board.

9 MR. SPROC: First officer.

10 CHAIRMAN HEPP: Can we just submit that
11 the charges are on the record, or would you like me
12 to read them? Does anybody have an objection one
13 way or the other?

14 MR. MEADOWS: Yeah, I'd like to read them
15 into the record, please.

16 CHAIRMAN HEPP: Okay. So let's -- so it
17 doesn't get lost in the shuffle, let me start with
18 Captain Wilson's sixth charge which we agreed to
19 defer to this appeal board hearing --

20 MR. MEADOWS: Okay.

21 CHAIRMAN HEPP: -- which is -- the sixth
22 charge in the Wilson Meadows Article VII hearing
23 was, Charge 6: "Finally, the APA president has
24 failed to enforce the APA Constitution and Bylaws in
25 violation of C&B Article IV, Section 8.A.3.

1 Specifically, he failed to enforce Article III,
2 Section 4 which requires the APA secretary-treasurer
3 issue membership cards to active members in good
4 standing or special membership cards to inactive
5 members. My certified request for a membership card
6 has been ignored."

7 So that was the one we chose to defer.

8 MR. MEADOWS: Okay.

9 CHAIRMAN HEPP: Actually, more accurately,
10 that was the one that both this appeal board and you
11 agreed to defer.

12 And now the charges in regard to Meadows
13 Torell are, Charge 1: "First Officer Torell
14 violated Article III, Section 4 which requires APA
15 secretary-treasurer to sign and issue membership
16 cards to active members in good standing or special
17 membership cards to active -- excuse me, to inactive
18 members whereby she ignored and failed to honor my
19 reasonable certified request for personal issuance
20 such APA membership card."

21 Second charge, "F.O. Torell, acting in her
22 capacity as APA secretary-treasurer, unilaterally
23 amended APA's proof of claim without authorization
24 or notice to members affected and specifically
25 excluded Meadows Grievance 12-011 which contained

1 remedies valued at \$5.6 million by an economic
2 expert report in violation fiduciary responsibility
3 under C&B Article X.C and misappropriating money or
4 property of the association in direct violation of
5 Article VII.A.4."

6 Third charge: "As a result of the above
7 violations, F.O. Torell also violated C&B Article
8 VII.A.7. by committing an acts contrary to the best
9 interests of the APA as an institution or its
10 membership as a whole, first by aiding and abetting
11 denial of myself and 233 MDD members right of access
12 of to union meetings and, second, by stripping away
13 my valuable grievance from APA's proof of claim
14 8331, thereby shifting the substantial financial
15 burden of that grievance" -- excuse me -- "of that
16 grievance's remedies valued at 5.6 million from the
17 company directly onto the association."

18 Fourth charge: "As a result of all of the
19 above violations, the F.O. Torell also violated C&B
20 Article VII.A.2. by committing willful violations of
21 this APA Constitution and Bylaws."

22 Charge 5: "Here F.O. Torell has willfully
23 abstracted or converted property and assets
24 contained in APA's proof of claim whereby
25 misappropriating money or property of the

1 association in violation of Article VII.A.4."

2 So those are the charges. And I was going
3 to just let Mr. Meadows go, but I hear you have an
4 opening statement.

5 MR. THURSTIN: I have an opening
6 objection, yes, I'd like to read for the record.

7 CHAIRMAN HEPP: So -- well, it's all on
8 the record, but -- so let him make an opening
9 statement, and then we'll let you go.

10 MR. MEADOWS: If we're going to make
11 objections, I'd like to open and make my objections
12 and then let him do it.

13 CHAIRMAN HEPP: I'm sorry. Say again?

14 MR. MEADOWS: I have objections I'd like
15 to lodge also, so I think I should be permitted to
16 go first.

17 CHAIRMAN HEPP: You know, it's basically a
18 flip of the coin.

19 MR. MEADOWS: I'm the moving party, I
20 think, so --

21 CHAIRMAN HEPP: I'm sorry?

22 MR. MEADOWS: I'm the moving party, so I
23 should be allowed to go first.

24 CHAIRMAN HEPP: Any objection?

25 MR. THURSTIN: No.

1 MR. MEADOWS: I'm just going to get -- I'm
2 just trying to keep this in order.

3 CHAIRMAN HEPP: I mean, your opening
4 statement's going to be?

5 MR. THURSTIN: This is opening objections.
6 This is not the statement, actually an opening
7 statement.

8 CHAIRMAN HEPP: I can't hear you. I'm
9 sorry.

10 MR. THURSTIN: This is opening
11 objections --

12 CHAIRMAN HEPP: Okay.

13 MR. THURSTIN: -- not the actual opening
14 statement.

15 CHAIRMAN HEPP: Oh, okay. All right. And
16 how long -- and you --

17 MR. THURSTIN: This only takes a couple
18 minutes, four items.

19 CHAIRMAN HEPP: And, Larry, you have?

20 MR. MEADOWS: Three minutes.

21 CHAIRMAN HEPP: Okay. Fine. So, Larry,
22 why don't you go ahead.

23 ACCUSER'S OBJECTIONS

24 MR. MEADOWS: Okay. All right. Yeah, I
25 just -- we discussed this off the record earlier,

1 but I just want to lodge a couple objections for
2 housekeeping purposes.

3 First, as I explained earlier, I have
4 concerns about your participation as a material
5 witness in the proceedings of Meadows versus APA
6 when you filed two declarations on behalf of former
7 general counsel Steve Hoffman. So I think that
8 makes you conflicted, and I've moved to recuse you,
9 which you refuse to do. I understand the BOD had
10 passed a resolution that the board would stay intact
11 for these proceedings, but I disagree with that one.
12 I lodge an objection on that basis.

13 Secondly, I filed a motion to -- for
14 summary judgment on the first charge, and that was
15 ignored, I guess, so I object to that not being
16 heard because the facts in evidence in the record
17 show that Pam Torell absolutely violated Charge 1.
18 And that's it. I only have two objections.

19 ACCUSED'S OBJECTIONS

20 MR. THURSTIN: Board members, on behalf of
21 Pam Torell, we have a few additional objections to
22 put on the record before we begin the hearing.

23 For the reasons stated in Captain Torell's
24 February 2nd, 2017, letter, this board should
25 dismiss the charges in their entirety. Mr. Meadows

1 does not have standing to file an Article VII
2 charge. According to Arbitrator Valverde's recent
3 decision, an inactive member is neither a member in
4 good standing or bad standing but simply an inactive
5 member. Only members in good standing can file
6 Article VII charges according to the C&B.
7 Mr. Meadows does not have standing. We therefore
8 ask the board to dismiss the charges without the
9 need for -- to proceed further.

10 Two, Captain Torell would also like to
11 object to the extent that any APA appeal board
12 member, including those appeal board members not
13 sitting here today, has had substantive
14 communications directly with Mr. Meadows about an
15 ongoing case. It is inappropriate for an appeal
16 board member to have ex parte discussions with
17 Mr. Meadows.

18 In Mr. Meadows' recent second motion for
19 reconsideration of Torell Exhibit No. 11,
20 Mr. Meadows provides an extensive summary of his
21 conversations with F.O. Rob Sproc, the current
22 appeal board chair, about several issues including
23 how the entire Article VII process appears corrupt
24 and rigged and about the specific issue of inactive
25 APA membership.

1 The communications are inappropriate. As
2 a sitting board member, even the chair, F.O. Rob
3 Sproc, should cease any communication with a pilot
4 who has open appeal board cases and recuse himself
5 for any cases related to Mr. Meadows.

6 Further, number three, further,
7 Mr. Meadows describes in his February 19, 2017,
8 e-mail that Captain Torell was suddenly unavailable
9 on February 28th and only available on March 1st and
10 2nd. Captain Torell was never available on February
11 28th and never indicated that she was available. We
12 object to the characterization.

13 Number four, additionally, Captain Torell
14 points out for the members that Mr. Meadows has
15 ongoing litigation and has threatened additional
16 litigation against the APA. The APA is not a party
17 here. They have called Captain Torell to answer
18 questions limited to the scope of the hearing. We
19 will not answer questions that may assist
20 Mr. Meadows in his lawsuit against APA.

21 That concludes our opening objections.

22 CHAIRMAN HEPP: Thank you.

23 MR. MEADOWS: I fully object to each and
24 every objection they raised.

25 CHAIRMAN HEPP: So noted. Mr. Meadows.

1 MR. MEADOWS: Yes, sir.

2 CHAIRMAN HEPP: You have the floor.

3 ACCUSER'S OPENING STATEMENT

4 MR. MEADOWS: I'll keep the opening brief.

5 We're basically here -- I know there's
6 probably a level of frustration on Pam Torell's
7 part. This isn't personal animus against her, just
8 trying to hold her accountable for her actions.

9 The reason we're in the Article VII
10 proceedings is because the former general counsel,
11 Steve Hoffman, he argued to the federal court in
12 Utah that I should not be allowed to pursue my LMRDA
13 claims and must first exhaust my internal union
14 remedies. Got an order to that effect. So we are
15 now here.

16 Now, obviously I can't address LMRDA
17 issues and charges in this proceeding, but what I
18 can do is hold Pam Torell accountable for her
19 violations of the C&B, which is the purpose of these
20 hearings. But if not for Mr. Hoffman's
21 inappropriate action, this matter would have been
22 resolved in federal court long ago. But now here we
23 are and we're expending a lot of time and resources
24 to the association which I think are unnecessary,
25 but this is a very important issue.

1 In conjunction with Captain Wilson --
2 well, the entire association's locking us out of C&R
3 in April of 2014, the MDD pilots were deprived
4 access to the virtual union hall. And overlapping
5 that, Captain Torell refused to issue us special
6 membership cards, which would not allow us into
7 domicile meetings. There was a mandate issued in
8 the same time frame that you must show a membership
9 card to enter the meeting. So effectively MDD
10 pilots were locked out of the physical and virtual
11 union hall during the most crucial time of our
12 careers when the JCBA was getting negotiated and the
13 ISL was getting negotiated.

14 As a result, we could not defend our
15 interests or claims or voice our concerns in these
16 hearings. And I think the fact -- after-the-fact
17 results speak for themselves. In the ISL
18 proceedings, out of the 239 MDD pilots like myself,
19 11 are on the list. There's been no explanation why
20 there's been disparate treatment between and amongst
21 the legacy AA disabled pilots.

22 CHAIRMAN HEPP: I'm sorry. Can you clear
23 that point up? I didn't --

24 MR. MEADOWS: Yes. There was 239 legacy
25 American Airlines MDD pilots been on disability

1 greater than five years. For some reason, 11 of
2 them are on the ISL.

3 MS. FLETCHER: On the what?

4 MR. MEADOWS: The integrated seniority
5 list. So 11 are on the list. The other 228
6 including myself are not. And that was one of the
7 most important issues we couldn't raise or argue at
8 the domicile meetings or BOD meetings during that
9 time frame. So it's been a pretty significant harm.

10 In addition, there is disparate treatment
11 between and amongst the legacy US Airways pilots who
12 were all out more than five years and they remained
13 on the list, all the east guys. And all the west
14 guys, they were out between five and eight years and
15 remained on the list. So that was one of the most
16 crucial issues, that we did not get a chance to
17 participate in the negotiations or the arguments and
18 discussions thereof.

19 Secondly, Captain Torell signed an amended
20 proof of claim in American Airlines' bankruptcy
21 proceedings on March 7, 2014, and in so doing she
22 unilaterally moved my Grievance No. 12-011. And she
23 never notified me. But she -- APA was notified that
24 I was going to pursue all my legal remedies prior to
25 her taking that action. I actually sued in federal

1 court to compel arbitration of that grievance, and
2 she still chose to unilaterally dispose of my
3 grievance off the proof of claim, which is a big
4 problem. She disposed of my grievance by
5 unilaterally excluding it from the amended proof of
6 claim. That grievance has been valued at
7 \$5.6 million.

8 Now I'm under an injunction by Judge Lane
9 ever since I spoke to Mr. Parker at the shareholder
10 meeting. They came after it, and I got an
11 injunction. I am enjoined from taking any other
12 action against American Airlines relating to my
13 termination removal other than Grievance 12-011.
14 That was a big problem. Grievance 12-011 is going
15 to move forward. And if I prevail, APA has taken my
16 grievance off the proof of claim, and APA will be
17 liable for all the damages. So, it could be
18 amended, but Captain Torell has refused to amend it
19 and add it back in.

20 And that's it. I'm suffering pretty
21 severe harm personally. I think the entire group of
22 MDD pilots has been treated disgracefully in blatant
23 violation of the C&B and locked out of union, and
24 that's no small matter. And when this matter goes
25 to federal court, it'll be really clear APA, who was

1 embarrassed in West Palm Beach when a judge ruled
2 that the AUP is unlawful and a violation of freedom
3 of speech. But there's a whole host of other
4 violations that are going to be addressed with
5 respect to Captain Torell's actions. And it's
6 unnecessary and unneeded. These things were asked
7 to be resolved via correspondence.

8 CHAIRMAN HEPP: Well, you've covered a lot
9 of ground. What's unnecessary and --

10 MR. MEADOWS: The whole monkey motion of
11 locking us out of C&R, costing the association
12 substantial expense.

13 CHAIRMAN HEPP: You know, that's not part
14 of this.

15 MR. MEADOWS: No, but I'm saying --

16 CHAIRMAN HEPP: Okay. Go ahead.

17 MR. MEADOWS: It is part of it.

18 CHAIRMAN HEPP: Go ahead.

19 MR. MEADOWS: So that -- she participated
20 in this with Captain Wilson. The overall goal
21 seemed to be to keep us out of the union hall in any
22 shape or form. And I don't know what the goal was,
23 but the facts speak for themselves. As a result,
24 APA has lost their E&O insurance. Former general
25 counsel was terminated after 20 some years. Former

1 in-house legal director was terminated after 20 some
2 years. A lot of bad, fatally flawed legal decisions
3 made that have exposed the association. And Captain
4 Torell has willingly participated in those decisions
5 by effectuating them and refusing to uphold her
6 duties under the C&B. That's all I have.

7 ACCUSED'S OPENING STATEMENT

8 MR. THURSTIN: Our opening statement is we
9 are here today because Mr. Lawrence Meadows filed
10 five separate Article VII charges against Captain
11 Pam Torell on April 14, 2016. It is important to
12 note that these charges are levied against Captain
13 Torell for actions taken, and I quote from
14 Mr. Meadows' charge, "while acting in your capacity
15 as APA secretary-treasurer."

16 MR. MEADOWS: Let me clarify.

17 CHAIRMAN HEPP: Please, Larry. Larry.

18 MR. MEADOWS: I was writing -- no, I was
19 writing her --

20 CHAIRMAN HEPP: Larry.

21 MR. MEADOWS: -- in her --

22 CHAIRMAN HEPP: Larry, Larry.

23 MR. MEADOWS: Well, it's a
24 mischaracterization.

25 CHAIRMAN HEPP: No one -- no one

1 interrupted. He did not interrupt.

2 MR. MEADOWS: Well, I object to the
3 mischaracterization of my statement.

4 CHAIRMAN HEPP: No one's interrupted.

5 MR. MEADOWS: I object though.

6 CHAIRMAN HEPP: Not everything you said
7 was, you know, nice and friendly.

8 MR. MEADOWS: It's not nice. It's just a
9 mischaracterization. But I'll let him finish, and
10 I'll clear it up at the back end.

11 CHAIRMAN HEPP: You can always object
12 afterwards.

13 MR. MEADOWS: Thank you.

14 CHAIRMAN HEPP: Just take notes.

15 MR. MEADOWS: Okay.

16 CHAIRMAN HEPP: Thank you. Please.

17 MR. THURSTIN: As I go through my opening,
18 I'll refer to certain exhibits to be introduced to
19 conserve time, expedite this process. This opening
20 will serve as both an opening statement and
21 presentation. The panel is asked to accept the
22 exhibits, which I've laid on the table, included in
23 a binder marked "Torell Exhibits."

24 Mr. Meadows spent a great deal of time
25 discussing his membership status. He has asserted

1 in various forms that he is an active member and
2 sometimes asserts that he is an inactive member. In
3 some court pleadings he alleges APA has lied about
4 his membership status by calling him a member. In
5 those cases he seems to be inferring that he is not
6 a member at all. A simple review of the facts is in
7 order.

8 Mr. Meadows was hired at American Airlines
9 on or about October 1991. He last flew on or about
10 April 2003, and his disability benefits were
11 approved around May 2004. Mr. Meadows dropped off
12 the seniority list on or about November of 2011 as a
13 result of provisions contained in the collective
14 bargaining agreement. He is no longer a pilot
15 employed of -- employee of American Airlines.

16 A summary of Mr. Meadows' status with
17 American Airlines is included as Torell Exhibit 15.
18 This summary was pulled from the monthly Status 1
19 report received from the company and was provided to
20 Mr. Meadows in 2013 during the equity distribution
21 arbitration.

22 The APA Constitution and Bylaws states
23 that inactive members who are on medical leave of
24 absence from the company for more than 12 months
25 become inactive members. In 2011 under the contract

1 at that time, both Section 11.D and Supplement F
2 dictated that a pilot who is out on unpaid sick or
3 disability for five years is dropped from the
4 seniority list and no longer a pilot employee of
5 American Airlines. For internal purposes, APA codes
6 these pilots as MDD, medical disability dropped.

7 I understand Mr. Meadows contests the
8 contractual provisions that dropped him from the
9 seniority list. He has filed grievance protesting
10 being dropped from the seniority list. One of those
11 grievances, Grievance No. 12-011, was the subject of
12 his charge against Captain Torell related to the
13 bankruptcy proof of claim. That grievance, along
14 with a letter from Captain Keith Wilson, an APA
15 president, to Mr. Meadows explaining why he did not
16 advance the grievance to the system board is
17 included as Torell Exhibit No. 5.

18 A second grievance, Grievance No. 13-064,
19 along with a letter from Captain Keith Wilson, is
20 included as Torell Exhibit No. 6. The APA president
21 chose not to advance Mr. Meadows' grievance to the
22 system board. As a result, Mr. Meadows sued APA in
23 the U.S. District Court in Utah, trying to force APA
24 to move his grievance to the system board. His
25 lawsuit was dismissed and is now on appeal.

1 Captain Torell was not involved in the
2 discussion leading up to Captain Wilson's decision.
3 Various court documents, filings, including the --
4 and filings, including the court order dismissed by
5 Mr. Meadows' case, are included as Torell Exhibits
6 12 and 13.

7 CHAIRMAN HEPP: When you're referencing,
8 you're referencing the tabs?

9 MR. THURSTIN: Correct.

10 CHAIRMAN HEPP: Okay. So Tab 12 and 13?

11 MR. THURSTIN: Correct.

12 CHAIRMAN HEPP: Okay.

13 MR. THURSTIN: As a side note, now the
14 five-year rule under Supplement F has since been
15 deleted from the contract by letter of agreement
16 effective September 30, 2016. But the LOA
17 application was not made retroactive and did not
18 impact any of the former pilots already dropped from
19 the seniority list.

20 This forum is not the place to relitigate
21 Mr. Meadows' lawsuit or to review those contractual
22 provisions. This panel is not the body to interpret
23 the contract. For purposes of today, Mr. Meadows'
24 status with the APA remains MDD. And, as mentioned,
25 having been on disability more than 12 months, MDD

1 pilots are inactive pilots.

2 Captain Keith Wilson, as APA president,
3 issued a presidential interpretation on June 30,
4 2016, confirming that MDD pilots are inactive
5 members. This interpretation is included as Torell
6 Exhibit 7. Regardless of this interpretation, APA
7 has considered Mr. Meadows an inactive member
8 throughout Captain Torell's tenure as
9 secretary-treasurer.

10 That may be enough background to now
11 briefly outline Captain Torell's arguments which are
12 also briefly outlined in Torell's Exhibits 2 and 3,
13 Captain Torell's prior correspondence to the appeal
14 board.

15 As mentioned at the beginning of this
16 hearing, Captain Torell argues that Mr. Meadows does
17 not have standing to file Article VII charges. To
18 quote Arbitrator Valverde, the C&B specifically
19 states that only a member in good standing can file
20 a charge against any other member, Article VII.B.1.
21 Here, the arbitrator has made a preliminary finding
22 that Meadows, an inactive member, does not enjoy
23 member in good standing status. Thus, he
24 technically does not have the authority to file
25 charges against a member.

1 Although Valverde continued and made his
2 ruling on several additional grounds, because
3 Captain Wilson did not argue the standing position,
4 Captain Torell specifically now argues this position
5 and asserts Mr. Meadows has no standing to file
6 Article VII charges. This concept is not a new
7 concept and was argued by F.O. Rob Sproc in his own
8 special appeal board case in 2013 when he argued
9 that Joe Barkate, an inactive member, was neither in
10 good or bad standing as an inactive member according
11 to the C&B and therefore did not enjoy the
12 privileges associated with being a member in good
13 standing. The relevant position of F.O. Sproc's
14 brief presenting this argument included -- is
15 included as Torell Exhibit 16. Arbitrator
16 Valverde's decisions are included as Torell Exhibits
17 9 and 10.

18 For a completely separate and distinct
19 reason, these charges are not cognizable because
20 they are not institutional complaints against APA.
21 Captain Torell recognizes that national officers are
22 subject to Article VII for personal actions.

23 However, in this case the charges are
24 against the institution and APA rather than against
25 individual action. For example, Mr. Meadows alleges

1 in his charges that as APA secretary-treasurer,
2 Captain Torell violated the LMRDA. This is an
3 institutional charge against the APA. As another
4 example, Mr. Meadows has pending litigation or
5 threatened litigation against APA regarding these
6 charges.

7 Additionally, the requested remedy is not
8 appropriate. Mr. Meadows asked the appeal board to
9 direct the secretary-treasurer to issue Meadows and
10 all MDD pilots APA membership cards, and he asked
11 that the appeal board direct Captain Torell to amend
12 APA's proof of claim in the bankruptcy court. These
13 requested remedies are beyond the jurisdiction and
14 authority of the appeal board. Assuming the appeal
15 board goes -- gets to the merits of this case, the
16 board may only decide if APA discipline is
17 appropriate for any substantiated misdeeds.

18 I would like to briefly review each of
19 these charges listed in page 12 of Mr. Meadows'
20 charges. As to Charge 1, Captain Torell, acting in
21 her capacity as secretary-treasurer, referencing
22 Mr. Meadows' request for a union card to counsel.
23 She did this because Mr. Meadows had ongoing
24 litigation against the APA. Her actions were
25 appropriate for the situation. Mr. Meadows' suit

1 was dismissed by the trial court. The case is
2 currently on appeal.

3 Of interest, the C&B does specify a time
4 or frequency -- correction -- does not specify a
5 time or frequency for issuing ID cards. It is
6 important to note that APA subsequently issued
7 inactive ID cards to all inactive members, including
8 Mr. Meadows, in December of 2016. Even if the board
9 had authority to direct the secretary-treasurer to
10 issue an ID card, this issue is moot.

11 As relating to Charges 2, 3, 4, and 5
12 related to the bankruptcy proof of claim, even if
13 the board considers these charges cognizable and
14 appropriate for review by the appeal board, there is
15 absolutely no evidence that Captain Torell has
16 willfully abstracted or converted millions of
17 dollars of association property and assets for her
18 own use or the use of another, nor is there any
19 evidence that Captain Torell has misappropriated APA
20 money or property.

21 Mr. Meadows' defamatory allegations are
22 baseless. Removing his grievance from APA's
23 bankruptcy proof of claim did not prevent
24 Mr. Meadows from pursuing those claims against
25 American Airlines. In Torell Exhibit 13, Judge Lane

1 of the bankruptcy court explains in detail these
2 claims and their status, none of which were affected
3 by APA's removal of the grievance from its own proof
4 of claim.

5 Removing the grievance from APA's proof of
6 claim did nothing to enrich Captain Torell or any
7 other pilot as Mr. Meadows alleges. Torell
8 Exhibit 17 explains that any future equity
9 distribution of pilots will consist of 13.5 percent
10 of settled disputed claims. APA does not receive
11 any percentage of claims not settled or withdrawn.

12 Further, Captain Torell was acting purely
13 in her ministerial capacity of secretary-treasurer
14 in signing the proof of claim. Such activity and
15 action is not cognizable under Article VII. The
16 decision to move the grievance to the system board
17 was a decision made by the president under his
18 authority. APA C&B Article IV, Section 8 states,
19 "The president shall conduct the affairs of APA
20 consistent with the Constitution and Bylaws and with
21 the policy and directives set by the board of
22 directors. The president's actions shall be
23 presumed valid unless the board of directors elects
24 to review and disapproves a particular action taken
25 by the president."

1 President Wilson acted within his
2 authority when he decided not to advance the
3 grievance. His action is presumed valid. After
4 several individual, separate claims were resolved or
5 otherwise closed, APA amended its proof of claim.
6 Captain Torell signed that claim. She committed no
7 violation of the C&B in doing so.

8 As to Charge 3 related to aiding and
9 abetting denial of Mr. Meadows and others access to
10 union meetings, there is absolutely no evidence that
11 Mr. Meadows or any other MDD pilot for that matter
12 were denied access to union meetings or that their
13 right to attend was hindered or restricted.
14 Needless to say, there is no evidence that -- then
15 that Captain Torell aided or abetted any restriction
16 of this right.

17 Finally, the charges related to the
18 bankruptcy proof of claim were not timely filed.
19 Even if the board decides the charges related to the
20 bankruptcy proof of claim might present a cognizable
21 issue and that Mr. Meadows has standing to bring
22 Article VII charges, these charges should be
23 dismissed because these charges were not timely
24 filed.

25 Article VII, Section B.2 requires charges

1 be filed within one year. Specifically, the C&B
2 reads, "Except for charges filed in accordance with
3 Section A.1 and A.8 of this article, charges must be
4 filed within one year after the alleged offense."

5 Mr. Meadows' charges do not allege
6 offenses under Sections A.1 or A.8. Of important
7 note, Mr. Meadows filed his charges on April 14,
8 2015. Captain Torell signed the proof of claim on
9 March 4, 2014. Mr. Meadows was aware of this proof
10 of claim in March of 2014. He objected to the proof
11 of claim to both Captain Wilson and Captain Torell.
12 Mr. Meadows' original charges against Captain Torell
13 are included as Torell Exhibit 3.

14 Exhibit 4 to Mr. Meadows' original charges
15 against Captain Torell is a letter dated March 25,
16 2014, to Captain Wilson protesting removal of
17 Grievance 12-011 from APA's proof of claim.

18 Exhibit 6, Meadows' charges, which is also included
19 as Torell Exhibit 4, is an e-mail to Captain Torell
20 from Mr. Meadows dated April 1, 2014. He was aware
21 of the proof of claim before March 25, 2014, and
22 failed to file an Article VII until almost 13 months
23 later on April 14, 2014.

24 Article VII under the C&B is clear.
25 Charges must be filed within one year. Mr. Meadows'

1 charges are untimely and must be dismissed. For all
2 the above reasons, Mr. Meadows' charges should be
3 dismissed in their entirety.

4 Captain Torell would like to introduce the
5 exhibits contained in the binders. She has no
6 witnesses to call and rests her case. She reserves
7 her right to file post-hearing briefs in lieu of
8 closing arguments. We rest.

9 CHAIRMAN HEPP: Can we take ten?

10 MR. MEADOWS: I have a question.

11 CHAIRMAN HEPP: Please.

12 MR. MEADOWS: Mr. Thurstin never
13 identified himself. Are you a member in good
14 standing of the APA?

15 MR. THURSTIN: I am, but I'm not on trial
16 here.

17 MR. MEADOWS: No, but --

18 CHAIRMAN HEPP: He's just referencing --

19 MR. MEADOWS: I'm just curious. You never
20 introduced yourself, so I just was wondering what
21 your status was.

22 MR. THURSTIN: I'm a member in good
23 standing.

24 MR. MEADOWS: Are you an attorney?

25 MR. THURSTIN: I am not.

1 MR. MEADOWS: Good thing, because you'd be
2 in contempt of court. But we'll address that.

3 CHAIRMAN HEPP: Fortunately, we're not in
4 a courtroom.

5 MR. MEADOWS: Well, there's several --
6 there's at least 14 misrepresentations of fact that
7 are contradicted by record evidence.

8 CHAIRMAN HEPP: And you'll have your --

9 MR. MEADOWS: I'll raise them -- I'll
10 raise them when I testify.

11 CHAIRMAN HEPP: And you'll have your
12 opportunity. Can we take ten, please?

13 MR. THURSTIN: Yes.

14 (Recess from 9:59 to 10:03)

15 CHAIRMAN HEPP: Mr. Meadows.

16 MR. MEADOWS: Yes, sir.

17 CHAIRMAN HEPP: You're up.

18 MR. MEADOWS: Okay. I'd like to call
19 Captain Torell as the first witness.

20 CHAIRMAN HEPP: Let me make one point
21 though. Before we broke, you talked about whether
22 Mr. Thurstin, Captain Thurstin was a lawyer, and
23 that's -- just remember where we are, you know?
24 We're --

25 MR. MEADOWS: No, I was just asking

1 because he didn't introduce himself, and he's --

2 CHAIRMAN HEPP: Larry, Larry, allow me --

3 MR. MEADOWS: He's knowledgable. He
4 sounds like a lawyer. I'm just curious.

5 CHAIRMAN HEPP: I heard your comments. I
6 heard your comments. My point is that, you know,
7 the reasoning behind this was to give you your
8 opportunity.

9 MR. MEADOWS: Right.

10 CHAIRMAN HEPP: Okay? And I think given
11 what we did with Wilson, you know we bent over --
12 you didn't agree with our decision, but we bent over
13 backwards to allow you to go as far as you wanted to
14 go and put in as much as you wanted to put in. And
15 you're going to have that same opportunity here, but
16 there's no reason -- you know, let's try to, you
17 know, no gloves getting thrown down on the ice. We
18 don't have to start throwing, you know, fists or
19 claiming who's a lawyer or not or whether this is
20 appropriate for a court of law because that's not
21 where we are.

22 MR. MEADOWS: Okay.

23 CHAIRMAN HEPP: So if we could just do
24 without any of that, that would be helpful.

25 MR. MEADOWS: Understood.

1 CHAIRMAN HEPP: Okay? Thank you.

2 Mr. Meadows.

3 MR. MEADOWS: Okay. As my first witness
4 I'd like to call Captain Torell.

5 CHAIRMAN HEPP: You just can do -- do you
6 want to do it from there? Are you okay right there?

7 MR. THURSTIN: Let's stow all this stuff
8 here out of the way.

9 (Witness sworn by the reporter)

10 PAM TORELL,
11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. MEADOWS:

14 Q. Good morning, Captain Torell.

15 A. Good morning.

16 Q. Could you please state your full name and
17 address for the record.

18 A. Absolutely. It's Captain Pam Torell,
19 Allied Pilots Association secretary-treasurer, 14600
20 Trinity Boulevard, Suite 500, Fort Worth, Texas
21 76155.

22 Q. Okay. And do you have any impairments
23 that would prevent you from testifying truthfully
24 today?

25 A. Okay. Larry, I'm going to make sure I

1 hear all your questions correctly.

2 Q. Do you have any impairments that would
3 prevent you from testifying truthfully today?

4 A. No, sir.

5 Q. Are you on any drugs or medication that
6 would prevent you from testifying truthfully?

7 A. No, sir.

8 Q. Okay. Have you ever been deposed before,
9 testified under oath before?

10 A. Yes, I have.

11 Q. In what proceedings?

12 A. I was deposed with Kathy Meadows.

13 Q. Emery?

14 A. Kathy Emery. What a slip. Emery.

15 Q. Okay. Just the one time?

16 A. Yes, sir.

17 Q. Okay. In your whole life?

18 A. Yes.

19 Q. Really?

20 A. Yes.

21 Q. All right. Okay. So what did you do
22 today to prepare for this hearing?

23 A. Captain Thurstin and I reviewed the
24 documents, prepared the exhibits.

25 Q. And did you seek the advice of legal

1 counsel prior to coming today?

2 A. No, sir.

3 Q. Have you consulted with any attorneys
4 prior to coming today?

5 A. No, sir.

6 MR. THURSTIN: I object to that in respect
7 that we're getting kind of in the client-attorney --
8 client -- client-attorney --

9 MR. MEADOWS: No, we're not.

10 MS. TORELL: Attorney-client privilege.

11 MR. MEADOWS: Only the content of
12 discussions you talk about.

13 CHAIRMAN HEPP: Larry, Larry, please. It
14 was directed to the --

15 MR. MEADOWS: Okay.

16 CHAIRMAN HEPP: -- to the group. He
17 hasn't -- all he's asked is whether you have had any
18 communications. He's not specifically asked about
19 specific communications.

20 MR. THURSTIN: Correct.

21 CHAIRMAN HEPP: That would be
22 attorney-client, and I would expect you to say
23 exactly what you just said if he does that, to
24 object under attorney-client privilege.

25 MS. TORELL: Exactly. And it would be

1 under attorney-client privileges. I have contact
2 with APA legal probably on a daily basis.

3 BY MR. MEADOWS:

4 Q. Yeah, but we're only speaking about these
5 proceedings. So who prepared your exhibit list
6 today and your exhibits?

7 A. Captain Thurstin.

8 Q. He did it entirely on his own without any
9 assistance from APA legal?

10 A. To the best of my knowledge.

11 Q. Did he have any assistance from APA legal?

12 A. To the best of my knowledge, Captain
13 Thurstin prepared the exhibits.

14 CHAIRMAN HEPP: Larry, can I -- can I ask
15 just where this is going?

16 MR. MEADOWS: Because APA legal has been
17 advising her and writing documents and letters for
18 her. And she's not -- she -- she herself in her
19 opening statement said she's not -- and I can't
20 bring charges against her in an official capacity,
21 yet she's using the resources of the association in
22 an individual capacity.

23 CHAIRMAN HEPP: Well, that's what your --
24 so that's what your questions are trying to surmise?

25 MR. MEADOWS: I think there's

1 communications between general counsel and in-house
2 counsel regarding these proceedings, which is
3 inappropriate, because she's here as an individual,
4 not as the secretary-treasurer.

5 CHAIRMAN HEPP: I'm not sure I'd agree
6 with that, but go ahead. At least I -- at least I
7 understand where you're going. I just wanted to
8 understand where you're going. I'm sure I -- I'm
9 not sure I --

10 MR. MEADOWS: Well, let me clarify because
11 there was a question raised that I said I was
12 bringing charges against her in her capacity as
13 secretary-treasurer. What my statement, charge
14 statement says is I'm writing to her in her capacity
15 as secretary-treasurer because it's unusual in this
16 circumstance because she is the individual getting
17 charged. She's also the clerk of court for the APA.
18 So I was writing to her in her official capacity as
19 the person who accepts Article VII charges. She
20 just happened to be accepting it for herself.

21 CHAIRMAN HEPP: Well, that may be.

22 MR. MEADOWS: But I just want to clarify.
23 I never had any intention of charging her as
24 secretary-treasurer. I'm charging her for her
25 individual conduct.

1 CHAIRMAN HEPP: Well, just -- but just to
2 be clear, your charges specifically state "requires
3 the secretary-treasurer." Charge 2 specifically
4 states "APA secretary-treasurer."

5 MR. MEADOWS: I understand, but --

6 CHAIRMAN HEPP: "Acting in her capacity as
7 secretary-treasurer," so --

8 MR. MEADOWS: But she did it as an
9 individual.

10 CHAIRMAN HEPP: I mean, just, you know,
11 you've got to stay with the charges that you
12 brought.

13 MR. MEADOWS: Okay. But she -- under
14 Article VII I'm charging her as an individual
15 member. It doesn't prevent me from charging an
16 officer of the union as an individual. And she just
17 happens to be the secretary-treasurer, and she is
18 responsible for her actions individually as
19 secretary-treasurer. There can't be an immunized
20 class of elected officials at APA. They are just as
21 liable and culpable for individual charges as anyone
22 else.

23 MR. THURSTIN: Part of the charges that
24 you've brought also contains a significant monetary
25 judgment against the APA as part of these charges

1 you have brought, a possibility of a significant
2 monetary judgment. That judgment is -- has to be
3 considered in some of these proceedings and where
4 you're going with it in the Utah appellate court at
5 this time. So that's why we're kind of concerned
6 about where you're going with some of the charges or
7 some of the questioning on this.

8 CHAIRMAN HEPP: Well, you have the right
9 to object. You know, that's your job. His job is
10 to try and do the best he can for himself.

11 MR. THURSTIN: I understand.

12 CHAIRMAN HEPP: Our job is just to make
13 sure he stays on the charges that he brought and not
14 expand upon those now.

15 MR. MEADOWS: Okay.

16 CHAIRMAN HEPP: That's my issue.
17 Everything that you've mentioned up till -- relates
18 to her position as the secretary-treasurer. So I
19 would ask that you confine your questions to that.

20 MR. MEADOWS: Okay.

21 CHAIRMAN HEPP: Does that sound
22 reasonable?

23 MR. MEADOWS: Yes, that's reasonable.

24 BY MR. MEADOWS:

25 Q. So did you get any legal advice from James

1 & Hoffman regarding either the membership card issue
2 or the C&R lockout issue?

3 A. Before I answer any of these questions, I
4 need to verify how I'm answering.

5 Q. I'm not asking what advice you got. I'm
6 just asking if and when you got it.

7 A. I am here as Pam Torell, APA
8 secretary-treasurer and my roles and duties in that
9 position as the funds and the records and the
10 bookkeeping of the association, not as Pam Torell as
11 a member in good standing.

12 CHAIRMAN HEPP: I under -- I under --
13 okay. So I get that.

14 MS. TORELL: Are we in agreement?

15 CHAIRMAN HEPP: Well, I think that's what
16 we just -- I think that's what we just came to.

17 MS. TORELL: We did clarify that.

18 CHAIRMAN HEPP: We just clarified --

19 MR. MEADOWS: Well, I'm not leaving my --
20 I mean, my intent was to charge her individually.
21 She just happens to be secretary-treasurer. You
22 can't decouple the two.

23 CHAIRMAN HEPP: Well, but you've -- you've
24 already charged her, Larry. I mean, your --

25 MR. MEADOWS: I know I charged her, and

1 I --

2 CHAIRMAN HEPP: Your Article VII charges
3 are already here.

4 MR. MEADOWS: I'm charging as an
5 individual member in her capacity as
6 secretary-treasurer.

7 CHAIRMAN HEPP: But that's not what
8 they -- that's what not --

9 MR. MEADOWS: What does it say?

10 CHAIRMAN HEPP: It says, "Torell violated
11 Article III, Section 4 which requires" --

12 MR. MEADOWS: That's right.

13 CHAIRMAN HEPP: -- "her to be
14 secretary-treasurer."

15 MR. MEADOWS: I'm charging her
16 individually. I'm not barred from bringing charges
17 against an elected official of the union.

18 CHAIRMAN HEPP: Let's try this. Ask your
19 question again. Ask it to me.

20 MR. MEADOWS: The question was, did she
21 receive any legal advice from James & Hoffman
22 regarding either the membership card issue or the
23 C&R lockout issue.

24 CHAIRMAN HEPP: Okay. And if I were the
25 secretary-treasurer, I would say that that would be

1 my job to try and understand what the Constitution
2 and Bylaws mean.

3 MR. MEADOWS: I just want a yes or no
4 answer. It's a yes or no answer.

5 CHAIRMAN HEPP: No, no, I understand. I'm
6 just trying to -- I mean, obviously they think
7 there's something more to that. I'm trying to get
8 an answer. I'm trying to figure out. So -- and
9 your objection is?

10 MS. TORELL: I am not objecting as
11 necessarily as much as clarifying.

12 CHAIRMAN HEPP: Okay.

13 MR. MEADOWS: Is it a yes --

14 CHAIRMAN HEPP: So as a member in good
15 standing, you'd be unable to pick up the phone and
16 talk to legal counsel about interpretations of the
17 C&B.

18 MS. TORELL: Thank you.

19 CHAIRMAN HEPP: You don't have that
20 access.

21 MS. TORELL: Thank you, Chairman.

22 CHAIRMAN HEPP: As the
23 secretary-treasurer, you certainly have that
24 opportunity.

25 MS. TORELL: Thank you.

1 CHAIRMAN HEPP: So under that notion --

2 MR. MEADOWS: Are any association
3 resources being expended in your defense in these
4 proceedings?

5 CHAIRMAN HEPP: I'm sorry. Say that one
6 more time.

7 MR. MEADOWS: Are any association
8 resources being expended in your defense in these
9 proceedings?

10 CHAIRMAN HEPP: Are any association
11 resources?

12 MR. MEADOWS: Being expended.

13 CHAIRMAN HEPP: Well, we're all on union
14 leave, Larry.

15 MR. MEADOWS: I don't mean -- I don't mean
16 to paddle. I mean, is Mr. Thurstin getting paid by
17 APA for union leave today?

18 CHAIRMAN HEPP: Well, that's the only -- I
19 mean, she has a right to a fair representation.

20 MR. MEADOWS: She doesn't have a right to
21 a paid representation. She has a right to
22 representation by a member in good standing.

23 CHAIRMAN HEPP: Yes, but it doesn't
24 specifically prevent.

25 MR. MEADOWS: So my question is, is

1 Mr. Thurstin on paid union leave today?

2 CHAIRMAN HEPP: Well, wait, wait, wait,
3 wait. Hold on. I want to be perfect -- okay. Your
4 position here at APA is representing Pam Torell
5 today.

6 MR. THURSTIN: That's correct.

7 CHAIRMAN HEPP: Are you on any committees
8 with the Allied Pilots Association?

9 MR. THURSTIN: I'm also on the -- a member
10 at large for the ad hoc compensation committee.

11 CHAIRMAN HEPP: Okay. As a member of the
12 ad hoc compensation committee, does that require
13 union leave?

14 MR. THURSTIN: It does.

15 CHAIRMAN HEPP: Are you presently on union
16 leave because of those committee issues?

17 MR. THURSTIN: I have been, yes, sir.

18 MS. TORELL: But today?

19 CHAIRMAN HEPP: How about today?

20 MR. THURSTIN: Today I'm specifically for
21 this proceeding.

22 CHAIRMAN HEPP: Okay. So today you're
23 here specifically for this proceeding. You had --
24 were you granted union leave specifically for this
25 proceeding?

1 MR. THURSTIN: Yes.

2 CHAIRMAN HEPP: And I don't think there's
3 anything inappropriate.

4 MR. MEADOWS: Really? So I'm bringing
5 individual charges, and the association is spending
6 resources defending the individual. Inappropriate.
7 Whatever. It's just -- again, it's answered. Okay.

8 BY MR. MEADOWS:

9 Q. Has Mark Myers or anyone else in APA legal
10 written any documents or letters for you in these
11 proceedings or in the Wilson proceedings? I'll
12 clarify it.

13 On February 2nd you sent a letter to
14 Captain Hepp asking to have these proceedings
15 dismissed based on the Valverde decision. Did you
16 write that letter yourself?

17 A. If the letter's signed by me, the letter
18 was written by me.

19 Q. You wrote all the words in that letter?

20 A. If the letter is signed by me, it's my
21 document.

22 Q. Did you have any assistance --

23 CHAIRMAN HEPP: Larry, I think the
24 question is asked and answered.

25 BY MR. MEADOWS:

1 Q. Did you have any assistance preparing the
2 letter?

3 CHAIRMAN HEPP: Well, okay. Wait a
4 second. Question's asked and answered.

5 MR. MEADOWS: Okay.

6 CHAIRMAN HEPP: Right? She signed the
7 letter. She wrote the letter.

8 BY MR. MEADOWS:

9 Q. In that letter you had attachments. How
10 did you learn of the Valverde decision?

11 A. It was e-mailed to me.

12 Q. Okay. And you concluded that that was a
13 binding precedent in the association?

14 A. That's speculative. I'm here for the
15 factual merits only.

16 Q. I'm asking you -- well, you relied upon
17 it. You feel like you can dismiss these proceedings
18 based on Valverde's decision, correct?

19 A. I am here for factual information only.

20 Q. Do you -- okay. Did you or did you not
21 assert that I don't have standing based on
22 Valverde's decision?

23 CHAIRMAN HEPP: Okay. Stand -- no, no,
24 no. No. Larry, that's up to us. She is just like
25 we have granted you --

1 MR. MEADOWS: No, no, no.

2 CHAIRMAN HEPP: Wait a second. No, no,
3 Larry, no. We have granted you wide latitude in
4 putting in whatever you've wanted to put in, and we
5 have given you that latitude under Wilson and we've
6 given you that latitude under this. And by the way,
7 we asked for those documents seven days in advance.
8 And I understand you're busy and they didn't do it
9 either. So, both sides. But the bottom line is
10 we're letting both sides do it. But we've given
11 everyone wide latitude on this.

12 MR. MEADOWS: Okay.

13 CHAIRMAN HEPP: Okay? So they have a
14 right to make their claim. It's up to us to make
15 that decision.

16 MR. MEADOWS: I got it.

17 CHAIRMAN HEPP: Obviously they put it in
18 because they decided it's relevant to their case.

19 MR. MEADOWS: I got it.

20 CHAIRMAN HEPP: But we're the ones that
21 are going to make the decision.

22 MR. MEADOWS: I understand, but --

23 CHAIRMAN HEPP: You don't -- I don't want
24 to know whether she thinks it's relevant. I mean,
25 to me just -- I obviously think they think it's

1 relevant, or they would not have included it.

2 MR. MEADOWS: Okay.

3 CHAIRMAN HEPP: Whether it's relevant to
4 us is what matters. So, no, I'm going to -- I'm
5 going to object to that question.

6 MR. MEADOWS: Okay. And I just want to
7 clarify. I'm just trying to establish a foundation
8 because we're going to get into my standing and what
9 Ms. Torell believes my standing was or wasn't at
10 various periods in time. So that's part of it. But
11 that's what I'm trying to get at. I can get to it
12 later.

13 CHAIRMAN HEPP: Well, they put it in,
14 Larry, so obviously they think there must be
15 something to it.

16 MR. MEADOWS: I'll get to it later in
17 another line of questioning. Okay.

18 BY MR. MEADOWS:

19 Q. All right. If you could just real briefly
20 post-high school, could you just give me a
21 description of your education experience and flight
22 training experience prior to getting hired at
23 American Airlines?

24 CHAIRMAN HEPP: Okay. What relevance does
25 that have to do with this?

1 MR. MEADOWS: I'd like to know if she has
2 any financial training or education or credentials.

3 CHAIRMAN HEPP: If she has any what?

4 MR. MEADOWS: Financial training,
5 education or credentials. She's secretary-treasurer
6 of the association. I'm just curious if she has any
7 formal training, her education in finance.

8 CHAIRMAN HEPP: That's up to you.

9 But just to be clear, Larry, we've elected
10 a lot of secretary-treasurers that have no financial
11 background when they become secretary-treasurer.

12 MR. MEADOWS: I understand, but it goes to
13 my claim.

14 CHAIRMAN HEPP: I --

15 MS. TORELL: In the essence of time, I'm
16 going to pass.

17 MR. MEADOWS: You can't pass.

18 MS. TORELL: I defer to the chair.

19 MR. THURSTIN: I object.

20 BY MR. MEADOWS:

21 Q. Are you a licensed --

22 MR. THURSTIN: It's not relevant.

23 BY MR. MEADOWS:

24 Q. Are you a licensed CPA?

25 MR. THURSTIN: It's not relevant to

1 Article VII.

2 BY MR. MEADOWS:

3 Q. Are you a licensed CPA? I'm asking the
4 question of you, Ms. Torell. Are you a licensed
5 CPA?

6 MR. THURSTIN: I object to this because
7 it's not a relevant question.

8 MR. MEADOWS: It's relevant because she's
9 signing proofs of claims for billions of dollars,
10 and she needs to have some financial knowledge. So
11 my question is, is it on-the-job training, or is it
12 formal education and experience? It's relevant.

13 MR. THURSTIN: I still object.

14 CHAIRMAN HEPP: Larry, I'm sorry. I don't
15 see the relevance.

16 MR. MEADOWS: Okay. Fine. We'll move on.

17 CHAIRMAN HEPP: Given the fact that this
18 association has elected numerous people that have
19 had no financial training or -- in various positions
20 within the union.

21 MR. MEADOWS: Okay. So what are the --

22 CHAIRMAN HEPP: Stand by one.

23 (Off record from 10:36 to 10:37)

24 CHAIRMAN HEPP: So I'm going to object. I
25 am going to object to this line of questioning

1 because there's nothing in the Constitution and
2 Bylaws that places any requirements on this position
3 in terms of financial background.

4 MR. MEADOWS: Okay. Fine.

5 BY MR. MEADOWS:

6 Q. When did you first serve in an official
7 capacity for APA? Or briefly describe what jobs or
8 positions you've held in APA.

9 A. Since 1998?

10 Q. Since whenever you were hired.

11 A. All right. Since 1998 various committees.
12 I could provide a list of them, but there are
13 various committees as in --

14 Q. Can you list them off?

15 A. Aero Med, Family Awareness, Professional
16 Standards.

17 CHAIRMAN HEPP: You don't have to --
18 doesn't have to be comprehensive.

19 A. Safety training. Okay.

20 CHAIRMAN HEPP: I think we get the point.

21 MS. TORELL: Thank you. Thank you.

22 CHAIRMAN HEPP: You've done various.

23 BY MR. MEADOWS:

24 Q. When were you elected sect -- thank you
25 for your service, but when were you elected for the

1 secretary-treasurer position?

2 A. July 1, 2013.

3 Q. So you've got extensive experience in the
4 APA.

5 A. (Witness nods head.)

6 Q. And do you have a strong working
7 knowledge --

8 A. It could be your understanding.

9 Q. -- of the C&B?

10 A. Say again?

11 Q. Do you have a strong working knowledge of
12 the C&B then?

13 A. I do my best with the C&B, yes.

14 Q. Do you have a strong working knowledge of
15 the LMRDA?

16 A. I do my best with it. I do not have it
17 memorized, but I reference it frequently.

18 Q. Aren't you bound under federal law to be
19 obligated to conduct yourself in accordance with the
20 LMRDA and the C&B?

21 A. I believe so. I'm not sure if that's a
22 stipulation, but I always try.

23 Q. Are you aware of the fiduciary duties that
24 are attached to your position as APA
25 secretary-treasurer?

1 A. I believe so.

2 Q. And what are they?

3 A. My fiduciary responsibilities?

4 Q. Yeah.

5 A. The responsibility of the books, the
6 funds, and the records of the association.

7 Q. And filing reports?

8 A. As --

9 Q. Do you sign federal tax returns?

10 A. Yeah. I serve as APA secretary-treasurer
11 along with an accounting staff.

12 Q. So are you responsible for all
13 representations made on IRS filings that are signed
14 by you?

15 MR. THURSTIN: Can I ask where we're going
16 with this? This is kind of a -- IRS is way outside
17 the scope of Article VII.

18 CHAIRMAN HEPP: Can you read the last
19 question back, please?

20 (Requested text was read)

21 CHAIRMAN HEPP: So, Larry, I guess what
22 we're doing, what road you're trying to go down is
23 you're trying to do your best to attach her to the
24 \$5.6 million claim.

25 MR. MEADOWS: No.

1 CHAIRMAN HEPP: Okay. So where are you
2 going?

3 MR. MEADOWS: Well, I mean, I think she's
4 doing -- she's taken certain actions in violation of
5 the C&B, which she should be well aware of that
6 they're in violation of numerous federal laws, not
7 to mention the C&B. So my question is what makes
8 her think she can do them.

9 CHAIRMAN HEPP: Well, I think she's made
10 that plain in her side of her opening statement.
11 Yes?

12 MS. TORELL: Yes, sir.

13 CHAIRMAN HEPP: And they're in the
14 affirmative.

15 Can you read that question one more time,
16 please?

17 (Requested text was read)

18 CHAIRMAN HEPP: And you're objecting to
19 it.

20 MR. THURSTIN: I'm objecting to that
21 because it's outside the scope of the charges.
22 We're way outside the scope of the charges.

23 MR. MEADOWS: No, we're not.

24 CHAIRMAN HEPP: Well, I mean, it does --

25 MR. MEADOWS: She just said she's here as

1 the secretary-treasurer.

2 CHAIRMAN HEPP: Larry, please. Thank you.
3 He is trying to establish how much involvement Pam
4 has with the \$5.6 million claim against the
5 bankruptcy.

6 MR. THURSTIN: Right. We're concerned
7 about that from APA's legal standpoint, though, that
8 that is a claim that is -- we don't want discovery
9 hearings.

10 CHAIRMAN HEPP: Stand by.

11 MR. MEADOWS: I object. You are not
12 representing APA and APA legal has no role in these
13 proceedings and you just spilled beans right there.
14 You have no -- I mean, this is -- really.

15 CHAIRMAN HEPP: Stand by.

16 (Off record from 10:41 to 10:43)

17 (Mark Myers joins the hearing)

18 MS. HELLER: Larry, just wanted to clarify
19 something.

20 MR. MEADOWS: Sure.

21 MS. HELLER: There was a discussion, and
22 it's just left a little bit unclear as to whether
23 you are bringing charges against Pam in her
24 individual capacity or as -- in her capacity as
25 secretary-treasurer.

1 MR. MEADOWS: Well, under Article VII I'm
2 required to bring them against individual members.
3 She just happens to be the secretary-treasurer. And
4 her actions were taken individually and in her role
5 as secretary-treasurer. And I think the appeal
6 board had a manual in 2009 that never got published,
7 but it basically said part of the new rules were
8 there's not an immunized class of elected officials.

9 MS. HELLER: Correct.

10 CHAIRMAN HEPP: That's absolutely right.

11 MR. MEADOWS: There used to be.

12 CHAIRMAN HEPP: Right. And that's since
13 been changed. I guess -- I guess where I'm -- to
14 speak towards Lisa's issue, are you teeing up a
15 lawsuit against her that you haven't yet brought?

16 MR. MEADOWS: No, I'm coming back to work.
17 I'll be back to work in three months.

18 CHAIRMAN HEPP: Congratulations.

19 MR. MEADOWS: Yeah, I'm medically
20 qualified now.

21 CHAIRMAN HEPP: All right. So can you go
22 back three, say three or four questions and just can
23 you read the questions and responses?

24 My fear is that now we're starting to
25 tread into responsibilities of APA. And so I've

1 asked for in-house counsel to be present because he
2 has an interest in protecting the association in
3 regard to this Q&A, I think. And so I just want
4 your opinion, Mark, as to where -- as to where we
5 are given the last series of questions we've gotten.

6 So could you go back three or four
7 questions, please.

8 (Requested text was read)

9 CHAIRMAN HEPP: So I guess -- and you've
10 objected.

11 MR. THURSTIN: I've objected.

12 CHAIRMAN HEPP: Because you believe that
13 is not relevant.

14 MR. THURSTIN: It's outside of the scope
15 of the charges, in my opinion.

16 CHAIRMAN HEPP: And I just want to be --
17 before we rule on that, I'm just -- I'm a little
18 uncomfortable in -- when someone runs for
19 secretary-treasurer, they don't ask that person
20 whether they have any financial background
21 whatsoever.

22 And I understand Larry's issue of the
23 bankruptcy claim and having the grievance removed.
24 I totally get that. My issue is that whenever you
25 do union business, you rely on advice from many

1 sources, and you just do the best job you can trying
2 to make the decision given the time crunch that
3 we're always in and the resources that you have
4 available.

5 And I just want to make sure that the
6 position of secretary-treasurer is not compromised
7 given the fact that we do have people who walk in
8 the door with zero experience on many committee
9 positions and many national officer positions.

10 Am I off base? I mean, do you think that
11 that's -- do I need you here?

12 MR. MYERS: Well, if you'd like to have a
13 conversation off the record, the board and I can
14 chat. The question, I guess, is --

15 CHAIRMAN HEPP: Well, stand by one. Can
16 we have a conversation off the record?

17 MR. MEADOWS: Before we go off, I just
18 want to clarify. The reason Mark's in here now is
19 because Mr. Thurstin said he's objecting on the
20 basis of APA legal and the institution. So I don't
21 know if he's a pilot --

22 CHAIRMAN HEPP: No, no. Let's be clear.

23 MR. MEADOWS: That's what he said. We can
24 go back and read it.

25 CHAIRMAN HEPP: It doesn't -- Mark is not

1 in here because of anything that Jeff said other
2 than he objects.

3 MR. MEADOWS: Well, he objected on behalf
4 of APA legal is what he said.

5 CHAIRMAN HEPP: That -- that -- that is
6 not --

7 MR. THURSTIN: No, I did not say on behalf
8 of APA legal.

9 MR. MEADOWS: Can we go back into the
10 record?

11 CHAIRMAN HEPP: Jeff, please. Jeff, stop.

12 MR. MEADOWS: Okay.

13 CHAIRMAN HEPP: Look, Mark is here because
14 I've asked him to be here because I have issues
15 involving the protection of this institution, and
16 what are the roles and responsibilities given that
17 laymen walk off the street and take committee
18 positions.

19 MR. MEADOWS: Okay.

20 CHAIRMAN HEPP: And national officers
21 positions. That's why he's here. Not because of
22 anything that he added other than the fact that he
23 objected.

24 MR. MEADOWS: Maybe this will help you
25 guys out. I'm looking at IRS Form 990, the return

1 of organization exempt from federal income tax dated
2 2014, signed by Pam Torell on February 8th, 2016.

3 And in part 3, paragraph 4A, it talks
4 about the responsibilities of the association. It
5 says protection of the individual and collective
6 rights of the members of the APA in promotion of
7 their professional interest. Part 3 of Form 990,
8 paragraph 4A, states protection of the individual
9 and collective rights of the members of the APA in
10 promotion of their professional interest, collective
11 bargaining and negotiation on behalf of the pilots
12 of American Airlines, including but not limited to
13 work agreements, rates of pay, and rules and working
14 conditions.

15 So my point is, the association via Pam
16 Torell is representing to the federal government
17 that their role, their being for being a nonprofit
18 organization is protecting the individual and
19 collective rights of the members of APA, not the
20 institution.

21 I'm sick and tired of this crap where all
22 these decisions are made by Bennett and James &
23 Hoffman to protect the institution at the expense of
24 people like me. This institution doesn't exist for
25 the purpose of protecting itself. It exists for the

1 purpose of protecting the members.

2 I'm sorry, Mark. You work for me and
3 every other pilot at American Airlines, just like
4 Bennett and James & Hoffman were supposed to. And
5 I'm getting a little pissed off because who gives a
6 fuck about the APA when the members are getting
7 screwed over and they're telling the federal
8 government that their role is to represent the
9 individual and collective rights of the members, and
10 that's not happening. It's not happening here
11 today. And I'm sorry. But it's a pretty sensitive
12 issue, and I've had this discussion with Mr. Buckley
13 a couple weeks ago and he made it really clear that
14 from here on going forward, it's all about the
15 members, not the institution. So that's a big
16 problem.

17 And it's basically tax fraud, Pam. You're
18 lying to the federal government.

19 CHAIRMAN HEPP: And I guess what I would
20 say is that the reason you're here, even though we
21 have had a president state that you're an inactive
22 member and we've had an arbitrator, for what that's
23 worth, and I'm not --

24 MR. MEADOWS: No stare decisis value.

25 CHAIRMAN HEPP: -- I give it no

1 credence -- that state that you're an inactive
2 member. It's because we are trying to give you your
3 opportunity.

4 MR. MEADOWS: I appreciate that.

5 CHAIRMAN HEPP: I think that we have bent
6 over backwards to provide you with every opportunity
7 to make your claims on questionable Constitution and
8 Bylaws grounds. This board here has worked hard to
9 give you that opportunity, as you say, because we
10 have -- we also believe that it is -- whatever class
11 of member you are, you have that opportunity.

12 So I understand you're mad. I understand
13 that -- I want you to understand that I think we
14 have represented ourselves in the protection of your
15 membership status, which is still in question. But
16 we have bent over backwards to try and give you that
17 opportunity. So I understand that you're angry, but
18 I don't think you're giving this institution its
19 just due with that comment.

20 MR. MEADOWS: Well, I believe you guys --

21 CHAIRMAN HEPP: And I understand that
22 we'll just have to agree to disagree.

23 MR. MEADOWS: Fine. And I don't -- no
24 slight intended against the board. The executive
25 board has been very fair.

1 CHAIRMAN HEPP: You've slighted me many
2 times, Larry.

3 MR. MEADOWS: Yeah, but it's not --

4 CHAIRMAN HEPP: You don't -- you don't
5 have to --

6 MR. MEADOWS: It's just business here.

7 CHAIRMAN HEPP: I get that.

8 MR. MEADOWS: I believe -- but I truly
9 believe you, despite my accusations about having --
10 trying to recuse you, have been fair and sincere,
11 and F.O. Heller and Fletcher have as well. The
12 problem I have is, how fair and sincere can you be
13 to overcome the fact that you're being led and
14 guided by Steve Hoffman? That's a problem. Because
15 Steve Hoffman, he should have no role in this, and
16 especially because I'm charging him with
17 misrepresentation to a federal judge.

18 So that's the problem. But I don't -- I
19 think the board's -- through the constraints of what
20 they're being told by legal counsel, I think the
21 board's doing the best they can do, but I think
22 there's too much interference from the legal
23 department. This is supposed to be individual
24 charges. And if the institution is exposed and made
25 liable because one of their officers screwed up, so

1 be it. That's the cost of doing business. You
2 can't sit here and try to cover up unlawful acts.
3 And violations of the C&B are unlawful acts, not to
4 mention the unlawful violations of the LMRDA and the
5 IRS code.

6 CHAIRMAN HEPP: Well, Larry, now I've
7 gotten you to again have an opportunity to talk
8 about unlawful acts, which we will decide whether
9 there is in fact or not lawful or unlawful acts.

10 As far as the influence on the -- this
11 board -- and obviously this is inside baseball now,
12 my apologies -- we have tried to take advice from
13 many different sources. I think that's our job. I
14 think that our last decision shows that we were fair
15 and as fair as we possibly could be, not only in
16 hearing your claim but in deciding your claim.

17 Now, I obviously understand that you
18 didn't think it went your way. I understand that
19 now you'll have your opportunity to go back to a
20 Utah court. All good. You know, you're doing the
21 best you can. I totally get that. But as I said, I
22 think this notion that there is some outside
23 influence to this board is just wrong.

24 MR. MEADOWS: Okay.

25 CHAIRMAN HEPP: And we'll just have to

1 agree to disagree on that.

2 MR. MEADOWS: For future reference, I
3 think it would be appropriate if the board had
4 independent counsel.

5 CHAIRMAN HEPP: Well, that's something
6 you'll -- hopefully you'll get your job back.
7 Hopefully you'll be a voting member of this union
8 and you'll have your opportunities to make those
9 claims and run for office and so on and so forth and
10 make that a change. But all we can do right now is
11 go under the present Constitution and Bylaws and the
12 policy manual.

13 MR. MEADOWS: Okay. Understood.

14 CHAIRMAN HEPP: That's our charge. So
15 now, getting back to the point at hand, sorry about
16 that folks, because I didn't think that should go
17 unchallenged.

18 Mark, to get back to you, I don't want
19 this proceeding -- because you're wrong, Larry.
20 This is not about APA. This is about the next
21 secretary-treasurer. This is about the next member
22 who chooses to run for that position. I don't want
23 the next person in that seat to be burdened by your
24 questions and answers as far as what their
25 responsibilities are in regard to the LMRDA, the

1 IRS, and the C&B. That's a big mouthful for someone
2 who's just walking in the door to do this job.

3 And so I think that if Mark -- if I'm
4 right and Mark Myers thinks that we need to have a
5 discussion on this off the record, because I don't
6 want to hinder someone else's ability to take this
7 job because they're scared away by all of these now
8 newfound responsibilities that aren't listed in the
9 Constitution to become the next secretary-treasurer.

10 MR. MEADOWS: But the Constitution is
11 under Robert's Rules which in turn are hierarchy
12 laws. It falls under the LMRDA. You can't -- she
13 fills out LM-2 reports for the LMRDA all the time,
14 so she's bound. I mean, the C&B by extension has to
15 incorporate the LMRDA. It can't exist in a vacuum.

16 CHAIRMAN HEPP: Am I just going down a
17 rabbit hole here?

18 MR. MEADOWS: Yeah.

19 CHAIRMAN HEPP: Thank you, Larry.

20 Can we go off the record for a bit?

21 (Mark Myers leaves the hearing)

22 (Recess from 10:57 to 11:25)

23 CHAIRMAN HEPP: Back on the record. Okay.
24 Let's see if we can't break the logjam here. First
25 off, from the APA Appeal Board Committee Manual

1 dated the fall of 2016, became effective as of
2 September 15, 2016, if you'll look on page 8. And
3 we'll get you a copy of this if you'd like. It's
4 leave policy. "Flight pay loss will be available to
5 appeal board members in accordance with the APA
6 policy manual. Flight pay loss will be available to
7 principal participants only, i.e., accusers,
8 accused, and their designated representatives."

9 So that should answer the question as far
10 as Jeff. We provide union leave for pilot
11 representatives.

12 MR. MEADOWS: You do.

13 CHAIRMAN HEPP: Do you want me to read the
14 sentence again?

15 MR. MEADOWS: But that wasn't in effect
16 for this proceeding.

17 CHAIRMAN HEPP: Well, this was effective
18 as of September --

19 MR. MEADOWS: I know, but this
20 proceeding's been pending long before that. So
21 you're saying this is applying retroactive to this
22 proceeding?

23 CHAIRMAN HEPP: No. I think that's -- had
24 it been -- so your contention is because you brought
25 these charges in 2015, we're supposed to be using

1 the 2015 appeal board manual?

2 MR. MEADOWS: Probably, yeah.

3 CHAIRMAN HEPP: Okay. Well, okay. So --
4 all right. So that's that.

5 MR. MEADOWS: I think it wasn't addressed
6 before, correct? It wasn't -- it didn't specify it
7 one way or the other.

8 CHAIRMAN HEPP: Under the old?

9 MR. MEADOWS: Yeah, under the old.

10 CHAIRMAN HEPP: I think the old one said
11 you didn't.

12 MR. MEADOWS: Yeah. That's what I thought
13 too.

14 CHAIRMAN HEPP: But -- yeah, and I'm just
15 trying to clarify --

16 MR. MEADOWS: Yeah.

17 CHAIRMAN HEPP: -- what your -- your issue
18 as far as --

19 MR. MEADOWS: Well, he's here and he's
20 going to go forward and represent her. I'm not
21 trying to deprive her of representation. I'm just
22 saying I think it's a conflict for the association
23 to be paying, but I'm not trying to --

24 CHAIRMAN HEPP: Well, we would have paid
25 for yours.

1 MR. MEADOWS: No one told me that.

2 CHAIRMAN HEPP: So --

3 MR. MEADOWS: Actually Keith Wilson
4 objected at the AAA. Ed Sicher showed up, my Miami
5 base rep.

6 CHAIRMAN HEPP: I don't -- I don't know
7 about your -- the arbitration.

8 MR. MEADOWS: No, no, but I'm saying that
9 he showed up and paid union leave because Dan Carey
10 authorized it, but Wilson was all tied up in a knot
11 over it, thought it was inappropriate.

12 CHAIRMAN HEPP: Oh, well.

13 MR. MEADOWS: Okay. So, just so you know.
14 It's not just me making that kind of --

15 CHAIRMAN HEPP: No, I understand. No, I'm
16 just trying to clear up the point.

17 MR. MEADOWS: All right.

18 CHAIRMAN HEPP: Okay? Now let's talk
19 about your questions in terms of the IRS and
20 bringing your charges. This board is looking at
21 your charges as they regard the secretary-treasurer
22 of this association. That's what your charges say.

23 MR. MEADOWS: Okay.

24 CHAIRMAN HEPP: I think now -- I feel like
25 now you're trying to open it up as an individual

1 claim, so you're adding on to that.

2 MR. MEADOWS: Well, it is an individual
3 claim.

4 CHAIRMAN HEPP: I would dis -- we are
5 going -- this board is looking at this. When she
6 steps into this building, she is doing the duties of
7 the secretary-treasurer.

8 MR. MEADOWS: Okay. But I just don't want
9 to be knocked --

10 CHAIRMAN HEPP: I'm not here to argue.
11 I'm hearing to tell -- I'm here to tell you our
12 situation, so please.

13 MR. MEADOWS: I'm asking a question
14 though. Can I clarify?

15 CHAIRMAN HEPP: That the -- yes.

16 MR. MEADOWS: I'm just -- so if you're
17 saying she's secretary-treasurer, I don't want to be
18 knocked out of the box saying that these charges are
19 invalid because she's not an individual. That's
20 where that leads me. I'll acknowledge she's
21 secretary-treasurer and she committed a lot of these
22 actions while secretary-treasurer.

23 CHAIRMAN HEPP: Well, she committed all
24 these actions as the secretary-treasurer.

25 MR. MEADOWS: Yeah, but I'm bringing the

1 charges against her individually.

2 CHAIRMAN HEPP: But you didn't. Your
3 Article VII charges --

4 MR. MEADOWS: No, I brought -- I brought
5 against her.

6 CHAIRMAN HEPP: -- are her actions as the
7 secretary-treasurer.

8 MR. MEADOWS: I brought them against Pam
9 Torell who happens to be the secretary-treasurer.
10 You can't decouple the two. Can't be one or the
11 other. It's the same thing.

12 CHAIRMAN HEPP: But, Larry, she's the
13 secretary-treasurer. Her actions -- she would not
14 have done anything within -- the charges that you
15 brought she would have nothing to do with were she
16 not the secretary-treasurer of this association.
17 She wouldn't have been involved in the bankruptcy.
18 She wouldn't have been involved in the --

19 MR. MEADOWS: Right, right.

20 CHAIRMAN HEPP: -- membership card issue.
21 She wouldn't have been involved with your other
22 charges involved.

23 MR. MEADOWS: So are you saying that
24 because she was secretary-treasurer she's immune
25 from Article VII charges?

1 CHAIRMAN HEPP: No.

2 MR. MEADOWS: Okay.

3 CHAIRMAN HEPP: But I'm saying that we are
4 looking at her actions --

5 MR. MEADOWS: Fine.

6 CHAIRMAN HEPP: -- as the
7 secretary-treasurer of this -- as the duties of the
8 secretary-treasurer --

9 MR. MEADOWS: Fine.

10 CHAIRMAN HEPP: -- of this association.

11 MR. MEADOWS: Fine, fine.

12 CHAIRMAN HEPP: That's number one. Number
13 two, our purview is the C&B and the policy manual.
14 I understand that you have, you know, you're reading
15 into the record, and I assume that's going to be
16 part of your evidence, the LMRDA and your IRS
17 statute that you just read previously, but that's
18 not the charge of the appeal board. The appeal
19 board's charge is the operations of the
20 institution --

21 MR. MEADOWS: I get it.

22 CHAIRMAN HEPP: -- as it works under the
23 C&B and the policy manual.

24 MR. MEADOWS: What I'm trying to get at,
25 it's relevant. She's representing that her -- or

1 the APA, their charge is to represent the collective
2 and individual interests of the members. Because
3 it's going to become relevant later when I get to a
4 member question, you know, where is she beholden, is
5 she beholden to the institution or the members. And
6 that's why I was using that document.

7 CHAIRMAN HEPP: Well, let's worry about
8 that membership issue when that comes up.

9 MR. MEADOWS: All right. I'm almost done.

10 CHAIRMAN HEPP: But my point is, Larry, is
11 that any other questions involving the LMRDA are
12 inappropriate. Any other questions involving IRS
13 statutes are inappropriate.

14 MR. MEADOWS: Well, no, I don't --

15 CHAIRMAN HEPP: Her responsibilities as
16 far as, you know, as this board, this board is going
17 to rule on her duties and, you know, and your
18 charges as it relates to her duties under the
19 Constitution and Bylaws and the policy manual.

20 MR. MEADOWS: I understand, but I would
21 object because under the LMRDA there was a
22 definition of member in good standing which
23 contradicts what she and APA has been saying. And
24 it can't be both ways. So it is relevant.

25 CHAIRMAN HEPP: Well, I would say to that,

1 when Emery brought the case in Florida -- let me
2 backtrack. When we made a decision on the AUP as an
3 appeal board, our Constitution said that MDD pilots
4 were excluded from C&R. That's our charge --

5 MR. MEADOWS: It didn't say that.

6 CHAIRMAN HEPP: -- is to look at the AUP
7 and how it applies to membership status.

8 MR. MEADOWS: My membership status has
9 never been fully addressed by this board yet, and
10 that's where we get to today.

11 CHAIRMAN HEPP: The -- your individual
12 membership status, yes, but as a collective it did.
13 So we looked specifically at the C&B and the policy
14 manual. Now, when Emery brought her case in
15 Florida, they looked at it under the confines of the
16 LMRDA. That's not our charge. That's why -- when
17 you go back to Utah and appeal, if you'd like to
18 depose Ms. Torell in regards to IRS statutes and the
19 LMRDA, I totally get that. But that is not the
20 purview of the appeal board.

21 MR. MEADOWS: But do you think it's not
22 relevant if APA's C&B and definitions of certain
23 status of membership completely contradict the
24 LMRDA? You don't think that's relevant.

25 MS. HELLER: It's not our position, it's

1 not our purview to interpret the LMRDA. That's a
2 court of law.

3 MR. MEADOWS: I'm not asking you to
4 interpret it.

5 CHAIRMAN HEPP: But you are.

6 MR. MEADOWS: No, I'm not.

7 CHAIRMAN HEPP: But to rule on it, we have
8 to.

9 MR. MEADOWS: Well --

10 MS. HELLER: We have to apply it. We have
11 to --

12 MR. MEADOWS: I do want to get a record at
13 one point, I'll ask a question, but I am under the
14 LMRDA. I'm a member in good standing. So if the
15 APA wants to sit here in a little kangaroo world and
16 say I'm not a member in good standing, they can do
17 it, but it's just going to be rammed right up their
18 ass in federal -- I'm sorry -- in federal court. I
19 mean, it's just the reality.

20 But it's just relevant because you can't
21 sit here and make up rules because you're bound by
22 the LMRDA as a labor organization. So you can't say
23 it's not relevant to this because it is. Because
24 I'm a member in good standing under the LMRDA,
25 there's no way I cannot be a member in good standing

1 under the C&B. And there's no definition in the C&B
2 of a member in good standing. There is arbitration
3 decisions which say a member in good standing is
4 someone who's paid all their financial obligations
5 that were owed to the association.

6 The appeal board, it was mischaracterized
7 in the opening statement in Sproc. Sproc argued
8 that Barkate was not a member.

9 CHAIRMAN HEPP: But, Larry, stick to
10 the --

11 MR. MEADOWS: Okay. Well --

12 CHAIRMAN HEPP: Look, you're going to have
13 these arguments, but my point is, is that I think
14 that the Emery case in Florida and the AUP issue, I
15 think those two are a perfect representation of what
16 those two bodies are for, the appeal board being one
17 and the court system being another.

18 MR. MEADOWS: And I understand. I'm not
19 here voluntarily. I was forced here by a federal
20 judge at the behest of Steve Hoffman --

21 CHAIRMAN HEPP: I -- I'm --

22 MR. MEADOWS: -- for LMRDA charges that
23 had to be brought under the auspices of the C&B.
24 So this is where we are, so -- and if I don't
25 exhaust this, their argument in federal court is

1 going to be I didn't exhaust my internal remedy. So
2 I have no choice but to go forward and diligently
3 pursue this to the nth degree.

4 CHAIRMAN HEPP: And I -- and, Larry, have
5 I done anything to stop you from doing that?

6 MR. MEADOWS: No, no, no. I'll -- look,
7 I'll --

8 CHAIRMAN HEPP: Has this board done
9 anything to stop you from doing that?

10 MR. MEADOWS: I'll agree not to --

11 CHAIRMAN HEPP: I would appreciate an
12 answer yes or no on that.

13 MR. MEADOWS: Yes, I think you guys have.
14 I'm just going to say, I'd like -- I'll agree not to
15 ask any questions under the LMRDA and the IRS so
16 long as we get to the standing issue. I want to
17 refer to the definition of good standing in the
18 LMRDA because it's relevant. So I think it's
19 relevant for the board to know that if APA's saying
20 this is what good standing is and the arbitrators
21 say this is what good standing is and the LMRDA says
22 this is what it is, you guys need to know that
23 because the definition -- it's a definition. It's
24 not interpretation. It's a definition under the
25 LMRDA, Section 401.

1 CHAIRMAN HEPP: And to be clear, I have
2 never stopped you from putting anything on the
3 record.

4 MR. MEADOWS: Just I'll -- I'll ask
5 permission before I ask a question later.

6 CHAIRMAN HEPP: And I will -- and I will
7 tell you right now that's fine.

8 MR. MEADOWS: Okay.

9 CHAIRMAN HEPP: If you want to read the
10 LMRDA definition of a member in good standing,
11 that's totally acceptable. But to talk about, you
12 know, IRS statutes and her responsibilities under
13 those IRS statutes, Larry, I think we're just
14 getting into the --

15 MR. MEADOWS: Okay.

16 CHAIRMAN HEPP: I think we're getting into
17 the weeds. And I think you'll -- and I think, as I
18 said, I think you'll have that opportunity when
19 you --

20 MR. MEADOWS: Fine, fine.

21 CHAIRMAN HEPP: -- go back to Utah.

22 MR. MEADOWS: Fine. Hopefully I'll be
23 back before we ever get back to Utah.

24 CHAIRMAN HEPP: That would be nice.

25 MR. MEADOWS: If someone in APA legal

1 comes to their senses.

2 CHAIRMAN HEPP: You can fly with me
3 anytime, Larry.

4 MR. MEADOWS: You didn't say that last
5 time.

6 CHAIRMAN HEPP: I think that's wrong.

7 MR. MEADOWS: I'm going to go back to
8 triple 7, so, yeah, you need a little remedial
9 training.

10 CHAIRMAN HEPP: The -- well, I'm on the
11 seven six, so you'll have to take a pay cut.

12 MR. MEADOWS: I thought you were on triple
13 7.

14 CHAIRMAN HEPP: I was, but I'm not
15 anymore. All right. So back on -- so we've been on
16 the record this whole time, correct? So you were
17 questioning Ms. Torell. And we're done with IRS
18 questions and LMRDAs and duties and responsibilities
19 and --

20 MR. MEADOWS: I had a couple of
21 preliminary questions and we'll get right to the
22 membership issue.

23 CHAIRMAN HEPP: Okay. Well, let's see
24 where we go.

25 BY MR. MEADOWS:

1 Q. Okay. Captain Torell, so I'm looking at
2 your exhibit list, and you have some correspondence
3 to me. Have you kept a record of all communications
4 between myself and you?

5 A. Yes, I have, sir. Yes, sir.

6 Q. Have you deleted any of the e-mails?

7 A. No, sir.

8 Q. No, sir? Why not?

9 CHAIRMAN HEPP: Oh, come on, Larry.

10 BY MR. MEADOWS:

11 Q. Do you have -- does APA have a document
12 retention policy?

13 CHAIRMAN HEPP: Is it relevant if she says
14 she's kept everything from you?

15 MR. MEADOWS: Yeah, because maybe she
16 hasn't.

17 MR. THURSTIN: Object to the fact she's
18 already answered the question.

19 CHAIRMAN HEPP: She's under oath. I mean,
20 if you're going to lie, Larry, at least give her
21 credit for --

22 BY MR. MEADOWS:

23 Q. Does APA have a document retention policy?

24 A. I believe so. I believe APA legal does,
25 yes.

1 MR. MEADOWS: Okay. And again, on the IRS
2 Form 990 she signed, one of the disclosures that she
3 made to the IRS is that APA does have a document
4 disclosure policy. That's all.

5 CHAIRMAN HEPP: Larry, come on, please.

6 MR. MEADOWS: It's important. You know
7 what? It's relevant because she's making these
8 representations to the federal government. They're
9 binding here. I mean, she's representing to the
10 federal government certain things that she's got to
11 be bound by it here.

12 CHAIRMAN HEPP: Larry, you're going to
13 scare off every other person who wants to be a
14 national officer in this institution because --

15 MR. MEADOWS: Maybe we shouldn't have --
16 maybe the secretary-treasurer should be a licensed
17 CPA.

18 CHAIRMAN HEPP: That's -- that's not the
19 purview of --

20 MR. MEADOWS: Okay. Fine.

21 CHAIRMAN HEPP: -- the appeal board,
22 nor -- get your job back, get a motion, get elected,
23 make the changes.

24 BY MR. MEADOWS:

25 Q. To that end, what are the annual revenues

1 of APA?

2 A. The annual revenues? We bring in --

3 CHAIRMAN HEPP: Okay. What relevance is
4 that? First off, we're a 504, right? We're
5 nonprofit. So are they considered revenues?

6 MR. MEADOWS: Dues.

7 CHAIRMAN HEPP: I'm sorry. I got off the
8 rails there. What's the relevance of -- would you
9 mind -- do you have a problem answering that?

10 MS. TORELL: I don't have a problem
11 because that is all posted for the membership to
12 see.

13 CHAIRMAN HEPP: Right. That's what I'm
14 saying, it's all public.

15 MS. TORELL: So he can look for himself.

16 CHAIRMAN HEPP: Right. That's why --

17 MS. TORELL: The record speaks for itself.

18 MR. MEADOWS: I'm just trying to get at
19 the fact that, okay, look, this -- what is it, 40,
20 50, 60 million dollars in assets, something like
21 that. It varies over time. It's a lot of money.
22 It's like a national corporation. I mean, we have
23 members, a publicly-traded company, as shareholders,
24 but it's a big operation, big organization. In some
25 respects it would be multinational because we have a

1 lot of members that reside outside the country. And
2 it seems crazy that we have a secretary-treasurer
3 that's not qualified or licensed to be handling --

4 MR. THURSTIN: I object.

5 MR. MEADOWS: -- or managing that sort of
6 revenue. No, in a corporate entity, there's no way
7 someone without any type of credentials would be
8 able to be in a secretary-treasurer position.

9 CHAIRMAN HEPP: Larry, you've made that
10 point, and it's a justifiable objection from Captain
11 Thurstin over there.

12 MR. MEADOWS: Because Pam Torell's --

13 CHAIRMAN HEPP: But the bottom line is,
14 Larry, again, asked and answered, for gosh sakes.
15 We have -- there are no responsibilities listed
16 under the secretary-treasurer. You obviously
17 disagree with that. We get that. Can we please get
18 back on point.

19 BY MR. MEADOWS:

20 Q. Okay. Captain Torell, what are your
21 primary responsibilities as secretary-treasurer?

22 CHAIRMAN HEPP: I think she's asked and
23 answered that question.

24 MR. MEADOWS: I don't remember now it's
25 been so far off track.

1 CHAIRMAN HEPP: Well, you can read the
2 transcript and get us back.

3 BY MR. MEADOWS:

4 Q. Okay. In your duties as
5 secretary-treasurer, are you representing the
6 interests of the association or the members?

7 A. I am responsible to the members who
8 elected me for my second term.

9 Q. And all the actions you take, do you take
10 them on behalf of the institution or the members?

11 A. I take them on behalf of the membership
12 that I represent that elected me on a second term.

13 Q. And do you have any conflicts, business
14 conflicts with the APA?

15 A. Absolutely not. And conflict of interest
16 forms are signed as soon as we enter the door.

17 Q. Don't get offended. I'm just asking. I
18 don't know.

19 A. No, absolutely not, sir.

20 Q. So you have no business relationship
21 conflicts with APA?

22 A. No, sir.

23 Q. Do you have any personal associations with
24 anybody in APA?

25 CHAIRMAN HEPP: I'm sorry. I don't

1 understand.

2 MR. THURSTIN: I object. What is the
3 relevance?

4 CHAIRMAN HEPP: Yeah, I don't understand
5 that either.

6 BY MR. MEADOWS:

7 Q. Do you socialize with any of the officers
8 of the union outside of the union?

9 CHAIRMAN HEPP: Come on, Larry.

10 MR. THURSTIN: I object.

11 CHAIRMAN HEPP: Come on, please.

12 MR. MEADOWS: It's important.

13 CHAIRMAN HEPP: Why?

14 MR. MEADOWS: It ties her to other people.

15 CHAIRMAN HEPP: And, I mean, I think we
16 can presume that she's been with -- you know, had
17 dinner and had conversations and --

18 MR. MEADOWS: That's not what I meant,
19 but --

20 CHAIRMAN HEPP: Well, then please, tell me
21 what it is you're trying to get at so I can
22 understand the question.

23 MR. MEADOWS: We can go to it later. I'll
24 just go and -- I'll keep you happy. I'll go to the
25 membership questions. Okay. So I'll try and keep

1 this focused on membership issues for now, and then
2 we'll move into the Grievance 12-011 issues for
3 those charges.

4 BY MR. MEADOWS:

5 Q. Okay. Captain Torell, what type of member
6 am I at APA?

7 A. Since the beginning of my term, you have
8 been -- I consider and treat you as a MDD inactive
9 member.

10 Q. Since the beginning of your term? And
11 when did that -- that started in June of 2013?

12 A. Yes.

13 Q. Okay.

14 A. It's actually July 1.

15 Q. And so you don't agree with the directive
16 issued by Rusty McDaniels during the special BOD
17 meeting on April 23rd, 2014, that MDD pilots are not
18 members and not entitled to any rights or
19 privileges?

20 A. I am not familiar with that directive.

21 Q. You're not? Really? Okay. I'd like
22 to -- I think I only have one copy, but I'll give it
23 to you.

24 CHAIRMAN HEPP: Do we have it, Larry?

25 MR. MEADOWS: It's in the record already

1 in the Wilson documents.

2 CHAIRMAN HEPP: Yeah, but I don't have it.
3 Can I get a copy so we understand where you're
4 going?

5 MR. MEADOWS: It's a copy of the board of
6 directors minutes for that meeting.

7 CHAIRMAN HEPP: What year was that?

8 MR. MEADOWS: April 23rd, 2014. I think
9 it's Exhibit 64 in the Wilson book.

10 MS. HELLER: Your request for judicial
11 notice?

12 MR. MEADOWS: Yeah. It's one of the
13 exhibits attached in there. If you go back to
14 page -- to Exhibit A and B.

15 MR. THURSTIN: Can we take a look at it?

16 CHAIRMAN HEPP: Do you not have a copy?

17 MS. HELLER: This is the exhibit book --

18 CHAIRMAN HEPP: Give me it. Give it to
19 me. Let me just burn some copies so everybody
20 can --

21 MS. HELLER: -- from the Keith Wilson
22 hearing.

23 MR. MEADOWS: Yeah, I didn't intend to use
24 this. Sorry about that.

25 CHAIRMAN HEPP: So which -- so what do you

1 want? Do you want all of this?

2 MR. MEADOWS: Just --

3 CHAIRMAN HEPP: All this copied?

4 MR. MEADOWS: Do you want -- I mean, all I
5 really need is that one and that one. Just the
6 exhibits. Just one copy.

7 CHAIRMAN HEPP: One copy? All right. So
8 you guys don't have copies?

9 MR. THURSTIN: We do not.

10 CHAIRMAN HEPP: So one, two, three, four,
11 five. Larry, you're getting this back, right?

12 MR. MEADOWS: Yeah, I don't need it, but
13 that's fine. We can call it LM32, 32 and 33.

14 CHAIRMAN HEPP: Okay. We can go off the
15 record to get this.

16 (Recess from 11:43 to 11:59)

17 BY MR. MEADOWS:

18 Q. All right, Captain Torell, please look at
19 Exhibit LM32.

20 A. Yes, sir.

21 Q. Could you identify that document?

22 A. This appears to be a partial copy of the
23 minutes from the April 22 to 24, '14. Not all pages
24 are here. It's not complete.

25 Q. Okay. Wouldn't you agree that this is a

1 complete copy of the April 22nd official minutes of
2 the special board of directors meeting for
3 April 22nd?

4 A. I would -- the document that I would say
5 is the actual document is the one that is posted on
6 the website. I am not going to verify -- agree with
7 that necessarily.

8 Q. You can take my word. That's what it is.

9 A. Okay.

10 Q. Please look at page 1.

11 A. Yes, sir.

12 Q. Is that your signature?

13 A. Yes, it is.

14 Q. Okay. Please go to page 3.

15 A. Uh-huh.

16 Q. Disregard. Skip to page 4. Okay. This
17 is the minutes for the portion of the meeting on
18 April 22nd, 2014. Can you tell me what national
19 officers were present?

20 A. The national officers present --

21 Q. Yes.

22 A. -- were -- I recall the meeting, this day.
23 I actually recall April 22nd. And the national
24 officers that presided over the meeting was Captain
25 Keith Wilson, chairman, and First Officer Neil

1 Roghair as vice president. And as is stated in the
2 roll call, "Since First Officer -- Since
3 Secretary-Treasurer First Officer Torell was
4 monitoring the referendum counting process."

5 And then it's also restated on page 5,
6 President's Report, President Captain Keith Wilson,
7 "Secretary-Treasurer First Officer Pam Torell was
8 monitoring the referendum ballot counting process."
9 And that's true.

10 Q. Okay. And under Board of Directors, for
11 DFW, do you agree that Captain McDaniels was
12 present?

13 A. I was not in attendance at this meeting.
14 I was monitoring the referendum counting process.

15 Q. You were not present?

16 A. I was in the building.

17 Q. Okay. Can you read --

18 CHAIRMAN HEPP: Okay. I'm sorry. Just --
19 you were in the building, and what were you doing?

20 MS. TORELL: Mon -- there was a referendum
21 that was -- the membership actually voted upon.

22 CHAIRMAN HEPP: Okay.

23 MS. TORELL: And the ballots were in
24 the -- the room was back in the old SBC room and the
25 ballots were being counted. So as with an election,

1 that was my priority.

2 CHAIRMAN HEPP: You were present during
3 that.

4 MS. TORELL: I was present for that whole
5 referendum counting.

6 CHAIRMAN HEPP: So were you in the meeting
7 at all during the 22nd? Were you gone?

8 MS. TORELL: Not that I recall.

9 CHAIRMAN HEPP: Okay. All right.

10 BY MR. MEADOWS:

11 Q. All right. Go ahead and now read me the
12 paragraph under the heading Roll Call, please.

13 A. Repeat it?

14 Q. Yeah. Read it.

15 A. The record speaks for itself, Larry. I
16 can read it.

17 Q. I'm asking you to read it.

18 A. "Since Secretary-Treasurer First Officer
19 Pam Torell was monitoring the referendum counting
20 process, President Keith Wilson took the roll with
21 the following national officers, board members,
22 invited committee members, guests and APA employees
23 present."

24 Q. Okay. So this document is not accurate
25 then. You're saying you -- it says you were present

1 as a national officer, but you were not.

2 A. I was present in the building, and that's
3 what the board --

4 Q. So you were not present at the meeting?

5 CHAIRMAN HEPP: I think she's established
6 that, Larry. Asked and answered.

7 BY MR. MEADOWS:

8 Q. So you signed this document saying that
9 you were present at the meeting. Or it says right
10 there, Pam Torell, secretary-treasurer, present for
11 roll call.

12 A. Larry, roll call is taken one time, and
13 that's at the beginning of the meeting.

14 Q. At 1:00 in the afternoon.

15 A. Approximately, but that's yes. At this
16 case it was taken at 1300.

17 Q. So were you in the room for the roll call?

18 A. If I -- I don't recall those exact -- I
19 don't recall if I was actually in my seat at 1300.

20 Q. Well, that's what the document says.

21 CHAIRMAN HEPP: Larry, please.

22 MR. MEADOWS: Well, I mean, she's got to
23 be truthful here.

24 CHAIRMAN HEPP: You're making your point.

25 BY MR. MEADOWS:

1 Q. Were you or were you not in that meeting
2 at any point in time? Do you agree, are these
3 documents accurate in your opinion?

4 A. Yes, these documents are accurate.

5 Q. Okay. If you signed them, they're
6 accurate. Okay. Fine.

7 A. Yes, they're accurate.

8 Q. Okay. Who was there representing general
9 counsel, according to your document?

10 A. I would not rely on my memory. You'd have
11 to check the document.

12 Q. I'm asking you, according to the document
13 who was there representing --

14 CHAIRMAN HEPP: Larry, just read the
15 document, who was there, please.

16 BY MR. MEADOWS:

17 Q. Do you agree that general counsel was
18 represented by Mr. Ed James at the meeting?

19 A. According to the document, the minutes
20 that were posted on the website, if this is the
21 exact copy of it, it would appear that the general
22 counsel board support would be Mr. Ed James.

23 Q. Well, you signed and affirmed that, didn't
24 you?

25 A. I am referencing this paper with your

1 trust that this is an accurate document that was
2 posted.

3 Q. It is from -- this was given to me by APA
4 legal at the last proceeding, this document, as it
5 is, no other pages. So are you saying -- is this
6 document accurate?

7 A. Yes, this document's accurate.

8 Q. So since -- during that meeting there was
9 an e-mail directive issued. They call it a BOD
10 directive. Look at LM33, please. And do you agree
11 that this is an e-mail from Rusty McDaniels, DFW BOD
12 chairman, dated 22/2014 at 3:47 p.m.?

13 A. Again, I'm going to have to say, Larry,
14 the document speaks for itself.

15 Q. Okay. Can you read the text in the
16 document, please, starting "Per conversation."

17 A. Say that again. I'm sorry.

18 Q. Read the text of the document, please.

19 A. Read the text?

20 Q. Yeah, "Per conversation." Read that.

21 A. "Per conversation -- Per conversation with
22 the board in the SBOD meeting on 4/22/14 remove MDD
23 pilot's access to the APA website. These pilots are
24 not members of APA, are not on the seniority list
25 and do not have access to APA benefits. Captain

1 Rusty McDaniels, IT Steering Committee Chairman,
2 817" --

3 Q. All right. You don't have to read all
4 that. Thank you. Did you receive a copy of that
5 e-mail?

6 A. According to this document, I was copied
7 on it.

8 Q. Okay. So you have knowledge, personal
9 knowledge then that the BOD issued a directive that
10 MDD pilots are not members on April 22nd, 2014,
11 correct?

12 A. I was not part of any discussion that
13 included --

14 Q. I'm asking if you see this letter. Did
15 you get this letter on April 22nd saying MDD pilots
16 are not members? Yes or no?

17 A. I was copied on it.

18 Q. Did you read it?

19 A. Larry, April -- excuse me. Mr. Meadows,
20 April 22nd, 2014, likely, but I do not recall.

21 Q. So do you read all your e-mails?

22 A. Yes, I do.

23 Q. Okay. So I got to assume you read it
24 because this is an official e-mail.

25 So you got this information on April 22nd.

1 Whether you were in the room or not, you had formal
2 notice from a BOD officer that MDD pilots were not
3 members. Did that strike you as odd?

4 A. Larry, I was not part of this
5 conversation.

6 Q. Does it strike you as odd that a BOD
7 member --

8 MR. THURSTIN: Wait a minute. I object.

9 MS. TORELL: Objection.

10 MR. THURSTIN: I object right here
11 because, Larry, raising your voice and being
12 argumentative is not helping.

13 MR. MEADOWS: I'm not being argumentative.
14 I'm asking a question.

15 MR. THURSTIN: I'm just saying.

16 MR. MEADOWS: Just shut up and let me
17 speak.

18 CHAIRMAN HEPP: Hey, hey, hey. Okay.
19 Let's -- let's -- hey.

20 MR. MEADOWS: He doesn't object to me. He
21 objects to you, number one. And he's not part of
22 the conversation. Direct your objections to the
23 chair.

24 CHAIRMAN HEPP: Larry, look.

25 MR. MEADOWS: This is bullshit. Frankly,

1 Chuck, it's bullshit. She can just answer yes or no
2 and stop being so evasive, just like you were in the
3 Emery deposition. Amateur hour over here, being
4 trained by attorneys how to avoid questions like an
5 amateur. The question is --

6 CHAIRMAN HEPP: Larry.

7 MR. MEADOWS: Yes.

8 CHAIRMAN HEPP: Look. When he objects,
9 that means you're not supposed to talk.

10 MR. MEADOWS: Okay. Can he object -- he's
11 objecting to me though. He was talking to me.

12 CHAIRMAN HEPP: I can hear him, Larry.
13 Where he's looking, I don't care.

14 MR. MEADOWS: All right.

15 CHAIRMAN HEPP: Okay? The issue is, let's
16 have a little civility.

17 MR. MEADOWS: Okay.

18 CHAIRMAN HEPP: Okay? "Shut up" doesn't
19 help.

20 MR. MEADOWS: I apologize. That was not
21 appropriate.

22 CHAIRMAN HEPP: And do we need five
23 minutes to calm down a little bit?

24 MR. MEADOWS: No, I'm good. I'm good.

25 CHAIRMAN HEPP: How about you guys?

1 MR. MEADOWS: I would just like answers to
2 the questions I ask.

3 CHAIRMAN HEPP: Yeah, but, Larry, her
4 name's on the e-mail. Okay? She said she read the
5 e-mail.

6 MR. MEADOWS: Okay. Can I finish my
7 chain --

8 CHAIRMAN HEPP: The -- yes.

9 MR. MEADOWS: Okay.

10 CHAIRMAN HEPP: Let's see where you go.

11 MR. MEADOWS: Captain Torell --

12 CHAIRMAN HEPP: Can we be less
13 argumentative?

14 MR. MEADOWS: Yes, we can be -- I'll be
15 less argumentative.

16 CHAIRMAN HEPP: I mean, I think if you
17 want something read into the record, you can do
18 that.

19 MR. MEADOWS: Okay. I'll do it. Fine.
20 But then it raises the question they're not going to
21 vouch to the authenticity. But I will say all these
22 documents I handed you were given to me by APA legal
23 at the last appeal board hearing. So they're
24 official documents from APA legal. They're not my
25 documents.

1 CHAIRMAN HEPP: Well, Larry, obviously
2 it's an e-mail from Rusty.

3 MR. MEADOWS: Right.

4 CHAIRMAN HEPP: We treaded through this.

5 BY MR. MEADOWS:

6 Q. Okay. So did you -- as
7 secretary-treasurer, did you call Captain McDaniels
8 after you read that e-mail and tell him that that's
9 not correct, that MDD pilots are in fact inactive
10 members?

11 A. I do not recall.

12 Q. You don't recall?

13 CHAIRMAN HEPP: She doesn't recall, Larry.

14 BY MR. MEADOWS:

15 Q. So you accepted, you acquiesced to a BOD
16 directive that MDD pilots are not members?

17 MR. THURSTIN: I object to that. That's
18 not a binding directive when it comes from a board
19 member.

20 MR. MEADOWS: Well, in proceedings --

21 CHAIRMAN HEPP: And, Larry, we've had the
22 discussion.

23 MR. MEADOWS: In proceedings you weren't
24 privy to --

25 CHAIRMAN HEPP: Larry.

1 MR. MEADOWS: -- they said it was
2 different in the last proceeding.

3 CHAIRMAN HEPP: One at a time. Okay.
4 This is an e-mail -- we've been through this
5 testimony. This is an e-mail from Rusty who was the
6 chairman of the membership committee who -- with a
7 discussion. There's no resolution that I know of.
8 There -- so let's be clear on what it is.

9 MR. MEADOWS: Okay.

10 CHAIRMAN HEPP: Okay? It wasn't -- this
11 wasn't -- this wasn't voted upon. This is -- this
12 is an e-mail from a particular chairman of the
13 committee. Certainly carries weight.

14 MR. MEADOWS: It was couched as a
15 directive in the last proceeding by Mr. McDaniels
16 himself.

17 CHAIRMAN HEPP: The --

18 MR. MEADOWS: They directed Captain Wilson
19 to enforce the AUP based on that directive.

20 CHAIRMAN HEPP: Then first off explain it
21 as such --

22 MR. MEADOWS: Okay.

23 CHAIRMAN HEPP: -- instead of leaping so
24 we can all -- so they can run -- you have to
25 remember, we were all supposed to have these

1 documents seven days ahead. They're looking at
2 these for the first time. You've got to give
3 them --

4 MR. MEADOWS: She's seen these documents
5 before in her deposition testimony.

6 CHAIRMAN HEPP: Maybe -- I don't know
7 that.

8 MR. MEADOWS: I do, and that's why I'm a
9 little frustrated because she's playing dumb and
10 she's --

11 MR. THURSTIN: No.

12 CHAIRMAN HEPP: Now, wait a second. Okay.

13 MR. THURSTIN: That's --

14 CHAIRMAN HEPP: Karen, obviously you can't
15 strike that, I'm going to assume, right?

16 Larry, come on.

17 MR. MEADOWS: All right.

18 CHAIRMAN HEPP: Can we just --

19 MR. MEADOWS: Yes.

20 CHAIRMAN HEPP: However you want to --
21 however you feel like these -- and your frustration
22 level, look, we're all frustrated. Okay? But
23 let's -- she's under oath, she's answering the
24 questions, and --

25 MR. MEADOWS: Okay.

1 BY MR. MEADOWS:

2 Q. Captain Torell, do you agree with Captain
3 McDaniels' contention that MDD pilots were not
4 members of APA at that point in time, in April 2014?

5 A. I'd ask you to state the question one more
6 time.

7 Q. Based on Captain McDaniels' e-mail, which
8 was used for purposes of enforcing the AUP and
9 locking MDD pilots out of C&R, do you agree with the
10 statement that MDD pilots were not members of APA on
11 April 22nd, 2014?

12 A. Larry, that's speculation. I was not --

13 Q. Speculation? I asked a question.

14 A. I was not part of this decision.

15 Q. Do you agree with that, that statement?
16 Do you agree, yes or no?

17 A. This is --

18 Q. Do you agree, yes or no?

19 A. -- 2014.

20 CHAIRMAN HEPP: Hey, Larry.

21 BY MR. MEADOWS:

22 Q. Well, answer the question.

23 A. I don't even --

24 CHAIRMAN HEPP: She's trying to answer the
25 question. You may just not be getting the answer

1 you want.

2 A. I'm not sure I even understand what you're
3 saying.

4 CHAIRMAN HEPP: All right. Time out,
5 please. I am tired of cross-talk. Look, you guys,
6 I understand you're trying to answer the question.
7 Fine. I get it.

8 Larry, ask your question, and then give
9 her the opportunity to answer. After she says three
10 words doesn't mean you badger her.

11 MR. MEADOWS: Okay.

12 CHAIRMAN HEPP: Okay? Ask your question.

13 BY MR. MEADOWS:

14 Q. Captain Torell, do you agree or disagree
15 with Captain McDaniels' statement that MDD pilots
16 are not members of APA as of April 22nd, 2014?

17 A. MDD pilots are inactive pilots according
18 to the Constitution and Bylaws. That's what I
19 believe.

20 Q. As of April 22nd, 2014?

21 A. MDD pilots are inactive pilots according
22 to the Constitution and Bylaws. Larry, that's what
23 I believe.

24 Q. And you previously testified you believed
25 that since the inception.

1 A. Since my term started.

2 Q. Okay. So once you received this letter
3 and the MDD pilots -- you're aware that the MDD
4 pilots were locked out of C&R because they weren't
5 members, correct?

6 A. In the past?

7 Q. No, on April 22nd, 2014.

8 CHAIRMAN HEPP: Wait, wait, wait. Which
9 question are you asking? Are they not members --
10 BY MR. MEADOWS:

11 Q. On April 22nd, 2014 --

12 CHAIRMAN HEPP: -- or are they locked out?
13 BY MR. MEADOWS:

14 Q. -- are you aware that MDD pilots were
15 locked out of C&R based on the fact that they
16 weren't members, the AUP was enforced, they were not
17 members?

18 MR. THURSTIN: Can I object? Is it
19 possible, Chuck?

20 CHAIRMAN HEPP: Okay. Would you please
21 read the question back, Karen?

22 (Requested text was read)

23 CHAIRMAN HEPP: And you're objecting?

24 MR. THURSTIN: I'm objecting because it
25 was covered in Captain Wilson, and that's his --

1 that was his purview as the president on the board
2 of directors. It was not under the purview of
3 Secretary Torell to make that decision.

4 CHAIRMAN HEPP: Larry?

5 MR. MEADOWS: Okay. Because he was not
6 here and wasn't privy to our last proceeding, the
7 Wilson charge related to membership cards was carved
8 out and I was not allowed to ask any questions
9 related to my membership status at those
10 proceedings.

11 CHAIRMAN HEPP: You were not allowed to
12 answer any questions.

13 MR. MEADOWS: And it was deferred to this
14 proceeding. This proceeding is all about membership
15 and grievance, and I can ask any questions relevant
16 to my membership. And I'm asking questions right
17 now as to what she believed my membership status was
18 on April 22nd, 2014.

19 MR. THURSTIN: I believe she's already
20 answered that.

21 MR. MEADOWS: She has. So the other
22 question was, did you -- do you agree or disagree
23 with Captain McDaniels' representation that MDD
24 pilots were not members.

25 MR. THURSTIN: And I object. I think she

1 already answered that as well.

2 MR. MEADOWS: No, she didn't.

3 MR. THURSTIN: Yes, she did.

4 CHAIRMAN HEPP: What was her answer? Read
5 it back for the record, please, for me.

6 (Requested text was read)

7 MR. MEADOWS: Let me -- I'd like to
8 restate the question.

9 CHAIRMAN HEPP: Please.

10 BY MR. MEADOWS:

11 Q. Captain Torell, do you agree or disagree
12 with Captain McDaniels' representation that MDD
13 pilots were not members as of April 22nd, 2014?

14 MR. THURSTIN: I believe that question was
15 answered when she said MDD pilots are inactive
16 members according to the policy manual.

17 MR. MEADOWS: That's not the answer. It's
18 a yes or no answer.

19 MR. THURSTIN: That's not a -- your
20 question is a question.

21 MR. MEADOWS: Seriously?

22 CHAIRMAN HEPP: Larry, ask your question.

23 BY MR. MEADOWS:

24 Q. Do you agree or disagree with Captain
25 McDaniels' statement that MDD pilots were not

1 members as of April 22nd, 2014, yes or no?

2 CHAIRMAN HEPP: Okay. But then she
3 mentioned -- she stated clearly that they're
4 inactive members.

5 MR. MEADOWS: I asked the question. I
6 asked for a yes or no answer. Do you agree or
7 disagree?

8 CHAIRMAN HEPP: Larry, wait a second.
9 Larry, wait a second. First off, you can't even do
10 that in a court of law.

11 MR. MEADOWS: Yes, you can.

12 CHAIRMAN HEPP: She has a right to comment
13 on hers, and this is not that.

14 MR. MEADOWS: Well, she's not answering
15 the question. I asked --

16 CHAIRMAN HEPP: She just stated that
17 they're inactive members.

18 MR. MEADOWS: I ask the panel to direct
19 her to answer if she agrees or disagrees with that
20 statement by Captain McDaniels.

21 CHAIRMAN HEPP: Okay. Let me ask you
22 this. Let's say I think that they're inactive
23 members. Okay? What effectively does that do?
24 She's still -- her job is to carry out the policy of
25 the board as stated within the Constitution.

1 Whether she agrees with that position or not --
2 let's say she says she deserves a 10 percent bigger
3 pay raise in her category of flying.

4 MR. MEADOWS: Okay. Let's stop.

5 CHAIRMAN HEPP: No, she -- wait, wait,
6 wait.

7 MR. MEADOWS: I'll end run this. This is
8 bullshit. Let me just get to the meat of it.
9 Please look at Tab 1.

10 CHAIRMAN HEPP: Tab where? Tab 1?

11 MR. MEADOWS: Tab 1, which is the APA C&B.

12 CHAIRMAN HEPP: All right. Hang on.

13 MS. HELLER: In your exhibit book?

14 MR. MEADOWS: Page 9, section 5, paragraph
15 F. Please read the first sentence of paragraph F,
16 Captain Torell.

17 MR. THURSTIN: First may I bring a point?
18 The -- this book is not current. Is that --

19 MR. MEADOWS: It was current at the time
20 of the event.

21 MR. THURSTIN: Okay. That's what I wanted
22 to bring out.

23 MS. TORELL: For the record.

24 MR. MEADOWS: Just like when there's an
25 incident in an aircraft, you use the manuals and FAA

1 regulations that were in place at the time of the
2 incident.

3 CHAIRMAN HEPP: They wanted to make sure,
4 Larry, that's all.

5 MR. MEADOWS: Okay. I feel like I'm being
6 obstructed left and right. You guys are wasting a
7 lot of time. And I'm going to say right now, if I
8 need another day, we're going to have to come back
9 for another day because this is taking twice as long
10 or three times as long as it should take.

11 CHAIRMAN HEPP: Larry, we're here for the
12 duration.

13 MR. MEADOWS: All right.

14 MR. THURSTIN: I'd like to object to the
15 fact that Larry consistently makes comments about
16 Captain Torell and myself in regard to this
17 proceeding which are not called for.

18 CHAIRMAN HEPP: Look, I agree.

19 I think, Larry, we did this in a much more
20 civilized manner with Wilson.

21 MR. MEADOWS: Because Wilson was actually
22 forthcoming and was not evasive at all. He was very
23 honest.

24 CHAIRMAN HEPP: I'm not going to -- Larry,
25 she's under oath. And again, that's exactly what

1 they're complaining about.

2 MR. MEADOWS: Okay.

3 CHAIRMAN HEPP: You may not be getting the
4 answers that you wish, but a decision's going to be
5 made about your membership status in this
6 proceeding.

7 MR. MEADOWS: Fine.

8 CHAIRMAN HEPP: And it's not just going to
9 be based on the Q&A of her testimony.

10 MR. MEADOWS: I guess what I'm trying to
11 avoid is I shouldn't be forced to draw inferences
12 and tell you that because she says I'm inactive, she
13 must disagree with Captain McDaniels when she could
14 just answer that. But now I'm going to be forced to
15 draw an inference, and there's not a hard fact in
16 the record whether she agrees or disagrees. And it
17 can't be both ways.

18 CHAIRMAN HEPP: But what my point would be
19 is that honestly, as a member of the board, your
20 membership status, I'm not sure it matters what her
21 opinion, her specific opinion.

22 MR. MEADOWS: No, it does matter.

23 CHAIRMAN HEPP: She's one of many
24 secretary-treasurers that are going to come through
25 this building --

1 MR. MEADOWS: Fine.

2 CHAIRMAN HEPP: -- who are either --

3 MR. MEADOWS: I'll get to how it matters.

4 CHAIRMAN HEPP: I'm sorry?

5 MR. MEADOWS: I'll get to how it matters.

6 CHAIRMAN HEPP: I would love -- I would
7 love for that. That would be fantastic. In fact,
8 maybe if you started there and we could go back.

9 MR. MEADOWS: All right. Please read
10 section --

11 CHAIRMAN HEPP: Maybe -- maybe we could
12 get somewhere.

13 MR. MEADOWS: Okay. All right, Captain
14 Torell, please read paragraph F, the first sentence.

15 MS. TORELL: Section --

16 CHAIRMAN HEPP: I'm sorry. But, Larry, a
17 little more civility.

18 MR. MEADOWS: Sure.

19 CHAIRMAN HEPP: Please.

20 MR. MEADOWS: Just all I ask is to be
21 forthcoming and not as evasive. She's a very
22 intelligent woman. She's not stupid. She doesn't
23 have amnesia. She's already testified she's not
24 under the influence of any substance or drugs that
25 would impair her reasoning, so there should be no

1 reason as secretary-treasurer that she can't snap to
2 answers on membership, because that is her job.
3 That's her primary responsibility is membership and
4 finance.

5 CHAIRMAN HEPP: Larry, there has to be a
6 level of civility. There has to be.

7 MR. MEADOWS: Yes, sir.

8 CHAIRMAN HEPP: Okay? We do not use
9 broadswords anymore to make our point. Okay?

10 MR. MEADOWS: All right.

11 CHAIRMAN HEPP: That's why we're in this
12 room.

13 MR. MEADOWS: I'm going to try to keep the
14 focus narrow to the documents.

15 CHAIRMAN HEPP: And whether you like her
16 answers or not, I'm going to take a wild ass guess
17 that you're going to try -- you're going to
18 arbitrate this decision anyway, so we're going to be
19 back here or they're going to be back here anyway
20 and doing this all over again. And then it will be
21 the arbitrator's decision to decide whether she's
22 being evasive or not. But you certainly don't need
23 to lecture this committee --

24 MR. MEADOWS: Okay.

25 CHAIRMAN HEPP: -- as who she is or what

1 she is. We can hear just as well as you can.

2 MR. MEADOWS: Okay. It's not my intent to
3 lecture the committee. Sorry.

4 CHAIRMAN HEPP: Please, go on.

5 BY MR. MEADOWS:

6 Q. Again, Captain Torell, please read the
7 first sentence of paragraph F.

8 A. Section 5, Membership Status --

9 Q. Yes.

10 A. -- just for clarification. Section 5,
11 Membership Status, F. "The secretary-treasurer
12 shall keep an account for all members in good
13 standing, members in bad standing, non-members,
14 retired members, inactive members, et cetera."

15 Q. Okay. Now, you've testified that -- well,
16 let me back up. So you agree then that you're, as
17 secretary-treasurer, responsible for having proper
18 accounting of each type and category of membership,
19 correct?

20 A. Yes.

21 Q. And I think you testified that I was an
22 inactive member in your opinion since you became
23 secretary-treasurer.

24 A. I testified that you are an inactive
25 member according to the Constitution and Bylaws of

1 the APA.

2 Q. Okay. Am I a non-member?

3 A. You are an inactive member.

4 Q. So then Captain McDaniels' statement was
5 incorrect.

6 MR. THURSTIN: You're drawing inference.

7 BY MR. MEADOWS:

8 Q. I'm asking, do you agree --

9 CHAIRMAN HEPP: Larry, come on.

10 MR. MEADOWS: This is ridiculous.

11 CHAIRMAN HEPP: We can connect -- Larry,
12 come on. We're not stupid. We can connect the
13 dots.

14 BY MR. MEADOWS:

15 Q. What types of standing are there? I'm
16 just saying general membership standing, what types
17 of standing are there?

18 CHAIRMAN HEPP: Larry, please. Just tell
19 us what you got.

20 MR. MEADOWS: No, I'm asking the question.

21 CHAIRMAN HEPP: And I don't -- but I don't
22 even understand the question.

23 MR. MEADOWS: Okay. It's paragraph F.

24 CHAIRMAN HEPP: We're trying to get to it.

25 MS. TORELL: I'm sorry.

1 MR. MEADOWS: Paragraph F.

2 CHAIRMAN HEPP: Please, Larry, just state
3 your claim.

4 BY MR. MEADOWS:

5 Q. It says you need to account for members in
6 good standing and bad standing. Is there any other
7 types of standing?

8 A. Non-members -- and continue, non-members,
9 retired members, inactive members, et cetera.

10 Q. Those are statuses. Is there any types
11 of -- how many types of standing are there?

12 A. An active member can be in good standing
13 or bad standing.

14 Q. I'm asking, how many types of standing are
15 there for members? It says good and bad. Is there
16 something besides good and bad?

17 CHAIRMAN HEPP: Make -- Larry, what's your
18 point, please?

19 BY MR. MEADOWS:

20 Q. Well, my question is, is what types of
21 standing are membership statuses -- no matter what
22 your status is, there's a standing, correct? If
23 you're active or inactive, you can be in good
24 standing or bad standing, correct?

25 A. Say -- Larry, I believe that you're asking

1 me to interpret the C&B, and --

2 Q. I'm not asking you -- listen.

3 A. And there's only one person that can do
4 that, and that's actually the president of the APA.

5 Q. I'm not asking you to interpret it. I
6 asked you to read it and do your job.

7 A. Okay. I read it. I read it for you.

8 Q. So according to the C&B, what types of
9 membership standing are there? Standing. What
10 types?

11 MR. THURSTIN: I object to this question.
12 We've already answered the question.

13 MR. MEADOWS: Okay.

14 MR. THURSTIN: Captain Torell as
15 secretary-treasurer does not interpret the policy
16 manual. She --

17 MR. MEADOWS: Joke.

18 MR. THURSTIN: -- takes the guidance of
19 the board of directors and the president of this
20 union and executes their directives. That's her
21 purview.

22 CHAIRMAN HEPP: All right. Let me -- let
23 me try to break the logjam. So I think what you're
24 trying to say, Larry, is that there are members in
25 good standing and members in bad standing. There's

1 two standings.

2 MR. MEADOWS: Well, is there -- is there
3 another standing is my question.

4 CHAIRMAN HEPP: I -- honestly, you know --

5 MR. MEADOWS: According to -- according
6 to --

7 CHAIRMAN HEPP: I'm not -- I --

8 MR. MEADOWS: I can ask the question.

9 CHAIRMAN HEPP: We've been spending months
10 and months, this committee, on this membership
11 issue. And I don't know -- is there an inactive
12 member -- let's say -- so let's -- if you're a
13 non-member, are you a non-member in good standing or
14 bad standing?

15 MR. MEADOWS: Any standing. You're not a
16 member.

17 CHAIRMAN HEPP: But it's part of the
18 paragraph that talks about whether you're a member
19 in good standing or bad standing. So now -- so
20 let's say --

21 MS. FLETCHER: It's not an all-inclusive
22 list though. It says "et cetera."

23 CHAIRMAN HEPP: Well, that's true too.

24 MS. FLETCHER: So it could include other
25 things. And I think they're mixing standing with

1 status with types and --

2 MR. MEADOWS: Yeah, yeah. So that's my
3 question.

4 CHAIRMAN HEPP: So -- so -- but let's --
5 let's go with that. So just state your --
6 without --

7 MR. MEADOWS: Captain Torell, to your
8 knowledge --

9 CHAIRMAN HEPP: Larry, look at me, please.
10 With less antagonism --

11 MR. MEADOWS: Okay.

12 CHAIRMAN HEPP: -- can you just tell me
13 the point you're trying to make.

14 MR. MEADOWS: I'm trying to determine if
15 there's another type of standing besides good or bad
16 because it does say et cetera. So I'm asking
17 Captain Torell as the secretary-treasurer, as a
18 membership expert of the association.

19 MR. THURSTIN: And I'm objecting to that
20 because the policy manual is a product of the board
21 of directors and it's not under her purview.

22 CHAIRMAN HEPP: Well, okay. You're
23 referencing the Constitution and Bylaws.

24 MS. TORELL: C&B.

25 MR. THURSTIN: C&B, I mean.

1 CHAIRMAN HEPP: Yeah. No, I'm with you.
2 I understand.

3 BY MR. MEADOWS:

4 Q. Captain Torell, are you obligated to
5 adhere to the Constitution and Bylaws as
6 secretary-treasurer?

7 CHAIRMAN HEPP: All right. Let's --

8 MR. MEADOWS: That's a simple question.

9 CHAIRMAN HEPP: Yeah, but, Larry, I think
10 what's happened is in fairness -- first off, they're
11 back on their heels. Okay? Because -- and what
12 I'm --

13 MR. MEADOWS: Because they're going to get
14 caught in a lie and they're going to be in contempt
15 of federal court is why they're back on their heels.
16 Let's take a break, please.

17 CHAIRMAN HEPP: Well, we are going to --

18 MR. MEADOWS: Because I'm about ready to
19 throw stuff and I can't take it.

20 CHAIRMAN HEPP: Good.

21 MR. MEADOWS: I can't take the
22 disingenuousness of the association's
23 secretary-treasurer.

24 CHAIRMAN HEPP: Larry.

25 MR. MEADOWS: Don't forget I'm on C&R now

1 and the membership will be aware.

2 (Recess from 12:27 to 12:36)

3 CHAIRMAN HEPP: So did you talk to Mark?

4 MR. THURSTIN: Yes, I went to talk to Mark
5 to see how much of leeway that Mr. Meadows had in
6 regards to just kind of yelling at us, so to speak,
7 because I wanted to make sure that we were giving
8 him all the latitude that we possibly could in
9 regards to your statement earlier.

10 CHAIRMAN HEPP: Yeah, but that still
11 doesn't allow for incivility, so -- okay. So -- but
12 you're -- you are where you are with Mark, right?

13 MR. THURSTIN: Yeah.

14 CHAIRMAN HEPP: Is there anything you want
15 to -- okay.

16 MR. THURSTIN: No, we're fine right now.

17 CHAIRMAN HEPP: Okay. Larry, I guess I
18 just have to go back to the notion that we're not
19 stupid up here. Okay? You're asking your
20 questions. She's answering the questions. Her Q&A
21 certainly has an effect on the interpretation of the
22 issue. I won't deny that. That's important.
23 Her -- you know, we're well aware of credibility. I
24 mean, you know, we're not stupid. We get it. You
25 know, we read the same documents you read and she

1 reads, right, and come up with our own notion of how
2 many statuses there are, how many standings there
3 are.

4 You don't need to -- either one of two
5 things. You're not going to browbeat her out of an
6 answer. Okay? It's just -- it's not going to
7 happen. She's under oath. She's answering to the
8 best of her abilities. You give her -- we give her
9 credit for answering the questions as she's
10 answering them. Okay? We get it. All right?

11 And our rulings are going to be based not
12 just on testimony but on the documents at hand that
13 you submit, she submits, that the union has. So, as
14 I said, give the board credit that we're capable of
15 figuring this out. Okay?

16 MR. MEADOWS: Okay.

17 CHAIRMAN HEPP: And if we can stay on that
18 path, then I think we can get back control of this
19 and keep moving forward. Do you understand?

20 MR. MEADOWS: Yes, sir.

21 CHAIRMAN HEPP: So, with that, where are
22 we?

23 MR. MEADOWS: Okay.

24 BY MR. MEADOWS:

25 Q. All right, Captain Torell, am I now or

1 have I ever been a member in bad standing?

2 A. I would have to actually go back to
3 your -- the Status 1 that we have, I believe it's in
4 here, just to verify. I would check that.

5 Q. The Status 1?

6 A. Well, it's a --

7 Q. Is that an APA document?

8 CHAIRMAN HEPP: Wait, wait, wait. Stop.

9 A. It's Exhibit 13.

10 CHAIRMAN HEPP: Wait a second. Take your
11 time.

12 MS. TORELL: Right.

13 CHAIRMAN HEPP: Answer the question.

14 A. Exhibit 15 in our book.

15 CHAIRMAN HEPP: In all fairness, Pam --

16 MS. TORELL: Yeah.

17 CHAIRMAN HEPP: -- you know, you haven't
18 seen all of these.

19 MS. TORELL: Right.

20 CHAIRMAN HEPP: I get it. But do me a
21 favor. This is obviously relevant for Larry. It's
22 a big -- it's important to him. Take your time. If
23 you need an hour, take an hour. If you need two
24 hours, take two hours. If you need until tomorrow,
25 take tomorrow and we'll just press on, but -- with

1 whatever else we can do, if that's okay with Larry.

2 If not, we'll wait for the answer. But --

3 BY MR. MEADOWS:

4 Q. So you can't answer that question?

5 CHAIRMAN HEPP: Larry.

6 MR. MEADOWS: I'm asking. I just -- can
7 she not --

8 CHAIRMAN HEPP: I'm trying to get her to
9 answer the question, so just relax.

10 MR. MEADOWS: Okay.

11 A. Out of over 14,000 members, I don't want
12 to speak that you have not been in good standing or
13 bad standing during my term, so I would like to
14 accurately reflect -- go to the records and check.

15 BY MR. MEADOWS:

16 Q. Okay. How about we go to Exhibit 8 of my
17 book.

18 A. Your book. Got it.

19 CHAIRMAN HEPP: Are we trying to go
20 another path to answer this question?

21 MR. MEADOWS: Yeah. I can make this easy
22 for her to answer because it's in the document.

23 CHAIRMAN HEPP: Very good. I'm all for
24 that.

25 BY MR. MEADOWS:

1 Q. Okay. Exhibit 8 is the activity profile
2 dated 8/20/2015 provided by you at the request of
3 Captain Hepp in the Meadows versus Wilson
4 proceeding. Do you recognize that document?

5 A. Just for the record, we're looking at
6 activity profile as of 8/20/2015?

7 Q. Correct?

8 A. Okay. Do I recognize this particular
9 document?

10 Q. This type of document.

11 A. Yes. It's an activity profile, yes.

12 Q. Can you glance through that and tell me if
13 it looks like I've ever been in bad standing?

14 A. This -- this activity profile is familiar
15 to me on the first -- the top section, your infor --
16 your profile. The actual bottom activity, I am not
17 familiar with this type of report and this --

18 Q. Really? Because it was provided by you.

19 A. I do this --

20 CHAIRMAN HEPP: Larry, please.

21 MR. MEADOWS: Okay.

22 CHAIRMAN HEPP: Okay. Look, do you want
23 to take an hour to figure out whether he's a member
24 in good standing or bad standing, have ever been? I
25 mean, it's just a matter of going over to

1 accounting, you know. I mean --

2 MS. HELLER: Is it something you can
3 determine from your exhibit, Exhibit 15?

4 MS. TORELL: I would actually go to our
5 records that are --

6 CHAIRMAN HEPP: Do you want to take the
7 time to do that?

8 MS. TORELL: But I have one question --

9 CHAIRMAN HEPP: Please.

10 MS. TORELL: -- I have to ask my
11 representative.

12 CHAIRMAN HEPP: Larry.

13 MS. HELLER: Can we clarify something on
14 this document that we're referring to? Exhibit 8
15 that we're looking at says member profile as of
16 July 23rd, 2015.

17 MR. MEADOWS: Right. As you recall, I
18 asked for this information in the Wilson proceeding.

19 MS. HELLER: Correct. And this was given
20 to you by Mark Myers.

21 MR. MEADOWS: You sent me a bunch of
22 documents, Captain Hepp did, and this was one of the
23 attached that was sent to me based on my request to
24 figure out my membership status in terms of
25 financial obligations. And this is what was given

1 to me.

2 MS. FLETCHER: But that came from Mark
3 Myers.

4 MR. MEADOWS: Mark Myers, yeah.

5 MS. FLETCHER: Not from Pam Torell.

6 MR. MEADOWS: Well, it was provided by the
7 secretary-treasurer's office.

8 MS. FLETCHER: Not necessarily.

9 MR. MEADOWS: Because I made a request.

10 MS. FLETCHER: Not necessarily. Mark
11 Myers --

12 MR. MEADOWS: Do you remember the big
13 issue was last year Pam Torell could not be
14 available for the proceeding when in fact she was in
15 the building hiding in her office?

16 CHAIRMAN HEPP: Larry, please.

17 MS. FLETCHER: That's not the issue here.

18 MR. MEADOWS: And she would not let me
19 inspect the books and records. So this all stems
20 from the fact that I've made numerous attempts in
21 good faith under federal law to inspect my
22 membership books and records, and she refused to
23 provide them. She comes to this meeting today
24 unprepared without the most basic information. If
25 she can't answer what type of member I am,

1 something's wrong.

2 CHAIRMAN HEPP: Oh, for God's sakes.

3 MS. TORELL: To the chair, please.

4 CHAIRMAN HEPP: Larry, we're trying to --
5 hold on, please. All right. First off, I'm
6 breaking for lunch. That's number one. Number two,
7 do you think -- do you think we could have an answer
8 on his membership standing, whether he's in good or
9 bad standing?

10 MS. TORELL: I would like to have one
11 comment before I answer that question.

12 CHAIRMAN HEPP: I'm sorry?

13 MS. TORELL: I'd like one comment before I
14 answer that question.

15 CHAIRMAN HEPP: Please.

16 MS. TORELL: Larry, I am here to help you.

17 MR. MEADOWS: Doesn't seem like it.

18 MS. TORELL: And I'm using -- I know. I
19 know. I get that. And this is the same thing with
20 Kathy Emery. I'm here to help you and I want this
21 to work. I am here to make this process work.
22 Believe me, I am.

23 MR. MEADOWS: Do we go to lunch and take
24 extra time and you can --

25 MS. TORELL: Yes, but --

1 MR. MEADOWS: -- tell me if I'm a member
2 in good standing, what my status is, and if I have
3 any financial obligations due and owing to the
4 association, if I've ever been suspended or expelled
5 from the union?

6 CHAIRMAN HEPP: Well, I think --

7 MS. TORELL: My attitude is going to
8 change if I --

9 CHAIRMAN HEPP: Whoa, whoa, whoa, whoa.
10 Hold on. Look, number one --

11 MS. TORELL: Why am I consistently --

12 CHAIRMAN HEPP: I'm sorry?

13 MS. TORELL: Why am I consistently
14 interrupted?

15 CHAIRMAN HEPP: Well, I think I'm
16 interrupting both sides.

17 MS. TORELL: That's fine.

18 CHAIRMAN HEPP: So I'm trying to be
19 equally fair in interrupting because, first off, as
20 is supposed to happen is the comments are supposed
21 to be directed to the chair. Now, neither side is
22 doing that.

23 MS. TORELL: Okay.

24 CHAIRMAN HEPP: You're talking to him.
25 He's talking to you. He's talking to him. He's

1 talking to him. That's not how this process is
2 supposed to work, so I'm frustrated.

3 MS. TORELL: So may I continue?

4 CHAIRMAN HEPP: Yes. And then I --

5 MS. TORELL: Directed to the chair.

6 CHAIRMAN HEPP: Yes, please.

7 MS. TORELL: I am here to make this
8 process work. I am here to be honest, and I am here
9 to see a decision under his Article VII charges,
10 sincerely. With that, I cannot -- I have a list of
11 six items that were disrespectful and
12 unprofessional. That's not my protocol. That's not
13 how I work at this union. That's not how I serve
14 the membership.

15 One more time, and I think I'm not going
16 to be sitting in this seat. And I ask that you
17 respect my decision. It's -- I want this to happen,
18 but I -- it needs to be done in a professional
19 manner.

20 CHAIRMAN HEPP: I would -- I would hope
21 you'd stay through the -- until the end. I hope you
22 feel like you've been treated professionally by this
23 committee, and -- but if it does come to blows and
24 you choose -- if you feel like you need to go
25 permanently, can we expect your rep to stay, or is

1 he going also?

2 MR. THURSTIN: We'll have to discuss that
3 over the lunch break.

4 CHAIRMAN HEPP: Okay. Because it's a
5 little hard -- you know, I -- it would be -- these
6 are public proceedings, and I think whether you stay
7 or not, you'd be shortchanging yourself given your
8 service to the membership, which is never easy, to
9 just have a one-sided conversation. And I think
10 you -- as frustrating as the day has been so far, I
11 think you would be doing yourself a disservice to
12 not answer, have someone here to answer.

13 MS. TORELL: I will take that into
14 consideration. I understand.

15 CHAIRMAN HEPP: And --

16 MR. MEADOWS: And if that's the case, I
17 will move forward and move for default judgment, but
18 that's her choice. I will -- I will strive to be
19 more professional.

20 CHAIRMAN HEPP: Larry.

21 MR. MEADOWS: I apologize, but I'm getting
22 very frustrated. Maybe after lunch she can come
23 back armed with a little bit of information.

24 CHAIRMAN HEPP: Larry, Larry. Okay. Now,
25 as far as your standing, she's going to come back as

1 to whether you're in good or bad standing. She's
2 answered the status that you're inactive, according
3 to her. So you've already answered the status
4 question. He's inactive.

5 MS. TORELL: Uh-huh.

6 CHAIRMAN HEPP: Then you wanted whether
7 you've ever missed a dues payment.

8 MR. MEADOWS: Yeah. Am I -- am I owing
9 any financial obligations to the association.

10 CHAIRMAN HEPP: Are you in arrears.

11 MR. MEADOWS: Yeah, or have I ever been or
12 am I now.

13 CHAIRMAN HEPP: Okay.

14 MS. TORELL: Ever.

15 CHAIRMAN HEPP: Ever.

16 MR. MEADOWS: Have I ever withdrawn or
17 expelled.

18 CHAIRMAN HEPP: And have you -- and then
19 the last question is withdrawn or expelled, which I
20 assume we can already answer, right?

21 MR. MEADOWS: Yeah.

22 CHAIRMAN HEPP: I think under the
23 Wilson --

24 MR. MEADOWS: To my knowledge, no, but --

25 CHAIRMAN HEPP: You've never been

1 expelled.

2 MR. MEADOWS: No.

3 CHAIRMAN HEPP: And you've never resigned.

4 MR. MEADOWS: No.

5 CHAIRMAN HEPP: So I think we answered

6 that one.

7 MR. MEADOWS: Well, I want to get
8 confirmation from her as secretary-treasurer.

9 CHAIRMAN HEPP: Well, I mean, come on,
10 Larry. I think -- you know --

11 MR. MEADOWS: Well, Rusty McDaniels said I
12 wasn't a member for purposes of locking me out of
13 C&R. So there's problems here. The association has
14 to get their story straight on whether I'm a member.

15 CHAIRMAN HEPP: Well, but again, don't
16 take -- you are taking -- Rusty is the chairman of
17 the membership committee.

18 MR. MEADOWS: But based on his
19 representation, I'm not a member. My rights to C&R
20 were stripped away. Three months later in federal
21 court, Steve Hoffman went to the judge and said I am
22 a member for purposes of stripping away my
23 grievance. So what is it? That's all I want is a
24 truthful answer.

25 CHAIRMAN HEPP: And, Larry, you've made

1 that point in the Wilson arbitration.

2 MR. MEADOWS: I know.

3 CHAIRMAN HEPP: And you're going to submit
4 on this one either. But, you know, you're not going
5 to browbeat anybody into clearing that up. It's
6 going to have to be cleared -- and you know it's
7 going to be cleared up with an arbitrator because
8 you're going to go to arbitration after this.

9 MR. MEADOWS: For the record, I guess one
10 thing I'm going to ask before the conclusion of
11 these proceedings, I want to physically inspect the
12 books and records as is my right under the C&B and
13 the LMRDA before this proceeding's closed at some
14 point in time today or tomorrow.

15 CHAIRMAN HEPP: Now, you have to be an
16 active member in good standing for that, if I'm not
17 mistaken.

18 MR. MEADOWS: No, a member. A member. We
19 can go -- we can go to Tab 1. I'll find it.

20 CHAIRMAN HEPP: All right. Which book are
21 we in?

22 MR. MEADOWS: Tab 1, the APA C&B.

23 MS. FLETCHER: "A member may inspect his
24 records or account at any time at his request during
25 normal business hours."

1 MR. MEADOWS: In accordance with federal
2 law.

3 MS. FLETCHER: That is page 15. I don't
4 know if I have -- this is effective 12/26 under
5 secretary-treasurer.

6 MR. MEADOWS: Yeah, under my version it's
7 page 16, paragraph 2, which is on Tab 1. Tab 1,
8 page 16, paragraph 2. Says, "The books and records
9 of secretary-treasurer shall be" --

10 CHAIRMAN HEPP: Hold on, Larry. Please
11 direct me to where you are. I'm in page 16.

12 MR. MEADOWS: Tab 1, page 16, paragraph 2,
13 first sentence.

14 CHAIRMAN HEPP: All right. First off --

15 MS. HELLER: You're in the older version.

16 CHAIRMAN HEPP: So you're in the 2014 C&B.

17 MR. MEADOWS: Yeah, I'm in the version
18 that was current at the time of the incident.

19 MS. HELLER: The 8 -- August 2nd, 2014,
20 and you said page 16?

21 MR. MEADOWS: Yes.

22 CHAIRMAN HEPP: "The books and records of
23 the secretary-treasurer shall be accessible to any
24 member or group of members in good standing in
25 accordance with federal law." Okay. And what is it

1 now you're -- and so --

2 MR. MEADOWS: I have a right to inspect
3 the books and records, and I've been deprived of
4 that right every time I've asked. And this -- it
5 says in accordance with federal law. If you go to
6 the LMRDA, there's no inactive, active, good
7 standing, bad standing. It's member, period.

8 MS. FLETCHER: No, that's not true.

9 MR. MEADOWS: Yeah, it is.

10 MS. FLETCHER: It says member or member in
11 good standing.

12 MR. MEADOWS: No, under the LMRDA.

13 MS. FLETCHER: It says member or member in
14 good standing.

15 MR. MEADOWS: And under the LMRDA, that's
16 what I was contending earlier. I'm a member in good
17 standing under the LMRDA. When you get the records,
18 I've paid all my dues and assessments to the
19 association. I've never been expelled. I've never
20 withdrawn. And under the LMRDA I'm a member in good
21 standing.

22 MS. FLETCHER: We're not -- we're not --
23 we're not here to rule on the LMRDA.

24 MR. MEADOWS: I understand, but I'm saying
25 the C&B itself is reaching out to federal law

1 because what it really is, is the C&B is
2 regurgitating my right under the LMRDA to look at
3 the books and records.

4 CHAIRMAN HEPP: So -- okay. You have your
5 marching orders. All right. What time do you want
6 to be back?

7 MS. TORELL: It's your call.

8 MS. HELLER: How long do you need to --

9 CHAIRMAN HEPP: Can we be off the record
10 to discuss lunch?

11 (Recess from 12:51 to 2:17)

12 CHAIRMAN HEPP: Let's go back on record.
13 Before we get those questions answered, I assume
14 you're ready.

15 MS. TORELL: Yes.

16 CHAIRMAN HEPP: Okay. Let's see if we
17 can't get back on the rails here. Couple of things.
18 Number one, I kept referring to -- this is for you.
19 I kept referring to Rusty McDaniel as the chairman
20 of the membership committee. That's incorrect. The
21 reference should have been the chairman of the IT
22 steering committee. And that's number one. So I'd
23 like to correct that mistake.

24 If we could try and start out again with
25 directing your comments to the chair. And if we get

1 back into a tussle with Q&A, maybe you'll ask me the
2 question and I'll ask her the question and then
3 she'll respond back. But we have to figure out a
4 way that allows people to get through their points
5 without being interrupted with the next question.

6 So you keep -- you have brought up, you
7 know, how it would go in court. And I think it
8 would be important to note that, you know, telling
9 someone to shut up or dropping a couple of F-bombs,
10 you know, you probably wouldn't be -- the judge
11 wouldn't be looking at you too kindly either. So we
12 all -- let's see if we can just wipe the slate clean
13 and start fresh, if we can try to do that.

14 But before -- again, I guess to try and
15 get us back on the rails, we're talking about the
16 membership issue. So, Larry, I have a question or
17 two for you.

18 MR. MEADOWS: Sure.

19 CHAIRMAN HEPP: You now have your card.
20 It took you awhile to get it, but you now have your
21 card. So that's your -- that's the first charge.
22 So where are we going?

23 MR. MEADOWS: Well, I guess she belatedly
24 issued the card at the eve of the Emery trial
25 because they knew they were going to lose that

1 issue. It doesn't undo the fact that she didn't
2 uphold her obligation to issue the card when she was
3 supposed to two and a half years prior. And as a
4 result, we were not able to get into union meetings,
5 because I have documents that will show that a card
6 is mandatory for entrance into a union meeting,
7 which was a change after the -- was never enforced,
8 but it was changed after the C&R lockout.

9 CHAIRMAN HEPP: Well, let me ask you this
10 then. Have -- you went out in '03. You became
11 inactive 12 months later, '04.

12 MR. MEADOWS: I dispute that too, but --

13 CHAIRMAN HEPP: Well, but -- I mean,
14 forget about what -- okay. Twelve months later --

15 MR. MEADOWS: Disability.

16 CHAIRMAN HEPP: Right. So did you ever
17 try to attend any union meetings between '04 and
18 when you, you know, when we went through that
19 bankruptcy? I mean, just --

20 MR. MEADOWS: Yeah. Way back when, and I
21 was actually allowed in in '04. But in -- in 2014
22 Kathy Emery, she'll testify she appeared at the
23 Miami meeting and they said she wasn't a member and
24 they wouldn't recognize her to speak. And then they
25 tried -- she got into the meeting, but she wasn't

1 supposed to be in there. She didn't have a
2 membership card.

3 CHAIRMAN HEPP: Yeah, my understanding is
4 she did speak actually.

5 MR. MEADOWS: She wasn't properly
6 recognized.

7 CHAIRMAN HEPP: Well, she --

8 MR. MEADOWS: But the bottom line is that
9 the policy of the union was that membership cards
10 are mandatory for entrance into BOD and domicile
11 meetings after the C&R lockout. I've got my ID card
12 in my pocket. It's stuck.

13 CHAIRMAN HEPP: Do what?

14 MR. MEADOWS: Won't come out of my pocket.

15 CHAIRMAN HEPP: Is it a special issuance,
16 or is it --

17 MR. MEADOWS: I have both. I have an
18 active and special.

19 CHAIRMAN HEPP: Well, which one is --

20 MR. MEADOWS: The one I have now is
21 inactive.

22 CHAIRMAN HEPP: There's a date on the
23 cards, right?

24 MR. MEADOWS: No. Inactive cards are not
25 dated.

1 CHAIRMAN HEPP: Okay. What's the date on
2 the active card?

3 MR. MEADOWS: Through 2012.

4 CHAIRMAN HEPP: So you now have your card.
5 You weren't allowed into the meeting.

6 MR. THURSTIN: Could I -- I don't believe
7 that he ever stipulated that he was not allowed in.

8 CHAIRMAN HEPP: Were you allowed in? Did
9 I mischaracterize your comments?

10 MR. MEADOWS: After the C&R lockout, no, I
11 was not.

12 CHAIRMAN HEPP: Did you try to get in?

13 MR. MEADOWS: Yes, I tried to get in a
14 meeting and I was not allowed, yes.

15 CHAIRMAN HEPP: So you tried to get into a
16 domicile meeting and --

17 MR. MEADOWS: Yes, in the summer of 2014.

18 CHAIRMAN HEPP: Summer of 2014?

19 MR. THURSTIN: Can we find out --
20 December --

21 MR. MEADOWS: Summer of 2014. You can
22 check the sign-in logs. Summer or fall, somewhere
23 in there, I don't know. It was a few months after
24 the C&R lockout.

25 CHAIRMAN HEPP: I'm sorry. It was what?

1 MR. MEADOWS: It was after Kathy tried to
2 get in.

3 CHAIRMAN HEPP: Okay. So Kathy tried to
4 get in, didn't get in.

5 MS. HELLER: She did, but --

6 CHAIRMAN HEPP: Well, yeah, did get in
7 and --

8 MR. MEADOWS: But she wasn't supposed to
9 be, and Keith Wilson said publicly she was not a
10 member.

11 CHAIRMAN HEPP: Well, but either way, it's
12 just -- Larry, it's just like this. You know, we
13 haven't decided your membership status, but we're
14 giving you wide latitude to present your case. So,
15 you know, no one's trying to turn people away, and
16 everybody's trying to give every -- you know, we get
17 enough raw deals from those assholes across the
18 street. We try to not do that to people who have
19 been associated with APA or this board certainly. I
20 think the institution, in my opinion, tries not to
21 turn people away.

22 So now you've got -- so the contract's
23 signed. You have a membership card. You're allowed
24 to attend domicile meetings. Have you tried to
25 attend any domicile meetings since you got a card?

1 MR. MEADOWS: Yeah, been to a couple.

2 CHAIRMAN HEPP: Have you been to a couple?

3 MR. MEADOWS: Been to meet-and-greets and
4 domicile meetings, yeah, you bet. Been three times.

5 CHAIRMAN HEPP: So I guess what I'm trying
6 to say is, where -- so where are -- I mean, are we
7 just trying to extract a pound of flesh or --

8 MR. MEADOWS: No, not really. Because, I
9 mean --

10 MS. FLETCHER: Remedy.

11 CHAIRMAN HEPP: I'm sorry?

12 MS. FLETCHER: Remedy.

13 CHAIRMAN HEPP: I mean, are we trying to
14 come up with a remedy or --

15 MR. MEADOWS: I think she should be -- it
16 should be a known fact that as secretary-treasurer
17 she refused to comply with the C&B, which is a big
18 deal to membership. Had the membership known that
19 prior to the election in June of 2016, she likely
20 would not have been reelected because she ran on the
21 platform of truth and transparency.

22 CHAIRMAN HEPP: Well, let's leave -- but
23 again, that doesn't tell me where we're going.

24 MR. MEADOWS: Well, I guess the harm's --
25 you can't undo the harm. The harm has occurred.

1 CHAIRMAN HEPP: Okay.

2 MR. MEADOWS: But it doesn't change the
3 fact that she's guilty of the charge. I'm not
4 seeking any fine against her or expulsion from the
5 union, but I think it should be recorded that she
6 acted in breach of the C&B. The membership should
7 be aware so they can act accordingly at the ballot
8 box next time.

9 MR. THURSTIN: Chuck, may I point out
10 that --

11 CHAIRMAN HEPP: Well, just hold on,
12 please. Let me digest that for a second. Because
13 you obviously dis -- I get the fact that you dispute
14 that.

15 MR. THURSTIN: No, I haven't disputed it.

16 CHAIRMAN HEPP: You put paperwork in that
17 disputes that.

18 MR. THURSTIN: I'm not disputing anything
19 at this point. I'm just -- I'm pointing out the
20 fact that in November, approximately, of 2014
21 Mr. Meadows filed in the U.S. District Court of Utah
22 against APA regarding this particular issue. And at
23 that time we were waiting for the judgment of that
24 issue.

25 MR. MEADOWS: February of 2014.

1 MR. THURSTIN: Pardon me?

2 MR. MEADOWS: It was February.

3 CHAIRMAN HEPP: That's fine. We're just
4 mincing words. And please direct your comments to
5 me. Thank you.

6 MR. THURSTIN: So there was a concern.

7 CHAIRMAN HEPP: No, I understand. That's
8 in your opening statement. I get that. Like I say,
9 I'm just -- this obviously has been our contentious
10 issue, and this is where we seem to be hitting --

11 MR. MEADOWS: I guess the point --

12 CHAIRMAN HEPP: We're hitting a third
13 round. Hang on, please. I tell you what. Can
14 you -- can you give us ten? I don't mean to -- I
15 know we just got in, but can you guys, can we
16 just --

17 (Recess from 2:25 to 2:30)

18 CHAIRMAN HEPP: Back on the record.

19 So your notion is just get it out there.
20 And obviously they have --

21 MR. MEADOWS: The membership deserves to
22 know if there was a violation of that magnitude
23 because, like I say, truthfully, if I had C&R access
24 in April and May, she would never have been elected
25 in June, because we would have had --

1 CHAIRMAN HEPP: That's a bit of a --
2 that's a bit of a --

3 MR. MEADOWS: Well, we would have made --
4 we would have campaigned aggressively to not have
5 her reelected for various reasons based on these
6 issues. I think the membership deserve to know.
7 This stuff's in a black hole. Most members don't
8 even know what Article VII is. They don't even know
9 what the tab is. They don't know to go look at
10 these things. I didn't know what it was until I was
11 ordered to do it by the court. So that's a problem.

12 CHAIRMAN HEPP: Okay.

13 MR. MEADOWS: So I think -- not to punish
14 Pam. Like I say, I'm not seeking to fire her or
15 expulsion or anything like that, but I think the
16 membership needs to know and they can make their own
17 judgment at the ballot box in the future, if she
18 runs again.

19 CHAIRMAN HEPP: You had a comment?

20 MR. THURSTIN: Well, during that time
21 frame, you know, that the lawsuit was going on,
22 Captain Torell had talked to her counsel at the time
23 and was working with her counsel who was working to
24 try to resolve this issue. And while the litigation
25 was going on, his concern was he was exposing the

1 APA to the judgment which could have come down from
2 the Utah court based on what Mr. Meadows had put
3 down.

4 CHAIRMAN HEPP: Okay.

5 MR. THURSTIN: So there was a lot going on
6 during that time frame. It's not simply as cut and
7 dried as Pam just made -- all of a sudden made a
8 decision she wasn't going to do this.

9 CHAIRMAN HEPP: Never is.

10 MR. MEADOWS: Well --

11 CHAIRMAN HEPP: Hang on, please. Please,
12 Larry, let's not go down that train again, first
13 off. Anything else?

14 MR. THURSTIN: No, sir.

15 CHAIRMAN HEPP: All right. So that being
16 said --

17 MR. MEADOWS: Can I just interject? Under
18 the LMRDA is the union member bill of rights, and
19 one of them is equal participation in union
20 activities. The other one is freedom of speech.
21 And the third and important one here is protection
22 of right to sue.

23 So I'm still a member of the union. Just
24 because I'm suing the union shouldn't mean that I
25 get treated disparately or not communicated with or

1 not have actions taken on my behalf as a member.
2 And that's a problem. It's an LMRD -- that is an
3 LMRDA violation, but I want to make it clear that
4 there's really no valid justification for her not to
5 acknowledge my request for membership cards or --

6 CHAIRMAN HEPP: Larry, I'm well aware that
7 you don't believe that there's a valid
8 justification. The board will decide whether
9 there's a valid justification --

10 MR. MEADOWS: Okay.

11 CHAIRMAN HEPP: -- based on the documents.
12 So I think again, you know, the process is both
13 sides come to the board, make their -- make their
14 claims, put in their -- the documentation, and the
15 board will decide. And then you obviously have not
16 just the recourse of arbitration within the union
17 rules, but then you'll have the opportunity in a
18 Utah court. So it's not like we're -- whichever way
19 this goes you don't have opportunities.

20 MR. MEADOWS: Okay.

21 CHAIRMAN HEPP: So you had some answers
22 for us as far as --

23 MR. THURSTIN: Can I pass these out?

24 MS. TORELL: Yes, please.

25 CHAIRMAN HEPP: Do you have enough for

1 everybody?

2 MR. THURSTIN: I have documentation. I
3 conducted a fairly exhaustive search during the
4 break, which I will give to each one of the members.
5 Member Profile Information one is titled, and the
6 other -- as of 3/1/2017, and I have a second one as
7 of 8/20/15. I don't know why one's in color and
8 one's in black and white. I assume that's just how
9 they were printed.

10 CHAIRMAN HEPP: Do we need to put a number
11 on these to keep it organized? Your next tabs.

12 MR. THURSTIN: I believe it will be -- let
13 me make sure before I speak out of school here.
14 Tab 18 for the 2015 document.

15 CHAIRMAN HEPP: So why don't we call this
16 PT18 so we know it came from you guys.

17 MR. THURSTIN: Okay.

18 CHAIRMAN HEPP: And that's for the 2015
19 one?

20 MR. THURSTIN: Yeah. And we'll call the
21 next one 19, PT19. Is that acceptable?

22 CHAIRMAN HEPP: It is for me. If it stops
23 us from calling each other names, I'm all for it.
24 So what am I looking at?

25 MR. THURSTIN: What we're looking at is

1 the member profile as researched by the budget
2 department in APA which gives Mr. Meadows' status as
3 of the two dates. And there also is a fairly
4 lengthy look back on his dues payment on the '15
5 document all the way back to -- and I believe this
6 is a new format from the IT department, this blue
7 and white with his employee number on it.

8 CHAIRMAN HEPP: Which one is that now? Is
9 that 18?

10 MR. THURSTIN: This is the '15 document.

11 CHAIRMAN HEPP: Okay. 2015. PT18?

12 MR. THURSTIN: It's the color one, yeah,
13 it's the only color one.

14 CHAIRMAN HEPP: Okay.

15 MR. THURSTIN: Which gives a significant
16 amount of information referencing Mr. Meadows.

17 CHAIRMAN HEPP: Okay.

18 MR. THURSTIN: And I believe that he's
19 already received this document in the previous
20 arbitration with Captain Wilson, I believe. I
21 wasn't there, so I can't speak authoritatively.

22 MR. MEADOWS: I think it's -- it looks
23 similar to Exhibit 8 in my tab.

24 CHAIRMAN HEPP: Okay. So in regards to
25 the questions Mr. Meadows had, is this -- does this

1 answer those questions?

2 MS. TORELL: The PT19 is a document that
3 was actually extracted today from the accounting
4 department, and I believe it answers his questions.
5 The back three pages are the dues record. They go
6 back to 1998, and of that time all dues were paid,
7 yes.

8 CHAIRMAN HEPP: So he's never been in
9 arrears.

10 MS. TORELL: Correct.

11 CHAIRMAN HEPP: Okay. So does that make
12 him a member in good standing, bad standing? Where
13 are --

14 MS. TORELL: That he retains his active --
15 excuse me, his inactive membership. He is an
16 inactive member.

17 CHAIRMAN HEPP: Okay.

18 MS. TORELL: Per the Constitution and
19 Bylaws.

20 CHAIRMAN HEPP: Okay. How about -- well,
21 the other question was standing. We have good
22 standing and bad standing. Does it answer that
23 question?

24 MS. TORELL: Constitution and Bylaws does
25 not define the two. The Constitution and Bylaws

1 does not define good standing and bad standing for
2 inactive members. Question -- that was the second
3 question that was added, right?

4 CHAIRMAN HEPP: Okay. All right. So --
5 okay. So he's never missed a payment. He is an
6 inactive member is his status. He's neither good
7 nor bad standing.

8 MS. TORELL: There's no description in the
9 C&B to define that.

10 CHAIRMAN HEPP: Okay.

11 MR. MEADOWS: I object to that. There
12 actually is a description on bad standing that's
13 defined.

14 CHAIRMAN HEPP: You'll have your
15 opportunity, please.

16 MR. MEADOWS: Okay.

17 CHAIRMAN HEPP: I think the other ones we
18 had, right? I mean, he's never been -- you've never
19 been expelled, never resigned, right? So I think
20 your questions are -- the questions you asked are
21 answered.

22 MR. MEADOWS: No, because she's not
23 telling me if I'm a member in good standing or bad
24 standing.

25 CHAIRMAN HEPP: Well, she answered the

1 question. It's just not to your satisfaction.

2 MR. MEADOWS: Okay.

3 CHAIRMAN HEPP: So -- okay. So you say
4 that the C&B has a definition of bad standing?

5 MR. MEADOWS: Yes.

6 CHAIRMAN HEPP: By all means.

7 MR. MEADOWS: On -- in my book, Tab 1,
8 page 9, Section 5.B, second sentence, it says --
9 well, actually the first sentence, "A member in good
10 standing shall remain in good standing as long as
11 such member has paid current dues, assessments and
12 other financial obligations to the association."

13 So if I understand Captain Torell
14 correctly, I've never been in arrears. I have no
15 dues, assessments, or financial obligations owing to
16 the association.

17 CHAIRMAN HEPP: Correct. She stipulated
18 that.

19 MR. MEADOWS: And I was in good standing
20 when I went on disability, so I should remain in
21 good standing, I would argue. The second --

22 CHAIRMAN HEPP: I think we can all accept
23 that he was a member in good standing while he was
24 an active member with the APA? Is that -- can we
25 all --

1 MS. TORELL: Yes.

2 CHAIRMAN HEPP: -- agree to that? Okay.

3 MR. MEADOWS: And then the second part of
4 it goes, "The Secretary-Treasurer shall transfer a
5 member from good to bad standing if such member
6 shall be delinquent in either dues, assessments or
7 other financial obligations due to the Association."

8 And Captain Wilson has testified
9 previously that the only reason a member is
10 transferred from good to bad standing is for
11 delinquency and dues.

12 CHAIRMAN HEPP: Do you have that
13 paperwork?

14 MR. MEADOWS: His testimony? I can get it
15 for you. I can pull it up at the next break.

16 CHAIRMAN HEPP: Why don't you.

17 MR. MEADOWS: I will.

18 CHAIRMAN HEPP: So we have an open
19 question on standing from the APA. I'm almost
20 afraid to ask, but do you guys have a comment on
21 that, or are we just, you know, we can agree to
22 disagree and --

23 MR. THURSTIN: I think we're going to have
24 to agree to disagree because the C&B is what we use
25 as the guidelines that Captain Torell has to go by.

1 CHAIRMAN HEPP: Okay.

2 MR. MEADOWS: Okay.

3 MR. THURSTIN: And the C&B says there is
4 no such thing as a good or bad standing for an
5 inactive member, which Mr. Meadows became sometime
6 in 2005.

7 CHAIRMAN HEPP: Okay. I'm sorry. Could
8 you please repeat that one more time slowly for me.

9 MR. THURSTIN: The C&B does not define
10 inactive member as good or bad. The C&B does not.

11 CHAIRMAN HEPP: Okay.

12 MR. THURSTIN: Mr. Meadows became an
13 inactive member sometime in 2005, which was
14 approximately 12 months after his medical
15 disqualification.

16 CHAIRMAN HEPP: Okay.

17 MR. THURSTIN: So at that point he was a
18 member -- he was an inactive member at that point.

19 CHAIRMAN HEPP: Okay.

20 MR. THURSTIN: And by the C&B, there is no
21 good or bad standing at that point. Previous to
22 that, we could then, yeah, he was a member in good
23 standing.

24 CHAIRMAN HEPP: Member in good standing,
25 an active member in good standing.

1 MR. MEADOWS: I disagree. They're
2 mischaracterizing --

3 CHAIRMAN HEPP: I'm just -- I understand
4 your argument. You're going to provide me with
5 Captain Wilson's testimony.

6 MR. MEADOWS: Right, but I'm just
7 saying the C&B says --

8 CHAIRMAN HEPP: You've read me the C&B.

9 MR. MEADOWS: -- a member in good standing
10 remains in good standing, period.

11 CHAIRMAN HEPP: And we're not going to
12 decide that issue --

13 MR. MEADOWS: Okay.

14 CHAIRMAN HEPP: -- at this moment. I
15 just -- I'm happy we now understand both sides, and
16 it'll be up to us to -- to adjudicate that. But at
17 least we were able to do that civilly.

18 MR. MEADOWS: Okay.

19 CHAIRMAN HEPP: Which is certainly a step
20 in the right direction.

21 So you guys have anything to add? Katy,
22 Lisa?

23 MS. HELLER: No.

24 CHAIRMAN HEPP: No? Katy? You good,
25 Katy? All right. Where to now?

1 MR. MEADOWS: Okay. Captain Torell, other
2 than the C&B --

3 CHAIRMAN HEPP: Okay. Do me a favor. Ask
4 me.

5 MR. MEADOWS: Ask you?

6 CHAIRMAN HEPP: Yes.

7 MR. MEADOWS: Okay. Other than the C&B,
8 does the secretary-treasurer for the APA look to any
9 other precedent or documents for guidance on
10 membership status?

11 CHAIRMAN HEPP: Ms. Torell?

12 MS. TORELL: I -- the primary document is
13 the Constitution and Bylaws of the Allied Pilots
14 Association.

15 MR. MEADOWS: Okay.

16 CHAIRMAN HEPP: Okay?

17 MR. MEADOWS: So I guess what she's
18 saying, so what -- the decision under Valverde, a
19 AAA arbitration, is irrelevant. She doesn't follow
20 that. She only follows the C&B?

21 CHAIRMAN HEPP: No, don't -- don't --

22 MR. MEADOWS: Well, it's important. Let
23 me go where I'm going.

24 CHAIRMAN HEPP: Okay. I understand that,
25 but that's what -- you're going to make a written

1 submission as to why that is or is not.

2 MR. MEADOWS: All right. Let's --

3 CHAIRMAN HEPP: Now --

4 MR. MEADOWS: I can go forward with the
5 questions. I'll just keep it straightforward.

6 CHAIRMAN HEPP: I know. I want to -- give
7 me a minute.

8 (Off record from 2:43 to 2:44)

9 CHAIRMAN HEPP: Because my understanding
10 of Valverde was as much as he commented on your
11 status, he didn't rule on your status.

12 MR. MEADOWS: I think he did.

13 CHAIRMAN HEPP: To go to page 13 in the
14 Valverde decision --

15 MR. MEADOWS: He's saying I'm not a member
16 in good standing.

17 CHAIRMAN HEPP: Well, what I -- well, I'm
18 just referencing the footnote. Where does it say
19 that he doesn't reference you as a member in good
20 standing?

21 MR. MEADOWS: Page 14, second paragraph.

22 CHAIRMAN HEPP: "According to membership
23 status provisions of the C&B, a member in good
24 standing retains that status as long as he or she is
25 current on dues, assessments. Dues and assessments

1 are paid, are to be paid. Since Meadows has not
2 received wages from the employer since 2004, he's
3 not paying any dues. The C&B does not provide for
4 payment of dues in any other manner." So where are
5 you, Katy?

6 MS. FLETCHER: Right here.

7 CHAIRMAN HEPP: "However" -- okay. So I'm
8 sorry. The first paragraph, "There is no dispute
9 that during the time Meadows was an active member,
10 he was a member in good standing. However, was --
11 however, was his good standing affected when he
12 became an inactive member? The arbitrator finds
13 that once he became an inactive member, this also
14 changed his member in good standing status for the
15 following reasons." Okay. See, on the previous
16 page I was referencing the footnote.

17 MR. MEADOWS: Yeah, go to page 15, the
18 first paragraph.

19 CHAIRMAN HEPP: Oh, stand by. On page 13
20 in the -- because this is what I -- this to me, in
21 footnote 6 -- you guys up? Second sentence,
22 "Further, it appears that the matter of Meadows'
23 membership status is to be fully addressed in a
24 subsequent arbitration involving the issue of
25 membership cards. Accordingly, the accuser's

1 membership status will be addressed only to the
2 extent necessary to resolve the issues in this
3 case."

4 So he didn't necessarily -- he didn't
5 necessarily reach a conclusion --

6 MR. MEADOWS: He did though.

7 CHAIRMAN HEPP: -- on your membership
8 status.

9 MR. MEADOWS: Go to page 15, the first
10 paragraph. He does. He's contradicting himself,
11 basically leaving the door open for these
12 proceedings to decide it, but he's already decided
13 it. Look at page 15.

14 MS. FLETCHER: Starting with where?

15 MR. MEADOWS: "Accordingly." It's in the
16 first paragraph, the third sentence, "Accordingly."

17 MS. FLETCHER: Okay. Yeah.

18 CHAIRMAN HEPP: So could you -- would you
19 read that, please?

20 MS. FLETCHER: "Accordingly, the
21 arbitrator finds that when Meadows became an
22 inactive member, he lost his good standing status
23 within the Association."

24 CHAIRMAN HEPP: So --

25 MR. MEADOWS: I don't dispute that I'm not

1 an inactive but an active member besides all this,
2 so, I mean, this is just the standing issue. But I
3 don't concur with the active versus inactive either.

4 CHAIRMAN HEPP: So we're -- if I'm using
5 Valverde, then it doesn't look good.

6 MR. MEADOWS: Okay. So that was my
7 question. Does -- Pam Torell has relied on Valverde
8 in an attempt to dismiss these charges. Okay? So I
9 asked if she's bound by anything outside the C&B.
10 She said no, she focuses only on the C&B for
11 membership issues. Now she's saying she's going to
12 take an outside arbitration decision from an
13 arbitration that has no stare decisis value, which
14 means it has no legal precedent, won't uphold in a
15 court of law.

16 So that's the question. If she's going to
17 defer to that, then I'm going to defer to the Wolitz
18 decision in 2005 in Annable versus Wissing which
19 says a member in good standing is someone who's paid
20 all their dues and met all their financial
21 obligations, which is me.

22 And then the Sproc case, you know, Sproc
23 argued that Barkate was not a member in good
24 standing because he was in inactive disability
25 status.

1 CHAIRMAN HEPP: He was MDI. He wasn't
2 MDD.

3 MR. MEADOWS: He's MDD, but he's inactive,
4 disability, so -- and said based on not paying
5 dues --

6 CHAIRMAN HEPP: But even the C&B breaks
7 that down into two --

8 MR. MEADOWS: But the appeal board --

9 CHAIRMAN HEPP: -- as does the contract.

10 MR. MEADOWS: But the appeal board in that
11 case went on to say that Barkate was in fact a
12 member in good standing because he met all his
13 financial obligations and dues at the time they were
14 owing.

15 CHAIRMAN HEPP: That may be, but first off
16 he was sitting on the board as opposed to -- they
17 were -- Rob --

18 MR. MEADOWS: They concluded he was a
19 member in good standing is the point. They
20 concluded he was a member in good standing.

21 CHAIRMAN HEPP: Well, but it's --

22 MR. MEADOWS: He's situated exactly like
23 me.

24 CHAIRMAN HEPP: As is always, there's more
25 to it than just the simple yea or nay.

1 MR. MEADOWS: He's inactive on disability
2 status not paying dues.

3 CHAIRMAN HEPP: Because he was not -- he
4 was not on trial at the time. He was not -- he had
5 not -- he was not the one facing Article VII
6 charges. He was sitting on the board.

7 MR. MEADOWS: I get that.

8 CHAIRMAN HEPP: And it was a matter of
9 whether it was appropriate for him to be sitting on
10 the board.

11 MR. MEADOWS: But the institution --

12 CHAIRMAN HEPP: That's not the issue
13 that --

14 MR. MEADOWS: But the institution made a
15 decision that this is how we handle -- because good
16 standing, as Arbitrator Wolitz said, is not defined
17 in the C&B. He defined it. The appeal board in
18 Sproc adopted that decision. So they made an
19 institutional decision this is how we handle people
20 like Barkate or people like me.

21 CHAIRMAN HEPP: Well, you are different.
22 No, you're under a different --

23 MR. MEADOWS: How am I different than
24 Barkate?

25 CHAIRMAN HEPP: Well, you're MDD --

1 MR. MEADOWS: Doesn't matter --

2 CHAIRMAN HEPP: -- versus MDI.

3 MR. MEADOWS: No, the basis is that he's
4 inactive and not paying dues. That was the basis,
5 not MDD versus -- that's semantics. Those are APA
6 internal codes that are meaningless. They're not
7 even in the C&B. If you want to talk about codes --

8 CHAIRMAN HEPP: Yeah, but it's also -- no,
9 because it's a contractual issue.

10 MR. MEADOWS: MDD is not in the C&B. It's
11 not in the C&B.

12 CHAIRMAN HEPP: No, I under -- I know
13 that.

14 MR. MEADOWS: Those are internal status
15 codes (unintelligible).

16 CHAIRMAN HEPP: And I understand that
17 they're internal --

18 THE REPORTER: You know what? Y'all are
19 going to have to slow down and not talk over each
20 other.

21 CHAIRMAN HEPP: Sorry. We're both from
22 New York. You'll just have to excuse us. We'd
23 never survive at the dinner table if we weren't
24 talking over one another.

25 But, Larry, it still falls under a

1 different contractual issue. Okay? As someone over
2 five years in the contract, you are in a different
3 status as Barkate.

4 MR. MEADOWS: Well, we haven't gotten
5 there yet. And I'll prove in their opening
6 statement that everything they said was false with
7 respect to -- I am an employee. I have continuous
8 credited service from the day I was hired, which was
9 restored by the pension benefits committee. I
10 receive W-2 active employee wages. I receive active
11 pilot benefits, medical, dental, life insurance,
12 pension. And under the terms of the 2004 pilot
13 long-term disability plan, which is governed by
14 letter KK of the C&B, my collectively bargained
15 welfare benefits define me as a pilot employee under
16 the terms of the plan. So to say I'm not an
17 employee is an absolute lie.

18 CHAIRMAN HEPP: But again, we're back to
19 the same thing with Wilson again. Now we're using
20 an insurance policy to decide what the C&B says.
21 That's not appropriate.

22 MR. MEADOWS: No, no, no. Well, I mean,
23 what are you guys -- so the C&B -- the C&B cannot
24 operate exclusive of the collective bargaining
25 agreement and the federal statutes because it is

1 subordinate to, and that's what Valverde ruled in
2 Sproc, that the C&B cannot preclude the Railway
3 Labor Act, cannot preclude the LMRDA, cannot
4 preclude the IRS or any other federal statute.

5 It's just a fucking Mickey Mouse Club.
6 I'm sorry. It's like a Mickey Mouse Club.
7 Constitution is for the APA, but it can't reign
8 superior over federal statutes. It's actually under
9 Robert's Rules under parliamentary law, you're
10 required to adhere to the hierarchy of laws under
11 Robert's Rules. So these federal laws do govern the
12 C&B indirectly. They have to. And they're linked
13 to it for the parliamentary law. And Valverde is a
14 very extensive ruling. It's in one of my exhibits.
15 I can show you.

16 So my point is, it's not fair to reach
17 outside of the C&B for purposes of saying I'm not a
18 member in good standing based on Valverde's
19 decision.

20 CHAIRMAN HEPP: Which -- which -- if I'm
21 not putting words in your mouth, you said you
22 weren't --

23 MR. MEADOWS: She was.

24 CHAIRMAN HEPP: -- reaching outside the
25 C&B.

1 MR. MEADOWS: She's looking to the
2 Valverde decision to dismiss these proceedings
3 because I'm not in good standing.

4 CHAIRMAN HEPP: Well, she just gave
5 testimony that said she uses the Constitution and
6 Bylaws.

7 MR. MEADOWS: Okay.

8 CHAIRMAN HEPP: I understand her opening
9 statement. I have her opening statement too. I get
10 it.

11 MR. MEADOWS: It leaves me a question.
12 Does she follow the same Constitution and Bylaws as
13 Keith Wilson?

14 CHAIRMAN HEPP: Stand by. Again, I don't
15 want to -- we're not -- let's not get off the rails.
16 I just wanted to point out with Valverde that if
17 we're using this particular arbitration decision,
18 then he -- in my opinion, the footnote says he's not
19 ruling on the issue.

20 MR. MEADOWS: That's correct. His
21 decision speaks to both sides of the issue and it's
22 wrong. It's contradictory. It's unclear. And I
23 guess in a case of being unclear, you should --

24 CHAIRMAN HEPP: That's what --

25 MR. MEADOWS: -- favor the moving party,

1 meaning me. It should be -- that's how it's done in
2 court. Moving party gets more favorable treatment
3 in a motion to dismiss.

4 CHAIRMAN HEPP: Well, Larry, I think we've
5 given you favorable treatment.

6 MR. MEADOWS: Well, my point is, I mean,
7 are you going to focus within the C&B only? If you
8 are, Valverde's decision's meaningless. It means
9 nothing.

10 MR. THURSTIN: Can I object?

11 CHAIRMAN HEPP: Yes, you can.

12 MR. MEADOWS: And it doesn't bind the
13 association. It was against me and Keith Wilson,
14 not against the APA. So it doesn't change anything
15 as far as the APA conducts business.

16 CHAIRMAN HEPP: Now I think you're just --

17 MR. MEADOWS: No, I'm not.

18 CHAIRMAN HEPP: Now I think you're just --
19 now you're just mincing words. And I understand why
20 you're doing it. I just don't agree with it.

21 MR. MEADOWS: Okay.

22 MR. THURSTIN: I object in respect -- the
23 reason we're here today is to decide whether or not
24 there's any kind of disciplinary action as to
25 whether Pam Torell acted within the Constitution --

1 CHAIRMAN HEPP: True.

2 MR. THURSTIN: -- and Bylaws of the APA.

3 CHAIRMAN HEPP: Yes.

4 MR. THURSTIN: This is not part of that.

5 MR. MEADOWS: Disagree. I'm just --

6 CHAIRMAN HEPP: Please, Larry.

7 MR. MEADOWS: Okay.

8 MR. THURSTIN: In respect that the only
9 person that can bring that Valverde decision, the
10 only people that can bring the Valverde decision
11 into the Constitution and Bylaws is the board of
12 directors or the president of the APA. Pam Torell
13 cannot decide on her own that she should incorporate
14 the Valverde decision into the C&B.

15 MR. MEADOWS: But she --

16 MR. THURSTIN: She cannot.

17 CHAIRMAN HEPP: Hang on. Anything else?

18 MR. THURSTIN: That's it, sir.

19 CHAIRMAN HEPP: I know what you're going
20 to -- I get it.

21 MR. MEADOWS: In her letter to you, she
22 said the Valverde decision.

23 CHAIRMAN HEPP: In the opening statement,
24 yes. I understand.

25 MR. MEADOWS: I guess my question is, is

1 she or is she not relying on the Valverde decision
2 for my standing?

3 CHAIRMAN HEPP: I think that was asked and
4 answered.

5 MR. MEADOWS: I don't --

6 CHAIRMAN HEPP: You asked is she looking
7 at anything other than the C&B, and she said --

8 MR. MEADOWS: Okay.

9 CHAIRMAN HEPP: -- no, she was looking at
10 the C&B.

11 MR. MEADOWS: Okay. Okay. Then the
12 C&B --

13 CHAIRMAN HEPP: So -- okay. Next
14 question.

15 MR. MEADOWS: So under the C&B, the
16 accepted policy of the APA has been that members,
17 inactive members remain in good standing, and it's
18 been decided by the appeal board institutionally
19 that Joe Barkate as an inactive disabled member who
20 had not paid dues remained in good standing. So
21 if --

22 CHAIRMAN HEPP: Well, now, wait a second.
23 Now, my understanding with Barkate is that was Rob's
24 arbitra -- Rob took the decision to arbitration and
25 then complained about Joe.

1 MR. MEADOWS: No, he complained -- he
2 complained right out of the gate at the appeal.
3 He tried to get him excluded at the opening of the
4 appeal board proceedings. And they said, no, he's a
5 member in good standing and we're relying upon the
6 Wolitz decision.

7 CHAIRMAN HEPP: Then why did Valverde say
8 that you should have brought it up at the original
9 hearing?

10 MR. MEADOWS: Who?

11 CHAIRMAN HEPP: Valverde's opinion.

12 MR. MEADOWS: Valverde is wrong. He's
13 ignoring --

14 CHAIRMAN HEPP: But that's what he said.

15 MR. MEADOWS: He's ignoring -- he's
16 ignoring Arbitrator Wolitz's decision. He's wrong.
17 He's been talking to Steve Hoffman. Sorry. I mean,
18 he really -- he's crooked. I mean, he really is.

19 CHAIRMAN HEPP: I don't --

20 MR. MEADOWS: I have proof of that. Maybe
21 we could ask Steve today later.

22 CHAIRMAN HEPP: All right. So --

23 MR. THURSTIN: Can we comment, Chuck?

24 MS. HELLER: Sorry. Just let me respond
25 to you. You said if you want to ask Steve. His

1 window of availability is just about to close.

2 MR. MEADOWS: Yeah, I don't know if I
3 really want to talk to him, to be honest, because
4 it'll do me no good. He has everything to gain by
5 being able to testify.

6 CHAIRMAN HEPP: So -- okay. So your
7 question -- I'm sorry. You had a comment.

8 MR. THURSTIN: Yeah. In regards to Pam's
9 ability to reinterpret the C&B, we've already made
10 that very clear. The Valverde decision, reason why
11 we suggested this be dismissed based on the Valverde
12 decision, because it kind of reinforced what was
13 already in the policy or in the C&B.

14 MR. MEADOWS: I disagree because it says a
15 member in good standing --

16 CHAIRMAN HEPP: Larry.

17 MR. MEADOWS: Okay.

18 CHAIRMAN HEPP: Please. Jesus.

19 MR. THURSTIN: So we're not using them
20 together. We're using them as separate entities in
21 this discussion.

22 MR. MEADOWS: Okay. So my question is,
23 did she or did she not --

24 CHAIRMAN HEPP: Hang on, hang on.

25 MR. MEADOWS: -- reference the Valverde --

1 CHAIRMAN HEPP: Let me think about what
2 the gentleman said, please.

3 Can you clear up -- I don't -- I'm in a
4 fog here. Why do you say it's a separate --

5 MR. THURSTIN: We're saying that Pam can't
6 change the Constitution and Bylaws.

7 CHAIRMAN HEPP: Okay.

8 MR. THURSTIN: All right? That's a fact.
9 The Valverde decision pretty much stated the same
10 thing that I've stated all along, that an inactive
11 member does not have a good or bad standing.

12 MR. MEADOWS: It doesn't say that in the
13 C&B.

14 MR. THURSTIN: It just said inactive
15 member.

16 CHAIRMAN HEPP: Actually it says, from
17 what we read, he's lost his good standing.

18 MR. THURSTIN: Correct.

19 CHAIRMAN HEPP: So --

20 MR. THURSTIN: Well, you could -- you
21 could infer that. You just don't have -- in the
22 Constitution and Bylaws you do not have a standing.
23 You're just an inactive member, period.

24 CHAIRMAN HEPP: Okay. So -- okay. So I
25 guess what I'm hearing is, to try and bring peace in

1 our time, is that you -- we didn't have the Valverde
2 decision two years ago when this issue came up or
3 back in 2012, and -- so we didn't have that as a
4 reference.

5 MR. THURSTIN: Correct.

6 CHAIRMAN HEPP: Okay. All right. Where
7 to now, Larry?

8 MR. MEADOWS: Well, I mean, they're
9 totally talking around paragraph 5B. It doesn't --
10 it's totally nonsensical what he's saying.

11 CHAIRMAN HEPP: Why -- okay. Where --
12 give me a question, Larry. We have -- Pam's on the
13 stand.

14 MR. MEADOWS: Okay.

15 CHAIRMAN HEPP: She's still sworn in.
16 Give me a question.

17 MR. MEADOWS: If I was in good standing
18 prior to my date of disability and then became
19 inactive and stopped paying dues, do I remain in
20 good standing?

21 CHAIRMAN HEPP: Do you remain in good
22 standing? I think she's answered that. I got over
23 here that she says when she talked about --

24 MR. MEADOWS: Well, the question is, the
25 C&B says a member --

1 CHAIRMAN HEPP: She said the C&B --
2 please -- does not define good or bad standing in
3 regard to inactive member.

4 MR. MEADOWS: But she acknowledged I was
5 in good standing, and the C&B says I remain in good
6 standing. As long as I don't owe any financial
7 obligations. And I'm not owing any financial
8 obligations.

9 Here's a question. Does Pam Torell pay
10 dues?

11 CHAIRMAN HEPP: Well, I think the answer
12 to that is -- well, actually, now that you're
13 secretary-treasurer --

14 MS. TORELL: It changed.

15 CHAIRMAN HEPP: I'm sorry?

16 MS. TORELL: It's been changed.

17 CHAIRMAN HEPP: Oh, are you back to paying
18 dues again?

19 MS. TORELL: About two and a half years
20 ago. Yes.

21 CHAIRMAN HEPP: So you're paying dues.

22 MS. TORELL: Yes.

23 CHAIRMAN HEPP: She's paying dues.

24 MR. MEADOWS: As of what date?

25 CHAIRMAN HEPP: It doesn't matter.

1 MR. MEADOWS: Well, it does, because this
2 is April 2014, three years ago.

3 CHAIRMAN HEPP: Okay. When did you start
4 paying dues?

5 MS. TORELL: I would have to look it up.
6 It was --

7 CHAIRMAN HEPP: Couple years ago?

8 MS. TORELL: Probably a couple. It was --

9 CHAIRMAN HEPP: All right. So it's 2017,
10 so we're talking March, February --

11 MS. TORELL: Probably '15.

12 CHAIRMAN HEPP: -- 2015. So where are we?

13 MR. MEADOWS: My point is to say if I'm
14 not in good standing, then the national officers
15 wouldn't be in good standing either under the old
16 policy.

17 CHAIRMAN HEPP: No, because there was --
18 my understanding is there was a specific exclusion
19 written in the policy manual that allowed if you
20 were a -- if you were a --

21 MR. MEADOWS: I understand, but they're
22 trying to say because I don't pay dues that I'm not
23 a member in good standing, and that's not true. I'm
24 not required to pay dues because dues come out of
25 flight pay loss. And if the union wanted me to pay

1 dues --

2 CHAIRMAN HEPP: Dues come out of flight
3 pay.

4 MR. MEADOWS: Flight -- they come out of
5 flight pay, which I don't get.

6 CHAIRMAN HEPP: Right.

7 MR. MEADOWS: But if the union wanted to,
8 there's nothing in federal law that bars them from
9 requiring me to pay a maintenance fee or a due. UPS
10 drivers pay it under disability.

11 CHAIRMAN HEPP: Do what now?

12 MR. MEADOWS: UPS drivers under disability
13 pay a maintenance fee in dues. They pay dues.

14 CHAIRMAN HEPP: Well, non-members pay a
15 maintenance fee.

16 MR. MEADOWS: But in federal court APA has
17 consistently tried to make me and Kathy Emery out to
18 be like deadbeats, like we're non-dues paying
19 members. And we're not non-dues paying members. We
20 just aren't required to pay dues anymore. Keith
21 Wilson says it's out of the goodness of the
22 association's heart because we're already getting a
23 shitty deal anyway as a result of being on
24 disability. And the association's trying to give
25 him the benefit of the doubt.

1 CHAIRMAN HEPP: I don't think if Keith was
2 here he'd agree with that.

3 MR. MEADOWS: That's what he said.

4 CHAIRMAN HEPP: That --

5 MR. THURSTIN: I object to this.

6 CHAIRMAN HEPP: Please, just stand --
7 you'll have an opportunity.

8 Like I say, Larry, I can't help but go
9 back to the fact that we put a lot of time and
10 effort to give you this opportunity. I don't see
11 how that makes us think you're a deadbeat or --

12 MR. MEADOWS: Why does -- why doesn't --

13 CHAIRMAN HEPP: But wait, wait. Larry,
14 hold on, please.

15 MR. MEADOWS: I'm just trying to move it
16 along.

17 CHAIRMAN HEPP: Yeah, but they have an
18 opportunity too.

19 MR. MEADOWS: Okay.

20 CHAIRMAN HEPP: And we're trying to do
21 this without a lack of civility. So let's keep the
22 train on the track.

23 Please, you had a comment?

24 MR. THURSTIN: Yes, sir. Under Article
25 III of the Constitution and Bylaws, Section 2.C,

1 Inactive Membership.

2 CHAIRMAN HEPP: Okay. I'm sorry. Article
3 III?

4 MR. THURSTIN: Article III, Section 2,
5 Classes of Membership.

6 MR. MEADOWS: Wait a second. See, this --

7 CHAIRMAN HEPP: Larry, please.

8 MR. MEADOWS: Okay. Well, we're going on
9 the wrong track here. My whole question --

10 CHAIRMAN HEPP: Wait a second.

11 MR. MEADOWS: -- is getting hijacked.

12 CHAIRMAN HEPP: Larry, no. Stop.

13 MR. MEADOWS: I object to the fact that
14 he's hijacking my line of questioning.

15 CHAIRMAN HEPP: And -- and I am trying --
16 look, Larry, the line of questioning that was
17 happening before was not working. Okay? People
18 were getting angry. People were saying things they
19 didn't mean, I think. Giving everybody the benefit
20 of the doubt. So I'm trying to figure out a way to
21 keep this on the track. And this seems to be
22 working, but, in fact, we're all learning something
23 here with this -- with what's transpiring right now.
24 So allow him the opportunity so maybe we can keep
25 the train on the track.

1 So you were at Article III, Section 2.

2 MR. THURSTIN: C, Inactive membership.

3 CHAIRMAN HEPP: Inactive membership.

4 MR. THURSTIN: And shall I read it, or do
5 you want to just --

6 CHAIRMAN HEPP: No, please, go ahead.

7 MR. THURSTIN: "Inactive membership shall
8 be assigned to flight deck operating crew members,
9 including check airmen, who have completed the
10 probationary period and meet the qualifications set
11 forth in Article III, Section 1.A, upon application
12 and approval. Pilots in the following employment
13 statuses shall be eligible for inactive membership."

14 In the paragraph below, number 2, it
15 clarifies medical or personal leaves of absence. In
16 the following written language, it says Inactive
17 Member. A member in good standing shall
18 automatically be transferred to inactive membership
19 status upon being on leave of absence from the
20 Company 12 months after the expiration of paid sick
21 leave or being in the military -- I'm
22 paraphrasing -- being on active flying status with
23 AA, pilot owes back dues.

24 THE REPORTER: I'm sorry. Being --

25 MR. THURSTIN: Active duty in the armed

1 forces, continuous active duty in excess of 60
2 months. Larry's status changed because he was out
3 for more than 12 months. Has nothing to do with his
4 dues payments. It has to do that he was out for
5 more than 12 months on medical disability per the
6 C&B.

7 MR. MEADOWS: Okay. Well, let's -- on the
8 premise or the assumption that medical disability is
9 a leave of absence, which it is not, American
10 Airlines has testified that disability is not a
11 leave of absence. It's a status change. It used to
12 be under Supplement F of the retirement plan, when
13 you notice on the seniority list it's under MDSB.
14 Sick leave of absence, injuries on duties, leaves of
15 absence all are -- IDLOA, SLOA, personal leave of
16 absence, PLOA, military leave, MLOA. Disability is
17 not a leave of absence. And I would contend that
18 I've been treated as an active member until 2012
19 until Pam Torell came in office. I had an active
20 membership card. There's documents I'll present
21 later that --

22 CHAIRMAN HEPP: And what was the date --
23 what was the date of the last membership card,
24 active?

25 MR. MEADOWS: Card -- it was issued --

1 well, it says valid through September 30 of 2012.

2 MR. THURSTIN: I object.

3 MR. MEADOWS: Signed by Keith. It's on
4 Exhibit -- let's see. It's somewhere in here, this
5 big exhibit. I'll find it. But anyway, I have an
6 active membership card, it's Exhibit 4, until 2012.

7 And then there's -- if you look at
8 document 5, this APA group term life and voluntary
9 insurance and dismemberment plan effective January
10 1, 2013, for active members. If you go to the last
11 page, in footnote 1 it says, "Disabled members are
12 considered active until age 65 or retirement."

13 So for purposes of certain benefit plans,
14 APA was treating disabled members as active. And I
15 argued that we -- it was a mistake that we were on
16 C&R for almost 15 or 20 years. We were being
17 treated as active. Today, as it stands, I am on C&R
18 and the APA only provides for active, retired, or
19 furloughed, and I'm not retired or furloughed, so --

20 CHAIRMAN HEPP: Yeah, but you're still --
21 you're still connecting the dots, Larry.

22 MR. MEADOWS: I'm just trying -- I'm just
23 trying --

24 CHAIRMAN HEPP: You're back on C&R because
25 Ms. Emery won in a federal court --

1 MR. MEADOWS: I'm trying to say, this is
2 an argument --

3 CHAIRMAN HEPP: -- not because -- not
4 because of your, quote, your membership status. The
5 judge found it a free speech issue.

6 MR. MEADOWS: No, no, no. Judge said that
7 she needed to be treated as an active member for
8 purposes of access to C&R. Based on that, Captain
9 Carey --

10 CHAIRMAN HEPP: We'll have to agree to
11 disagree because I also read it.

12 MR. MEADOWS: Captain Carey put us back
13 on, but her decision was not a class action. It
14 wasn't binding.

15 CHAIRMAN HEPP: And it was also specific
16 to her, if I don't recall.

17 MR. MEADOWS: Yeah, it wasn't binding.
18 Dan didn't have to put us back onto the C&R.

19 CHAIRMAN HEPP: Right.

20 MR. MEADOWS: So my point is --

21 CHAIRMAN HEPP: So I think there's more to
22 it than just what that -- the insurance disability.

23 MR. MEADOWS: There is. This whole
24 thing's convoluted.

25 CHAIRMAN HEPP: It is very convoluted.

1 MR. MEADOWS: Because I'm just trying to
2 say that based on APA's practices, there's argument
3 to be made that they treated us as active members
4 for certain reasons for C&R and benefit plans. They
5 treated us as active. And also --

6 CHAIRMAN HEPP: But, Larry, how do you get
7 over -- well, hang on a second.

8 MR. MEADOWS: No, I'm saying but we're not
9 inactive because we're not really on a leave of
10 absence so we're not -- let me just --

11 CHAIRMAN HEPP: Okay.

12 MR. MEADOWS: We're not really on a leave
13 of absence --

14 CHAIRMAN HEPP: All right.

15 MR. MEADOWS: -- okay, number two. And I
16 want to make one other comment.

17 CHAIRMAN HEPP: All right. Well, while
18 you're thinking of that, Jeff, I'm sorry, you had --
19 I know you wanted to object.

20 MR. THURSTIN: Yes. The 2012 membership
21 card Larry received, Mr. Meadows received was an
22 error. It was an error due to technical changes
23 within the APA, and he was not supposed to receive
24 it.

25 CHAIRMAN HEPP: Because?

1 MR. THURSTIN: Because he was on MDD as an
2 inactive member. During that transitional period
3 on the Status 1 report, they --

4 MR. MEADOWS: I wasn't MDD though.

5 CHAIRMAN HEPP: Hang on, Larry.

6 MR. MEADOWS: I was still on the seniority
7 list.

8 CHAIRMAN HEPP: Larry, Please.

9 MR. THURSTIN: When they changed it over,
10 the computer read everybody who was -- it changed
11 status during that period, i.e., to the -- was it
12 MDD, Pam?

13 MS. TORELL: Paid sick leave.

14 MR. THURSTIN: On paid sick leave, and
15 they read them as coming back.

16 CHAIRMAN HEPP: Okay.

17 MR. THURSTIN: And they sent him in error.

18 CHAIRMAN HEPP: Do you have paperwork to
19 that?

20 MS. TORELL: Yes.

21 MR. THURSTIN: Yes.

22 CHAIRMAN HEPP: Okay. Is that part of
23 your exhibits?

24 MR. THURSTIN: I believe it is. It's in
25 Tab 15 which shows the changeover portion.

1 MR. MEADOWS: Did they ever notify any of
2 the MDD members of that error?

3 CHAIRMAN HEPP: Please direct your
4 comments to the chair, for God's sakes.

5 MR. MEADOWS: I'm talking to you. I'm
6 looking right at you.

7 CHAIRMAN HEPP: I can't think and write at
8 the same time.

9 MR. THURSTIN: The active Status 1
10 reports, you'll notice a break on page 3. And
11 during that time period -- subsequent to that time
12 period there were cards that were sent out to the
13 members.

14 MS. FLETCHER: That's 2008.

15 CHAIRMAN HEPP: 2008. Looks like it ends
16 in '11, '08 to '11?

17 MR. THURSTIN: Correct.

18 CHAIRMAN HEPP: Okay.

19 MR. MEADOWS: Are you guys going to -- is
20 Captain Torell going to verify the authenticity of
21 this document? Because it's been proven --

22 MS. HELLER: This is her exhibit.

23 MR. MEADOWS: It's been proven to be
24 inaccurate in the equity proceedings. I was
25 actually never with an undefined period or on unpaid

1 sick leave of absence. I've been continuously on
2 MDSB and LTD with no breaks in service. I've been
3 continuously on either MDSB or LTD with no breaks in
4 service since the day I was hired. And it was in
5 the Wilson documents in a pension statement because
6 the pension benefits committee gave me a full
7 retroactive award. And it's as if I've never been
8 on an unpaid sick leave of absence, ever. I've
9 always been on a disability, MDSB or LTD status.
10 And that's --

11 MR. THURSTIN: We'll happily verify this
12 document.

13 MR. MEADOWS: Well, this document is a
14 handover from American. It's not even a real
15 document. It's -- APA takes this data from
16 American's Status 1 reports and makes this report.

17 CHAIRMAN HEPP: Right.

18 MR. MEADOWS: And they were all erroneous
19 in the equity proceedings. Almost every one of them
20 had errors in it. They're just not accurate
21 documents. So I'm going to object to the
22 authenticity of the document.

23 CHAIRMAN HEPP: Well, but let's be clear.
24 This is what she's going on, right?

25 MR. MEADOWS: No, I don't think so.

1 CHAIRMAN HEPP: I mean, when you're trying
2 to decide who gets a ballot, when you're trying to
3 decide who gets a willingness to serve.

4 MR. MEADOWS: Well, if she's going on
5 these --

6 CHAIRMAN HEPP: Larry, please, one at a
7 time. And since I'm the chairman, I get to talk
8 first.

9 MR. MEADOWS: Okay.

10 CHAIRMAN HEPP: So, you know, when the
11 secretary-treasurer is trying to decide, mailing out
12 ballots to vote for national office of domicile,
13 willingness to serve, they're using the Status 1
14 documents. So, inaccurate or not, that's what she's
15 using to --

16 MR. MEADOWS: And I understand. My status
17 is unusual because a deliberate decision was made at
18 the company level to leave me on the seniority list.
19 That's why I'm back on disability today because they
20 terminated my benefits and left me out to dry, but
21 they did not take me off the seniority list at the
22 five-year point. They did not take me off at all
23 until I made the whistleblower complaint. But at
24 that point I had reapplied for disability, which
25 they said I couldn't do.

1 CHAIRMAN HEPP: Larry, we know all that
2 stuff.

3 MR. MEADOWS: But American's records show
4 me as being on active duty in October of 2011, line
5 status. It's right here in the APA's report. In
6 LM34, if you look at the AA status, line.

7 CHAIRMAN HEPP: Larry, where are you so I
8 can follow you?

9 MR. MEADOWS: LM34, one of those documents
10 we copied earlier.

11 MR. THURSTIN: Is that one of the ones you
12 passed?

13 CHAIRMAN HEPP: Yeah, that's one of the
14 ones he passed out.

15 MR. THURSTIN: Okay.

16 CHAIRMAN HEPP: Okay. So you were on,
17 okay, status, line, MDD.

18 MR. MEADOWS: So it goes -- if you read
19 across, AA status was line. The AA status date was
20 9/3/2008. So, in other words, the company showed me
21 as being on active duty which is why I was able to
22 reapply for disability because I was active, because
23 I never came back to active duty.

24 CHAIRMAN HEPP: Okay.

25 MR. MEADOWS: It was a total screwup on

1 their part, but it was a legal maneuver. They were
2 afraid of a wrongful termination suit, so they left
3 me on the seniority list as part of their legal --

4 CHAIRMAN HEPP: Can we just -- can we
5 leave the conjecture out and just give me the facts?

6 MR. MEADOWS: I'm just trying to give some
7 background because my situation is a little
8 different.

9 CHAIRMAN HEPP: Larry, you know we're
10 familiar with your background.

11 MR. MEADOWS: Captain Torell obviously
12 isn't, and her representative is not. And I'm not
13 faulting him, but he didn't have the benefit of
14 sitting through these last proceedings, so there's
15 no continuity for him. Anyway, I mean, I --

16 CHAIRMAN HEPP: Since he's not ruling on
17 the issue, I'm not sure that's relevant.

18 MR. MEADOWS: So if you want, I'll just go
19 to straightforward questions, but, I mean --

20 CHAIRMAN HEPP: Okay. That would -- let's
21 try that then. And we'll see if we can't break new
22 ground. I'm sorry. Hold on.

23 MR. THURSTIN: I had one objection. Larry
24 kind of made my point for me in the respect that
25 there was some problems with the data. But the fact

1 that -- that's not in dispute here is that
2 Mr. Meadows went out on medical in 2004 and became
3 an inactive member in 2005.

4 MR. MEADOWS: No. I remained active until
5 I went back on the new disability plan. It's a
6 whole -- I --

7 CHAIRMAN HEPP: But, Larry, again, I think
8 what I'm hearing is you're quoting American Airlines
9 status. You're quoting --

10 MR. MEADOWS: Well, that's what matters
11 here. The Status 1 reports are driven by American
12 Airlines.

13 CHAIRMAN HEPP: The -- but there's also
14 the Constitution and Bylaws.

15 MR. MEADOWS: But APA doesn't get to make
16 up my status. They have to follow what American
17 gives them. What American says is what I am. APA
18 doesn't decide what I am. It's what happened in the
19 equity. They decided you shouldn't really get four
20 silos because you were on disability in 2004.

21 CHAIRMAN HEPP: But that's why you get to
22 go to an arbitrator and someone gets to be a neutral
23 and decide.

24 MR. MEADOWS: All right. I'll just stick
25 to questions.

1 CHAIRMAN HEPP: Let's try -- yeah, let's
2 see how this goes.

3 MR. MEADOWS: All right. I'll just go
4 through the exhibits. So Tab 1, let's go to page
5 11, Section 7.B.

6 CHAIRMAN HEPP: So you're in the C&B.

7 MR. MEADOWS: Right.

8 MS. HELLER: I'm sorry. Say it again?

9 CHAIRMAN HEPP: Page 11.

10 MR. MEADOWS: Tab 1, page 11, Section 7,
11 paragraph B.

12 MS. HELLER: Okay.

13 CHAIRMAN HEPP: Oh, okay. Membership
14 right and obligations.

15 BY MR. MEADOWS:

16 Q. So my question is, Captain Torell, she's
17 already conceded I'm an inactive member, so am I
18 entitled to all rights, all benefits of active
19 membership except for privileges of voting, holding
20 office, and participation in association-sponsored
21 programs?

22 A. I believe you read Section 7.B.

23 Q. Yes.

24 A. Correct?

25 Q. Yeah.

1 A. That's the Constitution and Bylaws we
2 follow, yes.

3 Q. So you agree that I'm entitled to all
4 rights and privileges and benefits of active
5 membership?

6 A. I believe it says -- it doesn't say rights
7 and privileges. It says benefits of active
8 membership except privileges of voting and holding.
9 And then you should go on into C. Do you want me to
10 go on into C and read that?

11 CHAIRMAN HEPP: Yeah. Can -- let me do
12 it. Let me read this so we're all on the same page.
13 Okay? "Apprentice and inactive members shall enjoy
14 all the benefits of active membership except the
15 privileges of voting, holding elected office, and
16 participation in association sponsored programs
17 where specific requirements prohibit such
18 participation."

19 Now, did you want to go somewhere else
20 after that?

21 MR. MEADOWS: Yeah. So right above that,
22 paragraph A, it says a member in good standing is
23 entitled to participate actively in all APA
24 activities and is entitled to all of the rights and
25 privileges and benefits of APA membership.

1 So it seems like inactive members have to
2 be in good standing because they're enjoying the
3 same things as members in good standing.

4 CHAIRMAN HEPP: Okay. I think that's
5 asked and answered though. She's already -- she's
6 given her answer --

7 MR. MEADOWS: Okay.

8 CHAIRMAN HEPP: -- as far as your
9 standing.

10 MR. MEADOWS: All right. So --

11 MS. FLETCHER: I disagree. I think we're,
12 you know, splitting hairs here and looking at words.
13 B says benefits. A says rights, privileges, and
14 benefits. I don't think that's the same.

15 MR. MEADOWS: It says benefits except the
16 privileges of voting. This thing is written really
17 badly. You're right though. It implies you have
18 privileges other than voting and holding office.

19 MS. FLETCHER: It does.

20 CHAIRMAN HEPP: It implies what? I'm
21 sorry. I missed that.

22 MR. MEADOWS: Paragraph B implies -- it
23 basically mentions privileges, but it implies you
24 have the privileges except for voting and holding
25 office.

1 MS. FLETCHER: But there's also rights.

2 MR. MEADOWS: Right. It doesn't say you
3 have rights, so it doesn't make sense. Okay.
4 That's confusing me now.

5 CHAIRMAN HEPP: Thank you, Larry. Welcome
6 to the club. It's nice to have you aboard.

7 MR. MEADOWS: Okay. So, Captain Torell,
8 as an individual member, do you -- are you obligated
9 to comply with the Constitution and Bylaws?

10 MR. THURSTIN: I object. We've already
11 answered that.

12 CHAIRMAN HEPP: I think that's asked and
13 answered.

14 MR. MEADOWS: As a secretary-treasurer is
15 she obligated to comply with the Constitution and
16 Bylaws?

17 CHAIRMAN HEPP: I think that's also asked
18 and answered.

19 MR. MEADOWS: I don't think so.

20 CHAIRMAN HEPP: She's here doing her job.
21 She's trying to comply with the rules of the road.

22 MR. MEADOWS: Captain Torell, can you
23 please read --

24 CHAIRMAN HEPP: I think that -- I think
25 we're just getting back to argument.

1 MR. MEADOWS: This is important. It's
2 going to lead to my next question.

3 CHAIRMAN HEPP: Well, but my point is,
4 Larry, is I just don't want to get back into an
5 argumentative state, and I think those are obvious
6 asked and answered questions. You've asked them. I
7 think -- I think let's call it a rhetorical
8 question.

9 MR. MEADOWS: Okay. I'll leave this to my
10 next question then. Okay. On Tab 1, page 12,
11 Section 7.E, this is my first part of my question.
12 "Members of the Association shall accept and
13 agree" --

14 CHAIRMAN HEPP: Hold on, hold on. I'm not
15 with you. Where are you?

16 MR. MEADOWS: Page 12, Section 7,
17 paragraph E.

18 CHAIRMAN HEPP: "Members of the
19 Association shall accept and agree to abide by the
20 Constitution and Bylaws of the APA as they are in
21 force or as they may be amended, changed, or
22 modified in accordance with the provisions of this
23 Constitution and Bylaws."

24 MR. MEADOWS: Correct.

25 CHAIRMAN HEPP: Okay.

1 MR. MEADOWS: Okay. So my question is,
2 given that, did you comply with Section 4 of the C&B
3 with respect to MDD pilots?

4 CHAIRMAN HEPP: In regards to what?

5 MR. MEADOWS: MDD pilots.

6 CHAIRMAN HEPP: No, but you're asking did
7 she comply with the C&B, and comply as to what? Her
8 membership cards, her --

9 MR. MEADOWS: Issuing membership cards,
10 Section 4. Did you comply with your obligation to
11 issue membership cards?

12 CHAIRMAN HEPP: Well, I think -- again,
13 I'm sorry. I mean, again, I'm trying to prevent
14 what happened earlier. And I think her point is --
15 and don't let me put words in your mouth -- is that
16 because of a lawsuit, she, I'm imagining legal
17 advice --

18 MR. THURSTIN: On the advice of counsel.

19 CHAIRMAN HEPP: -- on the advice of
20 counsel was to withhold membership cards.

21 MR. MEADOWS: So --

22 CHAIRMAN HEPP: Would that be accurate?

23 MS. TORELL: Okay. I would like to say
24 that to be fiduciarily responsible with the
25 membership's money as well as secretary-treasurer, I

1 seek legal counsel to do the best with their money
2 and their dues, and that's what I was told to do.

3 CHAIRMAN HEPP: Obviously.

4 MS. TORELL: Thank you. Appreciate it.

5 CHAIRMAN HEPP: That's just part of the
6 job.

7 MS. TORELL: Thank you.

8 CHAIRMAN HEPP: But so --

9 MR. MEADOWS: Okay. So my question is,
10 were you advised by legal counsel to violate the
11 C&B?

12 CHAIRMAN HEPP: Now, Larry.

13 MR. MEADOWS: No, that's the question.

14 CHAIRMAN HEPP: I think the question would
15 be -- I think the question would be were you advised
16 by counsel --

17 MR. MEADOWS: Not to uphold your
18 obligation.

19 CHAIRMAN HEPP: -- to withhold membership
20 cards until the lawsuit was answered. I think -- I
21 think -- because come on, Larry. Now you're just --
22 you're just -- you're throwing a grenade in the
23 room.

24 MR. MEADOWS: Captain Torell, did you --
25 were you advised to not comply with Section 4 of the

1 C&B and withhold issuance of special membership
2 cards to MDD pilots? That's the question.

3 CHAIRMAN HEPP: So read that again,
4 please.

5 (Requested text was read)

6 CHAIRMAN HEPP: How about I -- let me ask
7 the question.

8 Were you asked to withhold membership
9 cards from MDD pilots during the lawsuit?

10 MS. TORELL: I followed legal's advice.

11 CHAIRMAN HEPP: Which was?

12 MS. TORELL: I would have to go back and
13 find something in writing, but I know I just took
14 their advice.

15 CHAIRMAN HEPP: Okay. So --

16 MS. TORELL: And followed it.

17 CHAIRMAN HEPP: No, I understand. Okay.
18 So do you have -- I mean, is it an e-mail? Is it a
19 conversation? Is it a -- I mean, my point -- I
20 guess my point is, Larry's got a justified point.

21 He sent a letter asking for a membership card,
22 whatever that happened to be, inactive --

23 MR. MEADOWS: On April 4, 2014.

24 CHAIRMAN HEPP: -- active, special
25 membership. I mean, even in his charge he states

1 he's willing to accept either an active membership
2 card or a special membership card showing his
3 inactive status. He's asking for one or the other.
4 And I think it's a justified question given the
5 proceedings, you know. You know, your statement has
6 been you were given legal advice.

7 MS. HELLER: Stop for a second.

8 (Off record from 3:22 to 3:23)

9 MS. HELLER: I think, if I understand
10 Captain Torell's statement, in doing her duties she
11 has followed the direction of counsel. And as to
12 what that advice given by counsel was, I think that
13 may fall under privileged communication.

14 MR. THURSTIN: Exactly. That was my next
15 point.

16 MS. TORELL: Attorney-client privilege.
17 Thank you.

18 MS. HELLER: So I think that it is on the
19 record that you complied with your duties and
20 followed the advice of counsel in so doing.

21 MR. MEADOWS: Okay.

22 MS. HELLER: I don't think we can ask you
23 as to what that advice was specifically.

24 MR. MEADOWS: All right. So --

25 CHAIRMAN HEPP: My apologies.

1 MR. MEADOWS: So given that the first
2 request for membership cards or when it was disputed
3 in the time frame of the C&R lockout -- so on or
4 around April 2014 is when the litigation was
5 imminent or starting. I think you testified
6 earlier, when did you first take office? Was it
7 June of 2013?

8 I'm asking when she first took -- I'm
9 supposed to ask you.

10 CHAIRMAN HEPP: Do you remember? June?

11 MS. TORELL: July 1.

12 CHAIRMAN HEPP: July 2013.

13 BY MR. MEADOWS:

14 Q. Okay. So when you took office July 2013,
15 there was no litigation regarding MDD pilots. So
16 did you at that point in time uphold your
17 obligation -- let me restate it.

18 In your prior testimony you stated that
19 from the day you took office in June of 2013, you
20 believed MDD pilots were always inactive. So at the
21 time you took office, did you comply with your
22 obligations under the C&B and issue membership cards
23 to MDD pilots in June of 2013?

24 A. According to the Constitution and Bylaws,
25 there are no specific dates or times or expiration

1 dates on a special membership card. So, yes, I did
2 comply.

3 Q. Really? I didn't have a membership card.
4 I had a membership card when Scott Shankland was in
5 office and I didn't have one when you came in
6 office, so why is that?

7 CHAIRMAN HEPP: Well -- okay. So --

8 MR. MEADOWS: Can you explain why --

9 CHAIRMAN HEPP: Wait a second. I want to
10 be clear. So you had a special membership card with
11 Scott Shankland.

12 MR. MEADOWS: I had an active card until
13 September 2012, six months before she came in
14 office.

15 MS. HELLER: So --

16 CHAIRMAN HEPP: I know. We've got the
17 objection on that. Understood.

18 MS. HELLER: So from September of 2012
19 forward, you had no membership card, but she wasn't
20 in office until July of 2013. Is that correct?

21 MR. MEADOWS: Correct.

22 MS. HELLER: So there was a --

23 CHAIRMAN HEPP: So there's a gap of --

24 MS. HELLER: -- ten-month period or so
25 where you had no membership card prior to her taking

1 office? Is that correct?

2 MR. MEADOWS: Yes.

3 CHAIRMAN HEPP: Okay. So -- okay.

4 MR. MEADOWS: So it sounds to me --

5 CHAIRMAN HEPP: Well, let me ask you this.
6 So when did you send your first letter asking for a
7 membership card?

8 MR. MEADOWS: I'm looking at my records
9 right now. I have one August 3rd, 2015, I believe,
10 which is a year after the C&R lockout. I think
11 there's one prior, but I can't find it. That's all
12 I have.

13 CHAIRMAN HEPP: All right. So --

14 MR. MEADOWS: So I guess my point is --

15 CHAIRMAN HEPP: Well, hang on. So last
16 active was 2012, is 2012. And it was what,
17 August 2012? Is that what you said?

18 MR. MEADOWS: August 3rd, 2015.

19 CHAIRMAN HEPP: No, no, no, no, no. When
20 you had an active membership card was August --

21 MR. MEADOWS: September 30th, 2012.

22 CHAIRMAN HEPP: September 2012. And then
23 Pam took office July 1, 2013. And then you wrote --
24 so then you wrote your letter August 3rd, 2015,
25 asking for a membership card.

1 MR. MEADOWS: No, I take that back. That
2 was a final demand. The first request for a
3 membership card was December 4 of 2014.

4 CHAIRMAN HEPP: Where do we have that in
5 your exhibits?

6 MR. MEADOWS: Tab 10.

7 MR. THURSTIN: It's in our Tab 3,
8 Exhibit 2.

9 MS. HELLER: Oh, wait. This is which
10 group of exhibits?

11 MR. MEADOWS: My book, Meadows.

12 MS. HELLER: The new book? Not the old
13 one.

14 MR. MEADOWS: Yeah, the new one. Yeah, we
15 won't be using the old book.

16 CHAIRMAN HEPP: Tab 3?

17 MR. MEADOWS: Tab 10.

18 CHAIRMAN HEPP: Tab 10. All right. Tab
19 10 I have -- oh, certified letter December 4. Okay.
20 So -- okay. So now with that, without asking what
21 advice, when did you -- when was the -- so when was
22 the lawsuit that triggered the legal advice?

23 MR. THURSTIN: I have Document 35 filed on
24 11/3/14, November '14, in the United States District
25 Court for the District of Utah, Lawrence Meadows,

1 plaintiff, versus Allied Pilots Association.

2 MR. MEADOWS: What document is that?

3 MR. THURSTIN: It is our Tab 12, first
4 document.

5 MS. HELLER: Document 35. That was
6 November of 2014.

7 CHAIRMAN HEPP: 11/3/14, yeah. Okay. All
8 right. So, hey. Getting a little clarity here.
9 Okay.

10 MR. MEADOWS: I believe that, yeah, the
11 lawsuit only was in reference to the C&R lockout.
12 It had nothing to do with the membership card
13 issuance, so that was not disputed at that time.

14 CHAIRMAN HEPP: Well, I'm not going to ask
15 her --

16 MR. MEADOWS: No, I'm saying the LMRDA
17 claim was only with regards to the C&R lockout, so
18 there was no pending litigation regarding membership
19 cards at the time she says she was advised not to
20 issue them.

21 CHAIRMAN HEPP: Okay. I understand.

22 MR. MEADOWS: This is a --

23 CHAIRMAN HEPP: But obviously you're -- I
24 don't have -- so obviously we need to reread the
25 Utah lawsuit now. But either way, her testimony

1 is -- again, don't let me put words in your mouth --
2 is that because of that litigation, you were advised
3 not to issue --

4 MR. THURSTIN: I don't know if I would say
5 that, Chuck. I'd say she consulted with her
6 attorney.

7 CHAIRMAN HEPP: Okay. All right.

8 MR. MEADOWS: So basically, based on legal
9 advice, she failed to comply with the C&B. Doesn't
10 matter if it was approved by lawyers. Steve Hoffman
11 is not bound by the C&B. He's not going to be
12 sitting in here. She is. She is the individual
13 that took the action.

14 CHAIRMAN HEPP: And I understand your
15 claim.

16 MR. MEADOWS: Okay.

17 CHAIRMAN HEPP: Okay? So where to?

18 MR. MEADOWS: Well, let's go to LM35.
19 It's the loose document that was issued earlier.

20 CHAIRMAN HEPP: Okay. So that was
21 Wilson's testimony?

22 MR. MEADOWS: Correct.

23 CHAIRMAN HEPP: Okay.

24 MR. MEADOWS: And this is the evidentiary
25 hearing transcript dated 9/27/2016. Please go to

1 page 178 and read line 2 to 6.

2 CHAIRMAN HEPP: Okay. 178. Read line
3 what?

4 MR. MEADOWS: I'd like Captain Torell to
5 read lines 2 to 7 on page 178.

6 MR. THURSTIN: I don't have a complete
7 copy of this transcript. All I have is this
8 excerpt.

9 CHAIRMAN HEPP: Yeah.

10 MR. THURSTIN: It's kind of hard to figure
11 out what exactly is going on.

12 MR. MEADOWS: I'll certify for the record
13 that it's an exact copy of the --

14 MS. HELLER: This is Keith Wilson's
15 testimony.

16 MR. MEADOWS: Yes.

17 MS. HELLER: And you want Captain
18 Torell --

19 MR. MEADOWS: Yes.

20 MS. HELLER: -- to read Keith Wilson's
21 testimony?

22 CHAIRMAN HEPP: I think what I would say
23 is that this is what post briefs are for. You
24 should be asking for a copy of the full transcript.

25 MR. THURSTIN: We will.

1 CHAIRMAN HEPP: And --

2 MR. MEADOWS: I can turn this into a
3 simple question, if I may.

4 CHAIRMAN HEPP: Well, I think give her an
5 opportunity to read the --

6 MR. MEADOWS: She can read it to herself.
7 I don't have to --

8 CHAIRMAN HEPP: So if you've read it,
9 please let me know when you're ready for a question.
10 Just the highlighted is what he's referring to.

11 MS. TORELL: I'm ready.

12 BY MR. MEADOWS:

13 Q. Okay. What's the date of that document?

14 A. The top right corner is September 27th,
15 2016.

16 Q. Okay. So Captain Wilson has testified
17 under sworn testimony that a disabled pilot's
18 current in dues and disability is in good standing
19 prior to disability remains in good standing.

20 THE REPORTER: I'm sorry. Could you say
21 that again, a disabled pilot who --

22 BY MR. MEADOWS:

23 Q. Okay. So this is quote from Captain
24 Wilson. "Okay. So if a disabled pilot is current
25 in his dues and goes disability, so he's on good

1 standing prior to going to disability, does he
2 remain a member in good standing?" Captain Wilson's
3 answer, "He's a member in good standing. He's not
4 an active member."

5 So can you explain why Captain Wilson
6 seems to think that pilots on disability for more
7 than five years -- do you want to answer the
8 question?

9 MR. THURSTIN: Can I answer it?

10 MR. MEADOWS: No. I'm asking the witness.
11 You're not a witness.

12 MS. FLETCHER: I'm quite sure that Captain
13 Torell cannot answer what Keith Wilson thinks.

14 MR. MEADOWS: I want her to explain why
15 she has a different opinion than him.

16 MS. FLETCHER: Then ask her that.

17 BY MR. MEADOWS:

18 Q. Captain Torell, I would like to know why,
19 despite Captain Wilson's sworn testimony that
20 disabled pilots that were current in dues when they
21 went on disability remain in good standing, why you
22 disagree with him.

23 A. I would reference Article III of the
24 member -- of the Constitution and Bylaws,
25 Membership, Section 2, and continuing on into

1 Section -- complete Section 2 and the definition of
2 inactive.

3 Q. So you think Captain Wilson was wrong?

4 A. I can't speak for Captain Wilson.

5 Q. Well, do you disagree with his statement?

6 A. I was not in attendance at this hearing.

7 I do not have a --

8 Q. Let's go to --

9 A. -- complete document.

10 Q. You don't need it.

11 A. I don't feel at this time I can --

12 Q. Let's go to the next page, page 198,
13 please.

14 CHAIRMAN HEPP: But, Larry, please give
15 her the opportunity -- if you're going to ask her
16 the question, please give her the courtesy of
17 answering.

18 MR. MEADOWS: I'll go to the next one.

19 CHAIRMAN HEPP: Larry, come on. Give her
20 an opportunity to answer the question, please.

21 MR. MEADOWS: All right.

22 BY MR. MEADOWS:

23 Q. All right, Captain Torell, next question
24 on the next page, 198, Captain Wilson was asked,
25 "Okay. Since I'm current in dues, you agree I'm a

1 member in good standing, then?" Answer, "Yes."

2 So do you disagree with Captain Wilson's
3 testimony that Lawrence Meadows is a member in good
4 standing?

5 A. I am going to go back to my interpretation
6 and my understanding of your status since I have
7 been in my term that you are an inactive member.

8 Q. Are you authorized to interpret the C&B?

9 A. I -- okay. Then I would reject the word
10 "interpret." That was an improper use. You're
11 right. According to the C&B, you are an inactive
12 member.

13 Q. Then why would Captain Wilson say I am an
14 active member?

15 A. I would not -- I'm not able to speak for
16 Captain Wilson.

17 Q. Did Captain Wilson issue an interpretation
18 on membership status for MDD pilots?

19 A. Yes.

20 Q. So wouldn't you agree that he -- he's the
21 authority, and if Captain Wilson says I'm an
22 inactive member in good standing, that must be my
23 status? Are you overriding the --

24 MR. THURSTIN: I object to this line of
25 questioning. Captain Wilson --

1 MR. MEADOWS: So I guess my question is,
2 who is calling the shots here? Captain Wilson's
3 issued an interpretation. He's further clarified
4 the interpretation in sworn testimony that I'm not
5 only an inactive member, I'm an inactive member in
6 good standing. Do you disagree with that?

7 CHAIRMAN HEPP: So where -- can we just
8 read his declaration so we can get a clear idea?
9 What tab is that?

10 MS. FLETCHER: It's Tab 7 under --

11 MR. MEADOWS: Tab 12.

12 CHAIRMAN HEPP: Tab 12.

13 MR. MEADOWS: And if you want to take a
14 minute to read through that, it's two pages.

15 CHAIRMAN HEPP: Let me know when you guys
16 are ready.

17 MS. TORELL: We're ready.

18 CHAIRMAN HEPP: So there seems to be a
19 conflict between his testimony and his presidential
20 constitutional interpretation.

21 MR. MEADOWS: What conflict do you see?

22 CHAIRMAN HEPP: Well, he mentions in his
23 testimony that you're a member in good standing.

24 MR. MEADOWS: He wasn't clear. He was
25 clarifying his interpretation in that line of

1 questioning.

2 CHAIRMAN HEPP: Does he remain a member --
3 well, I don't have all of the testimony --

4 MR. MEADOWS: We can get it.

5 CHAIRMAN HEPP: -- so I don't know if it
6 was a clarification or not. But the fact is, what I
7 see, and obviously we can work this through post
8 brief, he's saying in his testimony a member in good
9 standing, but in his presidential interpretation he
10 doesn't member -- he doesn't mention whether you're
11 in good standing or not in good standing. He just
12 mentions that you are an inactive APA member.

13 MR. MEADOWS: He doesn't, because the C&B
14 says a member in good standing remains in good
15 standing. It was required, but I clarified that.

16 CHAIRMAN HEPP: Again, I think that's -- I
17 don't know what he was saying.

18 MR. MEADOWS: Okay. But his testimony
19 speaks for itself.

20 CHAIRMAN HEPP: And you have that and
21 you've asked that question and it's been answered.

22 MR. MEADOWS: Okay. Now I'm going to blow
23 your mind.

24 CHAIRMAN HEPP: Well, can you -- before
25 you do that, can I get ten minutes? Because I just

1 need to -- I need --

2 MR. MEADOWS: All right.

3 (Recess from 3:39 to 3:46)

4 CHAIRMAN HEPP: Back on the record.

5 Mr. Meadows.

6 MR. MEADOWS: All right. Let's go to Tab
7 1, page 5, paragraph B.

8 MR. THURSTIN: Paragraph D or --

9 MR. MEADOWS: B. Article 2, paragraph B.

10 MR. THURSTIN: Article 2? Okay.

11 MR. MEADOWS: And this is something I
12 brought up earlier. This was actually regurgitated
13 verbatim in the IRS document. But one of the prime
14 objectives of APA is to protect the individual and
15 collective rights of the members of the APA and to
16 promote their professional interest including timely
17 prosecution of individual and collective grievances.

18 So when you were taking your legal advice
19 not to issue membership cards, do you believe --

20 MR. THURSTIN: I object to that.

21 MR. MEADOWS: -- that protected the
22 individual and collective rights of the members?

23 MR. THURSTIN: I object. He's making a
24 stipulation that -- of what was said in a
25 confidential conversation between the attorney and

1 his client.

2 MR. MEADOWS: I'm not saying what was
3 said. I'm saying she's admitted that she's been
4 advised legally not to issue the cards, that's why
5 she didn't comply with the C&B.

6 MR. THURSTIN: No, she did not.

7 MR. MEADOWS: So you just did not comply
8 with the C&B. Is that your testimony now?

9 CHAIRMAN HEPP: Wait, wait, wait, wait,
10 wait. Let's not travel too far afield here. Okay.
11 So --

12 (Off record from 3:48 to 3:50)

13 CHAIRMAN HEPP: All right. So where are
14 we going, Larry? I mean, I think what you're trying
15 to get Pam to admit is that because of legal advice
16 she violated the Constitution and Bylaws.

17 MR. MEADOWS: Did she not issue the
18 membership cards based on legal advice I guess is
19 the question. I think she said that. Did you? I
20 could ask the question.

21 CHAIRMAN HEPP: I'm just -- I'm just
22 trying to figure out -- is that a violation of
23 attorney-client privilege?

24 MS. HELLER: I think she said --

25 MR. MEADOWS: She's piercing it by raising

1 it.

2 CHAIRMAN HEPP: Hang on, hang on.

3 MS. HELLER: She said that -- we can't ask
4 her as to the nature of the legal advice she
5 received. She has said that she did receive legal
6 advice. And that's -- we can't ask as to the
7 content of that or -- you can make your inferences.

8 MR. MEADOWS: Okay. I have a better way
9 to ask it. Captain Torell --

10 CHAIRMAN HEPP: Okay. Did you have a
11 comment?

12 MR. MEADOWS: -- was it your sole --

13 CHAIRMAN HEPP: Hold on, hold on.

14 MR. THURSTIN: One point that Captain
15 Torell's been on the somewhat stand, so to speak,
16 for over four hours. I'd like to know how long
17 we're going to continue until we make the case.

18 MR. MEADOWS: You can go seven hours in a
19 court of law.

20 CHAIRMAN HEPP: Yeah, but that's not --
21 come on, Larry. We're not --

22 MR. MEADOWS: Well, I mean, she's been so
23 evasive it's really slowed things down. We lost a
24 lot of time this morning.

25 CHAIRMAN HEPP: Let's -- let's -- she

1 knows where you're going. Okay. What is she going
2 to do if she doesn't answer the question until
3 tomorrow morning? What are you worried about?

4 MR. MEADOWS: Are we going to have an
5 extra day then?

6 CHAIRMAN HEPP: Maybe. I'm not thrilled
7 with the idea, but if that's what it takes, that's
8 what it takes.

9 MR. MEADOWS: As long as we get an extra
10 day if we need it.

11 CHAIRMAN HEPP: Can we get an extra day?
12 Can we get Friday?

13 MS. TORELL: As I went back, they are in a
14 board meeting right now, weekly update. Yes.

15 CHAIRMAN HEPP: Who?

16 MS. TORELL: The board. We have weekly
17 updates every Wednesday and they are in it right
18 now, so I am here instead of that. And from what I
19 confer as when I was back there, they will have a
20 voting conference call on Friday.

21 CHAIRMAN HEPP: So that means you can't
22 delegate that responsibility to someone else and be
23 here? When is the conference call? What time is
24 the call?

25 MS. TORELL: I don't know the dates -- I

1 don't know the time yet. I just know that it's
2 Friday. It does involve financial issues.
3 Otherwise, I could understand delegating that
4 authority.

5 CHAIRMAN HEPP: Well, let me -- so can you
6 get a time?

7 MS. TORELL: Yes, I can get a time. I
8 will. As soon as I have it, I will provide that to
9 you.

10 CHAIRMAN HEPP: So do you think you'll
11 know this afternoon, or you won't know until
12 tomorrow?

13 MS. TORELL: No, they will know within
14 probably another 30 minutes.

15 CHAIRMAN HEPP: Okay. So would you mind
16 if we went another 30 minutes and then we'll call it
17 a day and --

18 MR. THURSTIN: Let's see where we're at in
19 30 minutes.

20 CHAIRMAN HEPP: That's 4:20 anyway.

21 MR. MEADOWS: We're not even through the
22 membership issue, and we have to get to the
23 grievance part.

24 CHAIRMAN HEPP: I totally -- Larry, I'm
25 right there with you, but I'm running out of steam.

1 MR. MEADOWS: I get it.

2 CHAIRMAN HEPP: You know, I'm an old man,
3 now, Larry, and you've added a few gray hairs.

4 MR. MEADOWS: Not under Part 117. You can
5 give me up to 18 hours, I think, or something.

6 CHAIRMAN HEPP: Do what? Three-man crew?
7 Yeah, but I get breaks. I haven't gotten any
8 breaks. There's no rest seat. I need a footrest.

9 MS. HELLER: Is your preference to end
10 earlier today rather than continue?

11 MS. TORELL: No, I would rather go on
12 today.

13 MS. HELLER: Rather go longer today?

14 MS. TORELL: Exactly.

15 CHAIRMAN HEPP: Okay.

16 MR. THURSTIN: We'd rather wrap this up as
17 quickly as possible. We'd just like Mr. Meadows to
18 make his case.

19 MR. MEADOWS: It's going to be awhile.
20 We're probably like halfway through the testimony.
21 So if you want to go faster, I'd like your client to
22 testify a little bit more --

23 CHAIRMAN HEPP: Larry, come on, Larry.
24 We're trying to keep this civil, and so far we've
25 done okay for the last few hours.

1 MR. MEADOWS: So I'm confused.

2 CHAIRMAN HEPP: But to get back on point,
3 I think where you're driving is you're trying to get
4 her to say that she's violated the C&B because she
5 did not give out membership cards based on a lawsuit
6 that was brought by you in Utah.

7 MR. MEADOWS: Yeah, but there's no
8 provision in the C&B for litigation hold. And the
9 litigation hold amounts to a violation of my right
10 to sue, basically. It's like a form of retaliation.

11 BY MR. MEADOWS:

12 Q. I guess my question is, do you concede
13 that Section 4 of the C&B requires you to issue MDD
14 pilots special membership cards? Do you --

15 A. Say -- go ahead.

16 Q. Captain Torell, do you concede that
17 Section 4 of the C&B requires you to issue MDD
18 pilots, as inactive members, special membership
19 cards?

20 A. Article III, Section 4 states, as we spoke
21 before, honorary members, apprentice members,
22 retired members, and inactive --

23 Q. I didn't ask you to read it. I just asked
24 you to answer the question.

25 CHAIRMAN HEPP: She's answering the

1 question.

2 A. I am.

3 CHAIRMAN HEPP: Please.

4 A. I am sorry. Honorary members, apprentice
5 members, retired members, and inactive members shall
6 receive special membership cards. I believe that
7 answers your question?

8 BY MR. MEADOWS:

9 Q. Okay. And did you issue special
10 membership cards when you became secretary-treasurer
11 to inactive members?

12 A. There's no stipulation in the Constitution
13 and Bylaws.

14 Q. Just yes or no?

15 A. That -- there is no stipulation in the
16 Constitution and Bylaws, and there is no expiration
17 date on a special membership card.

18 Q. When you were given written request by me
19 for special membership cards via certified mail and
20 e-mail, did you issue a membership card to me based
21 on my written request?

22 A. Again, attorney-client privilege.

23 Q. No. This is not attorney-client
24 privilege. I'm asking --

25 A. Indirectly.

1 Q. No, it's not indirectly. The question
2 is --

3 CHAIRMAN HEPP: Don't talk -- okay. So --
4 BY MR. MEADOWS:

5 Q. Here's the question. I made two written
6 requests upon you via certified mail to issue a
7 special membership card. Did you or did you not
8 issue me a membership card based on those requests?

9 A. We already answered this question.

10 MR. MEADOWS: Object. That's not an
11 answer. I need to know -- I don't care if she's
12 told by the lawyers or whatever. I want to know if
13 she issued it or not.

14 MS. FLETCHER: When did you get your
15 special membership card?

16 CHAIRMAN HEPP: Well, I think you know the
17 answer to that, Larry. When did you get your
18 special membership card?

19 MS. HELLER: 2016, correct?

20 MR. MEADOWS: December 2016 sometime. The
21 letter was undated.

22 CHAIRMAN HEPP: Okay. So did you get it
23 prior to that time?

24 MR. MEADOWS: No.

25 CHAIRMAN HEPP: Any other MDD pilots you

1 know got special membership cards prior to that
2 time?

3 MR. MEADOWS: Did you -- did you receive
4 any requests in the last two years from other MDD
5 pilots for special membership cards?

6 CHAIRMAN HEPP: No, that's not -- I'm not
7 asking her. I'm asking you. Do you know anybody
8 who had received any other --

9 MR. MEADOWS: I know other pilots that
10 made written requests and did not receive cards,
11 yes.

12 CHAIRMAN HEPP: Okay. So you're not the
13 only one.

14 MR. MEADOWS: I'm not the only one.

15 CHAIRMAN HEPP: And did they receive them
16 in 2016?

17 MR. MEADOWS: In 2016, two years after
18 they asked for them.

19 CHAIRMAN HEPP: So you now have your time
20 line. Okay? We've got the -- we've got your last
21 active in 2012. Pam became secretary-treasurer
22 July 1, 2013. You wrote your first letter August 3,
23 2015.

24 MR. MEADOWS: No.

25 CHAIRMAN HEPP: No, I'm sorry, December 4,

1 2014. Excuse me. And we have a lawsuit in Utah
2 11/3/2014, and she's claiming attorney-client
3 involving your question about the issuing of cards.
4 And now you've gone to one --

5 MR. MEADOWS: I'm just asking her to
6 acknowledge -- okay.

7 CHAIRMAN HEPP: But, Larry, it's rote.
8 Okay? The dates, the facts that are in place answer
9 the question. So what more are you trying to draw?

10 MS. HELLER: I think maybe can we
11 stipulate that you requested it in --

12 MR. MEADOWS: December 4 of 2014.

13 MS. HELLER: -- 2014. You received it --
14 you received a special membership card --

15 MR. MEADOWS: Two years later.

16 MS. HELLER: -- two years later.

17 That's --

18 BY MR. MEADOWS:

19 Q. Can you give me an explanation for the
20 two-year delay? Captain Torell, can you please give
21 me an explanation as to why it took you two years to
22 issue a special membership card based on my request
23 dated December 4 of 2014?

24 CHAIRMAN HEPP: You guys can huddle up if
25 you want.

1 MS. TORELL: Yeah.

2 CHAIRMAN HEPP: It's okay. That's what
3 he's there for.

4 (Discussion between Ms. Torell and
5 Mr. Thurstin)

6 A. Okay. Exactly. Probably as I've stated
7 previously, at the advice -- I've had -- obviously
8 went to general counsel, and that again is
9 attorney-client privilege. That's what they told me
10 how to handle it.

11 BY MR. MEADOWS:

12 Q. Okay. Do you think, knowing what you know
13 now, was that decision to delay issuance of
14 membership card in the best interest of the
15 association?

16 CHAIRMAN HEPP: What relevance does that
17 have on the bearing of charges?

18 MR. MEADOWS: Well, it's one of the
19 violations of Article VII. She acted against the
20 best interest of -- I'll get it right here.

21 CHAIRMAN HEPP: No, I understand what
22 Article VII states.

23 MR. MEADOWS: Well, we've got to establish
24 two things. Her failure to issue membership cards
25 in compliance with Section 4, was it willful. She's

1 just acknowledged it was because she did not do it
2 at the advice of counsel. And number two, the other
3 thing I want to establish is --

4 MS. FLETCHER: That's not willful.

5 MR. MEADOWS: Well, sure it is. She made
6 a deliberate decision not to issue it.

7 MS. FLETCHER: On advice of counsel.

8 MR. MEADOWS: But the C&B doesn't provide
9 for advice of counsel.

10 MS. FLETCHER: Well, that's still not
11 willful. Willful would be they said do it and she
12 said no. That's willful.

13 MR. MEADOWS: I said do it and she said
14 no. I said do it and she said nothing for two
15 years. So that's willful. I'm a member. She works
16 for me, not the other way around.

17 MR. THURSTIN: I object.

18 MR. MEADOWS: Well, she's --

19 CHAIRMAN HEPP: Noted.

20 MR. MEADOWS: -- tasked with serving the
21 membership, not the institution, not Steve Hoffman.

22 CHAIRMAN HEPP: Okay. Let's get back --
23 let's get back on track.

24 MR. MEADOWS: Okay.

25 CHAIRMAN HEPP: Okay? You've --

1 MR. MEADOWS: So do you believe that your
2 decision --

3 CHAIRMAN HEPP: Well, stand by one. Did
4 you have anything to add to your objection?

5 MR. THURSTIN: My objection was that, you
6 know, he keeps making the statement he's a member.
7 He's an inactive member.

8 CHAIRMAN HEPP: I --

9 MR. THURSTIN: If we understand that.

10 CHAIRMAN HEPP: Jeff, that's all -- that's
11 all post --

12 MR. THURSTIN: Very good.

13 CHAIRMAN HEPP: Well, that'll all be post
14 brief. And, you know, just like, you know, I've
15 done a couple arbitrations when you feel like you've
16 said the wrong thing and you wish you'd said it a
17 little differently, that's what post briefs do.
18 They explain, as I'm sure Capt -- or Larry Wilson or
19 Larry --

20 MR. MEADOWS: Larry Wilson.

21 MR. THURSTIN: You are tired.

22 CHAIRMAN HEPP: I know. It's getting to
23 be a long day for me.

24 MR. MEADOWS: Kathy Meadows. Kathy
25 Meadows, my wife.

1 MS. TORELL: Kathy Meadows.

2 CHAIRMAN HEPP: Yeah, there you go.

3 MR. MEADOWS: That would be bad. Okay.

4 CHAIRMAN HEPP: You said it, not me.

5 MR. MEADOWS: Yeah.

6 MS. TORELL: I said it.

7 MR. MEADOWS: Tab 16. Let's go to Tab 16,
8 the fourth page in, paragraph O.

9 MS. HELLER: Is this the LMRDA?

10 MR. MEADOWS: Yes. This is the LMRDA,
11 29 U.S.C. 401, paragraph O.

12 BY MR. MEADOWS:

13 Q. Captain Torell, can you please read
14 paragraph O for me.

15 A. Paragraph O. "Quote, Member, quote, or,
16 quote, member in good standing, end of quote, when
17 used in reference to a labor organization, includes
18 any person who has fulfilled the requirements for
19 membership in such organization and who neither has
20 voluntarily withdrawn from membership nor has been
21 expelled or suspended from membership after
22 appropriate proceedings consistent with lawful
23 provisions of the Constitution and Bylaws of such
24 organization."

25 Q. Okay. So my first question is, have I

1 fulfilled all the requirements for membership in the
2 association?

3 A. This references a member in good standing,
4 and you are an inactive member.

5 Q. You can't interpret the LMRDA. I'm sorry.
6 You can only read between the four corners of that
7 document.

8 CHAIRMAN HEPP: Okay. Again, please allow
9 me --

10 MR. MEADOWS: Okay. All right.

11 CHAIRMAN HEPP: -- to pretend to be --

12 MR. MEADOWS: Well, it's the four corners
13 of a federal --

14 CHAIRMAN HEPP: -- the chairman while
15 you're in the room.

16 MR. MEADOWS: I'm sorry.

17 CHAIRMAN HEPP: That's okay. So where are
18 we going now, Larry?

19 MR. MEADOWS: I object, Captain Hepp. She
20 has to confine her testimony to the four corners of
21 this federal document. And it's relevant because
22 it's referenced in the C&B.

23 CHAIRMAN HEPP: Okay. So -- well, but
24 again, Larry, we're not a court of law. You're
25 going to write a brief to us --

1 MR. MEADOWS: I want to ask these three --

2 CHAIRMAN HEPP: -- that says that --

3 MR. MEADOWS: These three specific --

4 CHAIRMAN HEPP: -- the LMRDA makes the
5 claim that you're a member in good standing based on
6 this document.

7 MR. MEADOWS: Yes. My --

8 CHAIRMAN HEPP: I haven't had the
9 opportunity to read the whole document, so I have no
10 idea --

11 MR. MEADOWS: But there's three
12 requirements, and I just want to know if I meet them
13 or not.

14 CHAIRMAN HEPP: But wait a second. First
15 off, again, these documents should have been
16 exchanged seven days ahead so everyone had an
17 opportunity to look at them.

18 MR. MEADOWS: Not required though.

19 CHAIRMAN HEPP: Please, Larry.

20 MR. MEADOWS: She didn't give me hers.

21 CHAIRMAN HEPP: And don't get me wrong.
22 I'm not happy about that either. This thing would
23 be going along much faster had we. So we are where
24 we are, but again --

25 MR. MEADOWS: I'll move on. I --

1 CHAIRMAN HEPP: -- just as we are trying
2 to be fair to you, we are also fair to Ms. Torell.
3 And you're asking her to read one paragraph of a
4 document and then make a judgment without actually
5 having the opportunity to read the entire document.
6 And by God, it's the LMRDA. You know, it would seem
7 like she could use a little advice, legal advice on
8 the issue as to whether this stipulates -- where
9 this stipulates your case. You know, it's --
10 there's got to be an element of fairness here.

11 MS. HELLER: And I think --

12 MR. MEADOWS: Well, I think --

13 MS. HELLER: I think also for the sake of
14 argument, if the C&B is in violation of the LMRDA,
15 this is not the forum for it.

16 MR. MEADOWS: Well, no, it is because the
17 C&B is specifically -- it refers to the federal
18 statutes, the right to inspect records and stuff.
19 It's clearly speaking to the LMRDA. So the C&B is
20 citing authority to the LMRDA --

21 MS. HELLER: Correct.

22 MR. MEADOWS: -- for the membership
23 issues.

24 MS. HELLER: But let's say the whole C&B
25 is in violation of the LMRDA.

1 MR. MEADOWS: And it is. For example --

2 MS. HELLER: May or may not be.

3 CHAIRMAN HEPP: Just let --

4 MR. MEADOWS: I just want to make it --

5 MS. HELLER: But to play devil's

6 advocate --

7 CHAIRMAN HEPP: Let Ms. Heller finish her
8 point.

9 MS. HELLER: -- let's say that it is in
10 violation. We as the board, that's not our role.

11 MR. MEADOWS: I got it.

12 MS. HELLER: We're ruling within --

13 MR. MEADOWS: I got it.

14 MS. HELLER: -- the C&B. The federal
15 courts are the ones who are going to say, hey, the
16 APA --

17 MR. MEADOWS: No, I understand.

18 MS. HELLER: -- and C&B is completely --

19 MR. MEADOWS: And honestly, I --

20 CHAIRMAN HEPP: And I think -- and I think
21 the issue --

22 MR. MEADOWS: But for general counsel's
23 decision, I would have been in federal court
24 resolving this. I'm sorry I have to spare you this.

25 CHAIRMAN HEPP: The Emery case I think is

1 a perfect example of the difference between what
2 we're asked to do and what the federal courts are
3 asked to do. So I think if you're going to ask her
4 questions on a complicated document as this, you've
5 got to at least give her the opportunity --

6 MR. MEADOWS: We'll go to tomorrow, but
7 the point -- I want to understand, just --

8 CHAIRMAN HEPP: So can you guys -- is
9 it -- can you guys work through this between now
10 and -- I mean, it's a mouthful.

11 MR. THURSTIN: I think that in deference
12 to what Ms. Heller said, is this within the scope of
13 the board, of the appeal board?

14 MR. MEADOWS: It's within the scope of the
15 C&B.

16 CHAIRMAN HEPP: Personally, I mean, that's
17 one of the things we're going to have to wrestle
18 with as a board as to -- but, I mean --

19 MR. THURSTIN: Pam Torell follows --

20 CHAIRMAN HEPP: I don't want to say it
21 without getting --

22 (Off record from 4:07 to 4:08)

23 CHAIRMAN HEPP: We're all on the same page
24 here and, yes, Ms. Heller is correct. This just is
25 not the forum for an interpretation of the LMRDA.

1 MR. MEADOWS: Okay.

2 CHAIRMAN HEPP: I don't have the -- I
3 don't have the wherewithal to come up, number one.
4 They don't -- haven't seen the document up until
5 this point, two, and they should have the
6 opportunity to work through it to at least get up to
7 some level of expertise. You've obviously had ample
8 opportunity.

9 MR. MEADOWS: I'm just trying to use that
10 definition, but I guess --

11 CHAIRMAN HEPP: And I think, if you'll
12 allow me to finish, you're going to have your
13 opportunity when you go back to Utah.

14 MR. MEADOWS: Yeah, but I shouldn't have
15 to. And I guess my point is this. I'd like just to
16 make a comment to Captain Torell and to the board.

17 It's within the power of the APA to fix a
18 lot of these issues. I don't know why they want to
19 go to federal court and be found out that there
20 can't be such a thing as active or inactive members
21 and the fact that people like me cannot vote,
22 because we're members in good standing under the
23 LMRDA and we're entitled to all rights and
24 privileges. And it's going to cost the association
25 hundreds of thousands and all kinds of resources.

1 They already lost their E&O policy. They already
2 lost numerous counsel over these issues.

3 I mean, it's been -- I can't use the word,
4 but it's been a CF. It's a total screw job for the
5 union. And Keith Wilson testified what a nightmare
6 it was after C&R lockout trying to effectuate,
7 implement all the programming changes to lock out a
8 small group of pilots. What did they accomplish?
9 What were they afraid of? I was going to spill the
10 beans on their failure with Western Medical? So
11 what? The membership has got to know.

12 And I'm not here to punish Pam Torell or
13 make it personal. I'm just here to get my job back.
14 And I bear responsibility to all the MDD pilots.
15 Because of me, everyone was locked out of C&R.

16 CHAIRMAN HEPP: Well, thanks to Ms. Emery
17 and Dan Carey, they're back on.

18 MR. MEADOWS: I know, but I'm saying this
19 not in good standing issue is lingering, and I have
20 an obligation to fix that. I'm just trying to
21 make -- I'm coming back here. I'm trying to make it
22 better.

23 And I think the one takeaway from here,
24 Pam has the power, Dan has the power, and I've
25 talked to them about it, they really need to issue a

1 proper interpretation because the interpretation
2 that everyone's relying on now, this Keith Wilson
3 interpretation, is void and unenforceable on its
4 face because he's interpreting the CBA in addition
5 to the C&B which he has no authority for. So that
6 whole interpretation has been -- I talked to a labor
7 attorney. It's invalid. Only a system board can
8 interpret the terms of the CBA.

9 And there's all this big fallacy that APA
10 has gone into the record in the Emery litigation how
11 pilots like me are terminated under Section 11 and
12 removed from the list. There's no such thing. You
13 simply cease to retain and accrue your relative
14 seniority as was basically upheld by the testimony
15 of Scott Hansen and Jim Anderson in the Emery
16 deposition.

17 So there's a lot of things that should be
18 fixed, but it's just -- so I guess it goes back to
19 my question was, was this all in the best interest
20 of the association? I mean, that's my question.
21 Because it's cost a lot of money and a lot of time
22 and resources and a lot of frustration, a lot of
23 pissed off people, and it's just -- I don't know why
24 we're doing it.

25 CHAIRMAN HEPP: Well, I would -- again,

1 look. Not everything you say is wrong. When the
2 board sits and passes -- every time the board sits,
3 it's a constitutional convention. You know? And
4 that's unusual for our union. That normally
5 doesn't -- it's not that way. Normally you have
6 particular times of the year or you have particular
7 years where you can make alterations to a
8 constitution, but that's not true with our union.
9 Every time they sit, they can pass whatever
10 resolution they want to alter the Constitution and
11 Bylaws. That's just the rules of the road that we
12 live by, Larry.

13 MR. MEADOWS: Right.

14 CHAIRMAN HEPP: When problems come up, you
15 know, people sit around that table who don't have a
16 lot of experience but are trying to do what they
17 think is in the best interest of the membership to
18 fix whatever those problems come up with, just like
19 now that all the MDD pilots are back on C&R and now
20 there's an agreement to not have people drop off the
21 seniority list in five years. Things generally --
22 it's like watching glaciers melt. I mean, it just
23 happens slowly.

24 MR. MEADOWS: Those are hard fought
25 issues. That's the issue I've been fighting for the

1 whole time.

2 CHAIRMAN HEPP: But the -- this board,
3 appeal board isn't -- has to stick within the
4 confines of what we're given, and we're given the
5 constitution and the policy manual. And it's not a
6 perfect document, I agree. But that's -- those are
7 the cards that we're dealt. And we're just trying
8 to do the best that we can given the situation we're
9 in. And that's just where we are.

10 MR. MEADOWS: Okay.

11 CHAIRMAN HEPP: So it's not a perfect
12 document. Yes, I'd like to -- there are a lot of
13 people in this building that have been working to
14 try and get this fixed, but there never seems to be
15 enough time. You know, there never seems to be room
16 on the agenda to talk about constitutional
17 membership issues and try to fix them.

18 MR. MEADOWS: But it's costing the
19 association a lot of money.

20 CHAIRMAN HEPP: I'm sorry?

21 MR. MEADOWS: It's costing the association
22 a lot of money because --

23 CHAIRMAN HEPP: Most definitely.

24 MR. MEADOWS: How can you not have --
25 perfectly define what a member in good standing is?

1 That's just ridiculous.

2 CHAIRMAN HEPP: Well, to not comment -- to
3 not agree or disagree, it's just this is where we
4 are.

5 MR. MEADOWS: Okay. And unfortunately,
6 the only way -- you're right -- is if the
7 association and the BOD, they got more important
8 shit to worry about, so it's not going to get fixed.
9 And it's going to take a federal court ruling at a
10 great expense of time and aggravation. And I don't
11 really relish doing it, but I'm going to have to do
12 it, you know.

13 CHAIRMAN HEPP: Well, I mean, it worked
14 for Ms. Emery.

15 MR. MEADOWS: Yeah, well, the LMRDA is a
16 very powerful remedy.

17 CHAIRMAN HEPP: And I think if you look,
18 it moved the ball forward.

19 MR. MEADOWS: And APA is emblematic of
20 APA's association being in flagrant violation of the
21 LMRDA across the board on a lot of issues, and it's
22 bad. Pam Torell, she's the one filing the LM-2
23 reports of the LMRDA.

24 CHAIRMAN HEPP: To keep it at 30,000 feet
25 instead of casting stones down here --

1 MR. MEADOWS: I'm not casting stones, but
2 I mean --

3 CHAIRMAN HEPP: -- I would just say that,
4 you know, there's always more fires than there are
5 firemen. I mean, you just can't put all the fires
6 out. And we're just trying to do -- look, like I
7 say, Larry, I think we worked hard to give you your
8 fair day, as stipulated by the judge in Utah and
9 stipulated by the conscience of this board. So,
10 sorry, sorry. So where are we going?

11 MR. MEADOWS: Okay. I guess I wanted to
12 ask a question. Was the decision to delay issuance
13 of special membership cards in the best interest of
14 the association in your opinion?

15 MR. THURSTIN: It's already answered.

16 CHAIRMAN HEPP: I'm sorry?

17 MR. THURSTIN: I say I object. It's
18 already answered.

19 MR. MEADOWS: It's not answered. I don't
20 know the answer to that. What did she say? It's
21 not clear to me.

22 CHAIRMAN HEPP: Yeah, honestly, I mean,
23 you may have answered. Do you want to roll up
24 again? Because I'm not sure -- did he ask that
25 previously? I got so lost in --

1 THE REPORTER: I don't know. I'd have to
2 look.

3 CHAIRMAN HEPP: Would you, please?

4 THE REPORTER: This is going to take me
5 just a bit though.

6 Question was asked and there was a lot of
7 colloquy afterwards and I don't see an answer.
8 There was a lot of colloquy and back and forth and
9 y'all went into private discussion, and I don't see
10 an answer.

11 CHAIRMAN HEPP: What was your question
12 again, Larry?

13 MR. MEADOWS: Question was, do you believe
14 that your decision to delay the issuance of special
15 membership cards for some two years after my first
16 written request was in the best interest of the
17 association?

18 MS. TORELL: Larry, all --

19 CHAIRMAN HEPP: There is one -- oh, I'm
20 sorry. I didn't mean to interrupt.

21 MS. TORELL: No. Were you speaking?

22 CHAIRMAN HEPP: No, no.

23 MS. TORELL: Okay. To the chair? All my
24 actions and duties as secretary-treasurer are to the
25 best interest of the membership. That is what I

1 promised them, and that's what I try to do.

2 MR. MEADOWS: I'm not asking generalities.
3 I'm asking very specifically if she feels like the
4 decision --

5 CHAIRMAN HEPP: I think that's asked and
6 answered.

7 MR. MEADOWS: Okay. So -- okay. Do you
8 know what it cost the association in legal fees for
9 the Emery and Meadows litigation related to the C&R
10 lockout and the membership card issue --

11 CHAIRMAN HEPP: Okay. I'm going to --

12 MR. MEADOWS: -- including the --

13 CHAIRMAN HEPP: I'm going to have to
14 object to that.

15 MR. MEADOWS: Why? It's public knowledge.

16 CHAIRMAN HEPP: Well, then -- but my point
17 is, it's not -- it's not relevant to the
18 proceedings.

19 MR. MEADOWS: It's relevant to if it was
20 in the best interest of the association. I want to
21 know what was spent and if there was a cost-benefit
22 analysis done.

23 CHAIRMAN HEPP: But, Larry, I'm going
24 to -- again, I'm just -- that's like saying when we
25 go into negotiations, you know, the board goes into

1 private caucus and they're trying to decide, you
2 know, is it better to get language in a hotel
3 section versus, you know, disability versus -- I
4 mean, it's -- you do the -- it's --

5 MR. MEADOWS: I guess was there any
6 cost-benefit analysis -- Captain Torell, was there
7 any cost-benefit analysis done in consideration of
8 the membership card issue, whether to issue it or
9 not? Was cost and risk of litigation taken into
10 account?

11 MR. THURSTIN: I object because I think
12 this has already been answered. She did the best
13 she could at the time based on counsel and
14 everything else.

15 MS. FLETCHER: He's asking though. He's
16 asking if anybody looked at the cost of this issue.
17 I think that's different. She may not know the
18 answer, but he's asking. Are you aware of any
19 cost-benefit analysis that was completed at APA
20 related to the membership card issue?

21 MR. THURSTIN: The only thing I have issue
22 with it is we don't know what -- because I do
23 analysis when I'm not screwing around with this
24 stuff, so to speak. But we have no idea of what is
25 coming in regards to litigation, how many appeals

1 are going to go on. You could say, yeah, we did a
2 cursory analysis, but it would not be anywhere near
3 close to what the actual cost will be.

4 MS. FLETCHER: I think he just wants to
5 know if anything was done.

6 MS. TORELL: I don't know. I cannot
7 answer that. To the best of my knowledge, I don't
8 know.

9 MR. MEADOWS: Well, so that brings me to a
10 question. I mean, you've already admitted that you
11 did not comply with C&B on the advice of legal
12 counsel for purposes of delaying the issuance of
13 special membership cards.

14 CHAIRMAN HEPP: He's tired, so I'm going
15 to object for Jeff.

16 MR. MEADOWS: Really? Why?

17 CHAIRMAN HEPP: Well, because, again,
18 you're trying to link her --

19 MR. MEADOWS: Do you think you got good
20 legal advice on that decision? I'm not asking what
21 it was. Do you think it was good?

22 MR. THURSTIN: I object. I object to
23 that.

24 MS. TORELL: Thank you.

25 CHAIRMAN HEPP: Larry, please. I mean --

1 MR. MEADOWS: Do you know why -- Captain
2 Torell, do you know why James & Hoffman was fired as
3 general counsel?

4 CHAIRMAN HEPP: Larry --

5 MR. MEADOWS: That's a relevant question.

6 CHAIRMAN HEPP: -- would you please direct
7 your comments to me --

8 MR. MEADOWS: Yes, sir.

9 CHAIRMAN HEPP: -- because we're getting
10 back --

11 MR. MEADOWS: Okay, Mr. Captain Torell.

12 CHAIRMAN HEPP: Thank you.

13 MR. MEADOWS: Captain Torell, do you know
14 why James & Hoffman was terminated as general
15 counsel?

16 CHAIRMAN HEPP: Yes.

17 MR. MEADOWS: You do? Why?

18 CHAIRMAN HEPP: Yeah. That's -- I'm
19 keeping that one to myself.

20 MR. MEADOWS: I'm actually asking her.

21 CHAIRMAN HEPP: I understand, but it's
22 conjecture. You're looking at 20 years. You know,
23 you're going back to Slikkerveer, Sovich and Hunter
24 when they were the president. And the union, you
25 know, picked James & Hoffman to be legal counsel.

1 And then all of the, you know, think of all the crap
2 that happened between the time they were hired and
3 the time they were fired.

4 I think it's -- I don't think you can sit
5 there and look at one particular incident and say
6 this is why they were hired or fired. It's a
7 accumulation of, you know, 15 years' worth of
8 having -- and, Larry, having been personally in a
9 lot of those fights, I can tell you, it's not just
10 one issue.

11 MR. MEADOWS: Okay.

12 CHAIRMAN HEPP: Having been there. And I
13 think it's -- again, I just think it's unfair to ask
14 Pam. She hasn't been around. She hasn't seen
15 enough.

16 MR. MEADOWS: All right. Well, Captain
17 Torell --

18 CHAIRMAN HEPP: That's deep water you're
19 treading in.

20 MR. MEADOWS: Was the E&O insurance
21 terminated as a result of the litigation related to
22 Emery and Meadows and the C&R lockout and the
23 failure to issue membership cards?

24 CHAIRMAN HEPP: Okay. Can you explain to
25 me what E&O insurance is?

1 MR. MEADOWS: Errors and omissions
2 insurance.

3 CHAIRMAN HEPP: It's like directors and
4 officers insurance --

5 MR. MEADOWS: Professional liability
6 insurance.

7 CHAIRMAN HEPP: -- kind of thing?

8 MR. MEADOWS: Yeah.

9 CHAIRMAN HEPP: What relevance does that
10 have in --

11 MR. MEADOWS: A lot. Because her
12 decisions clearly couldn't be in the best interest
13 of the association if it resulted in blowing up the
14 E&O policy and leave the membership exposed and
15 vulnerable and uninsured, which it did, because
16 there's so many claims against the insurance policy
17 in Emery and Meadows litigation, among other things.
18 So that's my question. I mean, these decisions to
19 not follow the C&B have consequences.

20 CHAIRMAN HEPP: Please, Larry, make your
21 statement.

22 MR. MEADOWS: Okay. So my question is --

23 CHAIRMAN HEPP: No, no, no. Larry, you've
24 got something you want to say.

25 MR. MEADOWS: No, no. I --

1 CHAIRMAN HEPP: Just say it.

2 MR. MEADOWS: I want to know if that's why
3 the E&O policy was canceled. Why was it canceled?
4 It's public knowledge. Dan Carey said it was
5 canceled at the BOD meeting in August of 2015.

6 CHAIRMAN HEPP: Okay.

7 MR. MEADOWS: Or '16.

8 CHAIRMAN HEPP: So, again, we're back to a
9 situation where it's public knowledge.

10 MR. MEADOWS: No, but not as to why it was
11 canceled, only that it was.

12 CHAIRMAN HEPP: Okay. But again --

13 MR. MEADOWS: It was canceled
14 September 2015, and it was disclosed to the
15 membership in the BOD minutes in August of 2016.

16 CHAIRMAN HEPP: Here's what I am hearing.
17 So forget about the -- am I going too far? Do you
18 guys want to just answer this or --

19 MS. TORELL: I'm fine with what you're --
20 I'm fine.

21 CHAIRMAN HEPP: Answering it?

22 MR. THURSTIN: You know, we're asking Pam
23 to get ahead of the decision-making process that she
24 was not decider on. I don't believe Pam Torell made
25 a decision on whether or not to get rid of the

1 insurance, retain James & Hoffman, get rid of James
2 & Hoffman. Those decisions were made above her. So
3 I don't understand where the relevance or what he
4 thinks he's going to get out of this.

5 MR. MEADOWS: Well, is Captain Torell, is
6 she or is she not responsible for the financial
7 affairs of the association?

8 CHAIRMAN HEPP: But that doesn't mean she
9 does the hiring and the firing.

10 MR. MEADOWS: No, it's got to do with she
11 should act to make sure our E&O insurance is not
12 terminated as a result of unlawful acts or actions
13 of the officers of the association.

14 CHAIRMAN HEPP: Yeah, but you don't
15 know -- an insurance company never tells you if you
16 have one more accident I'm going to cancel your car
17 insurance.

18 MR. MEADOWS: I'm asking her why. Yeah,
19 they do.

20 CHAIRMAN HEPP: Mine doesn't.

21 MR. MEADOWS: They said that they would
22 reinsure APA until the Emery and Meadows litigation
23 were concluded. That's what they were told.

24 CHAIRMAN HEPP: Well, then there you go.

25 MR. MEADOWS: But I want to know what she

1 felt because I'm trying to establish if she knew
2 that she was acting in the best interest of the
3 association or not. And clearly she wasn't, but I'm
4 trying to prove that. I need to prove that in order
5 to establish my charge under Article VII.

6 I basically assert that her decision was
7 not in the best interest of the association, but I
8 need her answers to help prove that. I want to know
9 what she did and didn't do. Clearly, it sounds like
10 she did nothing and just was ignorant to everything
11 blowing up around her and didn't take any -- well,
12 she's not testified to the contrary. She's not
13 defending herself.

14 CHAIRMAN HEPP: Well, but again, under her
15 right or responsibilities, she just writes the
16 checks. She doesn't decide the hiring and the
17 firing. She doesn't decide the legal matters or
18 what directions the union goes. I mean, that's --
19 those are -- these are board decisions. These are
20 president's decisions.

21 MR. MEADOWS: Okay. So --

22 CHAIRMAN HEPP: When I was on the -- when
23 I was on the board, these are the things that come
24 up that are part of strategy and generally --

25 MR. MEADOWS: I guess that's the question.

1 CHAIRMAN HEPP: -- unfortunately, come up
2 in closed session.

3 MR. MEADOWS: I'll help clarify it. Did
4 the board -- who terminated James & Hoffman? Did
5 the board terminate James & Hoffman, or was it
6 officers of the association?

7 CHAIRMAN HEPP: I don't know. I know who
8 did it.

9 MR. MEADOWS: I'm asking Pam Torell.

10 CHAIRMAN HEPP: I'm sorry. Okay.

11 MR. MEADOWS: Captain Torell --

12 CHAIRMAN HEPP: Do you know who -- do you
13 know who terminated James & Hoffman?

14 MR. MEADOWS: -- do you know who
15 terminated James & Hoffman?

16 CHAIRMAN HEPP: Was it a board decision,
17 or was it the president?

18 MS. TORELL: It was the president's
19 decision.

20 BY MR. MEADOWS:

21 Q. And were you consulted?

22 A. No.

23 Q. You were not consulted?

24 A. No.

25 Q. And did you have an opinion of the

1 decision once you heard about it?

2 A. Irrelevant.

3 Q. Well, it's relevant if you thought it was
4 either detrimental and prejudicial to the
5 association, it's relevant.

6 Who's tasked with making sure we have
7 insurance? Is that your job? Meaning E&O
8 insurance.

9 CHAIRMAN HEPP: Boy, you're getting a lot
10 of leeway because I -- look, look, Larry, I've got
11 to tell you. I've known Dan for a lot of years, and
12 there's been a fire built under getting rid of J&H,
13 you know, for a long time. So I got to tell you, to
14 sit --

15 MR. MEADOWS: I've got as much information
16 as I could.

17 CHAIRMAN HEPP: If you want to sit here --
18 I'm going to tell you right now, if Pam Torell wants
19 to call me during the arbitration and talk about
20 animosity between the national off -- the president
21 and J&H, I'll be happy to testify because there's
22 always been. This is like -- you talk about public
23 knowledge, holy shit.

24 MR. MEADOWS: Yeah, but she's taken advice
25 from them. She's admitted that she didn't comply

1 with the C&B because she took the advice of the
2 flawed general counsel.

3 MR. THURSTIN: Object.

4 CHAIRMAN HEPP: I don't think that's what
5 she admitted, number one. And number two, that's
6 not where we are right now. Where we are right now
7 is who decided to cancel -- who decided to fire
8 James & Hoffman and did it relate to the insurance
9 issue.

10 MR. MEADOWS: Yes.

11 CHAIRMAN HEPP: And number one, I don't
12 think Dan cares about whether it had anything to do
13 with the insurance issue. I think Dan wanted new
14 blood in the legal department. And so he was -- you
15 know, we had a conversation before he was elected as
16 to what -- as to his opinions about James & Hoffman
17 and it hasn't changed.

18 (Talking simultaneously)

19 MR. MEADOWS: He was on C&R three years
20 before saying they should be fired. That's no
21 secret.

22 CHAIRMAN HEPP: Exactly. So I don't
23 understand. So where do you think you're going? I
24 mean, to sit -- now you're sitting here trying to
25 pick nits that --

1 MR. MEADOWS: Because she's taking advice
2 from these people. James & Hoffman, for all the
3 good stuff they've ever done, has led this
4 association down a primrose path. And you guys are
5 going to be paying, writing checks for years to come
6 unless some of these issues are resolved. And she's
7 following their advice to violate the C&B. So she
8 needs to be held accountable for that failure to
9 follow C&B.

10 CHAIRMAN HEPP: Geez Louise. So what are
11 we going to do, Larry? Are we going to file Article
12 VII charges about every member that has taken advice
13 from James & Hoffman?

14 MR. MEADOWS: Yeah.

15 CHAIRMAN HEPP: I mean, are we on that
16 kind of a witch-hunt?

17 MR. MEADOWS: Well, the path we're on is
18 every time that something -- APA does something
19 wrong and someone goes to sue them, James & Hoffman
20 go argue to the judge you have to come back here and
21 file Article VII. So that's why I'm here today.
22 I'm not here because I want to be.

23 CHAIRMAN HEPP: Well, I got to tell you --

24 MR. MEADOWS: I'd rather be in court.

25 CHAIRMAN HEPP: Well, I get that. I'd

1 rather you be in court. But you can't -- no, I'm
2 going to rule these questions out of order because
3 there's just way too much history between Dan and
4 James & Hoffman and, you know, what James & Hoffman
5 has or hasn't done and the conjecture involved and
6 the facts of what advice they've given this
7 institution over the years. And to sit here and say
8 that this is the particular decision that knocked
9 them -- got them, you know, got them taken out to
10 the woodshed and fired, that's just ridiculous.

11 I've been here too long and seen too much --

12 MR. MEADOWS: I'm just asking.

13 CHAIRMAN HEPP: -- shit going on. And I'm
14 answering it for you because I can tell you she
15 hasn't been here long enough to know.

16 MR. MEADOWS: She's been here for two
17 terms. She's seen enough.

18 CHAIRMAN HEPP: And let me tell you, and
19 you can go a hell of a lot further back in C&R and
20 read Dan's comments about James & Hoffman that she
21 probably has no knowledge of.

22 MR. MEADOWS: So you're making my point.
23 They're a flawed entity and they're making flawed
24 decisions. And there was a lot of acrimony to them,
25 but yet she chose to blindly follow their advice and

1 not follow her obligations under the C&B and the
2 LMRDA, which she's the one who's going to get sued
3 in federal court, not Steve Hoffman. It's fucking
4 crazy.

5 MS. HELLER: But, Larry, they were general
6 counsel at the time. What were her options? She
7 couldn't go seek --

8 MR. MEADOWS: Her option is to follow the
9 C&B. Counsel cannot advise her to break the supreme
10 law of the union, which is what she admitted to.

11 CHAIRMAN HEPP: And that's what your --
12 and I understand that's your position.

13 MR. MEADOWS: Okay? So that's the point.

14 CHAIRMAN HEPP: I get it.

15 MR. MEADOWS: I don't care what legal --
16 lawyers can give you all the advice they want, but
17 if they advise you to break the law -- because she
18 was advised not to follow the C&B, the supreme law
19 of the union, so someone's got to pay the price, and
20 unfortunately it's the membership. So what I would
21 like to come out of this is the membership is aware
22 that she -- yeah, she's issued membership cards
23 after they were basically brought to the threshold
24 of federal court knowing they were going to lose
25 their ass.

1 MR. THURSTIN: I object.

2 MR. MEADOWS: Well, it's a fact.

3 CHAIRMAN HEPP: And I have to say I do
4 too.

5 MR. MEADOWS: Okay. Well, then why
6 weren't they issued before that?

7 CHAIRMAN HEPP: Look --

8 MR. MEADOWS: That judge spent four days
9 on a non-monetary claim because it's so egregious
10 with the LMRDA issue. And he just couldn't believe
11 that APA forged ahead and spent all that time and
12 money, four witnesses and three attorneys for four
13 days in West Palm Beach for what? Over no money.
14 Emery lost the monetary claims all over the stupid
15 C&R issue which could have been fixed over the
16 membership card issue.

17 CHAIRMAN HEPP: But again, let's go back
18 to the impetus. This was a resolution passed by the
19 board of directors, not --

20 MR. MEADOWS: At the advice of James &
21 Hoffman. I mean, they're --

22 CHAIRMAN HEPP: Whoa, whoa, whoa. No.
23 I'm going to claim bullshit to that. I don't -- my
24 memory, God knows, is not the best in the world, but
25 I don't think J&H had any input other than the fact

1 that the board said this is what we want, how do we
2 do it.

3 MR. MEADOWS: Okay.

4 CHAIRMAN HEPP: And they followed -- they
5 asked -- and I'm not even sure they asked. I don't
6 know who wrote the AUP. I can't remember who wrote
7 the AUP. But I got to tell you --

8 MR. MEADOWS: They enforced it. But the
9 point is they enforced it. They took the position
10 that we're not members.

11 CHAIRMAN HEPP: It's the position of the
12 union, Larry.

13 MR. MEADOWS: Yeah, but Pam Torell sat
14 there blindly, she sat idly by while --

15 CHAIRMAN HEPP: Oh, for God's sakes.
16 Would you quit it with the gosh darn --

17 MR. MEADOWS: No, she got an e-mail saying
18 that we're not members of the union for purposes of
19 locking us out of C&R. She testified she --

20 (Talking simultaneously)

21 MR. MEADOWS: -- we were inactive.

22 CHAIRMAN HEPP: And again, Larry, her job
23 is to follow the direction of the board.

24 MR. MEADOWS: Even if it's unlawful?

25 CHAIRMAN HEPP: Her job -- well, unlawful,

1 that's what court --

2 MR. MEADOWS: She's --

3 CHAIRMAN HEPP: That's what courts --

4 MR. MEADOWS: She's in charge of counting
5 the membership status.

6 CHAIRMAN HEPP: And that's what courts are
7 for.

8 MR. MEADOWS: Okay. But she's in charge
9 of membership status. So if she knows that Captain
10 McDaniels' directive that MDD pilots were
11 non-members was wrong, why would she not intervene?
12 It's her duty as the secretary-treasurer. I can't
13 -- you know, I'm going to end this questioning
14 because you won't let me get where I need to be. I
15 mean --

16 CHAIRMAN HEPP: Well, wait a second.
17 Larry, if you --

18 MR. MEADOWS: On the membership issue.

19 CHAIRMAN HEPP: If you want to get --
20 look, if you want to get off James & Hoffman and get
21 back on point, I'm all for it.

22 MR. MEADOWS: Well, I feel like I've
23 been --

24 CHAIRMAN HEPP: But to sit here and talk
25 about, you know, why James & Hoffman got fired and

1 does she know why James, was she consulted, I
2 mean --

3 MR. MEADOWS: I think it's relevant
4 because she relied --

5 CHAIRMAN HEPP: This has been a tempest
6 that's been going on for 10, 15 years, shit.

7 MR. MEADOWS: Yeah, but she relied on
8 advice to the point of violating the C&B.

9 CHAIRMAN HEPP: Spell that in capital
10 letters, by the way.

11 MR. THURSTIN: Can I interject something
12 here?

13 CHAIRMAN HEPP: No.

14 MR. THURSTIN: Thank you.

15 MR. MEADOWS: That's my point. I mean, I
16 can't get my questions answered directly. She's
17 being evasive. But the bottom line is she didn't
18 follow the C&B, and I think that's pretty clear.
19 And maybe it's because of general counsel's advice,
20 but that does not excuse her from her obligation
21 under the C&B. I'm sorry. And I have all I need to
22 make my case.

23 CHAIRMAN HEPP: And, Larry, if you'll
24 allow us to be the deciders in that, I would greatly
25 appreciate it. You've obviously come to your own

1 conclusion, obviously, or you wouldn't be here.

2 MR. MEADOWS: The record evidence will
3 prove that case. The only thing that's hard to
4 prove is was it in the best interest of the
5 association or not. And I want to know what -- I
6 don't really have her justification why she did
7 these things.

8 CHAIRMAN HEPP: Well, as I said, Larry,
9 every time the board sits, they're a constitutional
10 body. And it's the national officers' job to follow
11 the board of directors' directives. So --

12 MR. MEADOWS: The board of directors'
13 directives were we were not members, so she
14 shouldn't have issued membership cards. That's the
15 last directive from the BOD, that MDD pilots are
16 non-members, yet she issued the membership card
17 contrary to the BOD policy. Really? Fact.

18 CHAIRMAN HEPP: So did she do the right
19 thing, putting out those, even though it was against
20 the directive of the board?

21 MR. MEADOWS: I think she had to do it
22 because they were going to get sanctioned by the
23 federal court if they didn't.

24 CHAIRMAN HEPP: Okay. So she went
25 beyond -- and I'm not saying this is what you did,

1 but I'm just -- just to go to your logical
2 conclusion, what you're saying is she did in fact
3 overlook direction of the board and she did in fact
4 try to do the right thing by issuing membership
5 cards. Is that what you're saying?

6 MR. MEADOWS: Yeah.

7 CHAIRMAN HEPP: Okay. Then did she act in
8 the best interest of the membership when she issued
9 those membership cards?

10 MR. MEADOWS: No.

11 CHAIRMAN HEPP: But she issued them.

12 MR. MEADOWS: She should have issued them
13 two years before.

14 CHAIRMAN HEPP: So it's a timing issue.

15 MR. MEADOWS: Of course it is. For those
16 two and a half years, I could not go to BOD or
17 domicile meetings. I couldn't go in C&R.
18 Meanwhile, the JCBA was getting negotiated. My
19 rights under the ISL were getting blown away. And
20 there's no explanation why 11 people just like me
21 were on the ISL and the other 220 MDD pilots were
22 not.

23 CHAIRMAN HEPP: That has nothing to do
24 with your Article VII charge.

25 MR. MEADOWS: Well, it's got -- if I would

1 have been able to participate in union activities,
2 but --

3 CHAIRMAN HEPP: You think that would have
4 had some effect on these 11 pilots?

5 MR. MEADOWS: Well, why were 11 pilots
6 included in the ISL?

7 CHAIRMAN HEPP: I have no idea.

8 MR. MEADOWS: That's right.

9 CHAIRMAN HEPP: But I know one thing.
10 Your ability to go to a domicile meeting --

11 MR. MEADOWS: I was treated as --

12 CHAIRMAN HEPP: -- is not going to have
13 any effect on whether those 11 pilots are on the
14 seniority list.

15 MR. MEADOWS: But James & Hoffman said I
16 had no standing and I wasn't a member, they didn't
17 owe me representational duties.

18 CHAIRMAN HEPP: Well, now you're jumping
19 again.

20 MR. MEADOWS: No, no, no, but this is
21 because the association is not doing the right thing
22 via their secretary-treasurer in upholding the C&B
23 and declaring that we are members and issuing us
24 membership cards.

25 CHAIRMAN HEPP: Yeah, but you've just said

1 that's a timing issue. She -- according to what you
2 just said, she did go beyond the directive of the
3 board. She did issue those membership cards.

4 MR. MEADOWS: At the advice of legal
5 counsel.

6 CHAIRMAN HEPP: She just didn't do it two
7 years earlier.

8 MR. MEADOWS: She didn't do it out of the
9 goodness of her heart. She was advised to do it by
10 Steve Hoffman.

11 CHAIRMAN HEPP: I think we're going to
12 have to -- because, again, conjecture on --

13 MR. MEADOWS: Okay. I'll ask a question.

14 CHAIRMAN HEPP: Hang on a second. Wait a
15 second. I'm sorry. I didn't mean to shut you down.
16 You had something you wanted to say?

17 MR. THURSTIN: Well, I had a couple
18 questions. He keeps referring back to Rusty
19 McDaniels' e-mail. Pam took no action on that
20 e-mail. Even though Rusty McDaniels said that they
21 were not members, she took no action. She didn't
22 lock them out.

23 MR. MEADOWS: She should have though. She
24 sat idly by and let --

25 CHAIRMAN HEPP: Larry, you've had your

1 time.

2 MR. MEADOWS: Okay.

3 CHAIRMAN HEPP: Please, go ahead.

4 MR. THURSTIN: So I don't see what the
5 relevance is. Larry's made numerous responses that
6 he's been -- he was denied access to the union, and
7 we have no proof of that. We challenge him to show
8 us days, dates, when he was there, who he spoke to
9 to prove that point that he was actually denied
10 entrance into a union meeting.

11 MR. MEADOWS: Okay.

12 MR. THURSTIN: We have no -- absolutely
13 no --

14 MR. MEADOWS: And I don't need to prove
15 that. All I need to prove is that Pam Torell
16 violated the C&B. Okay?

17 MR. THURSTIN: Well, you made the
18 statement.

19 MR. MEADOWS: This isn't your trial. This
20 is mine.

21 CHAIRMAN HEPP: Okay. Stand by. We're
22 getting back to where we're throwing darts again.
23 We've actually done pretty good the last couple
24 hours.

25 MR. MEADOWS: So here's my --

1 MR. THURSTIN: Wait a minute. I still
2 have the floor.

3 CHAIRMAN HEPP: Okay. Very good.

4 MR. THURSTIN: He made statements that he
5 had tried to attend. We're asking for the proof.
6 Show it to us.

7 MR. MEADOWS: You have it.

8 CHAIRMAN HEPP: Larry, please. Allow him
9 to finish. Come on. We're doing -- we've been
10 doing good up until this point.

11 MR. THURSTIN: That's what we'd like to
12 see to make sure that that is in fact true. We're
13 not disputing it. And the fact that if he did try
14 to do it, we would like to know. We would like to
15 rectify that situation. But we would like to know
16 if it actually did happen.

17 MS. HELLER: I have a question.

18 MR. THURSTIN: Yes.

19 MS. HELLER: The record, I believe, shows
20 that Keith Wilson -- I believe it was Keith Wilson
21 issued a directive that members -- that you were
22 required to show your membership card to enter
23 meetings. Is that correct?

24 MR. MEADOWS: It's Exhibit 9, yes.

25 MS. HELLER: As of 2014 at some point.

1 2014, '15?

2 MR. MEADOWS: 2015. May of 2015 was the
3 first time.

4 MS. HELLER: Okay. So that's part of the
5 record. And we have also as part of the record that
6 you had no membership card from when your active
7 membership card expired in 2012 until you were given
8 an inactive membership card in 2016?

9 MR. MEADOWS: Yeah, but I'd asked for it
10 prior to the -- in 2014 I asked for a membership
11 card, in December 2014 and August 2015 again. But
12 in between there is when they changed the mandate.
13 In Exhibit 9 there's a Miami domicile reminder, and
14 it says you have to bring your ID. That was never a
15 requirement before. They just let anybody in that
16 showed up.

17 MS. HELLER: Right. So I guess my
18 question to you is, what is the relevance --

19 CHAIRMAN HEPP: Okay. Hold on.

20 MR. MEADOWS: May 24th.

21 CHAIRMAN HEPP: What now?

22 MS. FLETCHER: May 20th what year?

23 MR. MEADOWS: 2015.

24 MS. FLETCHER: Miami domicile?

25 MR. MEADOWS: Yeah, for the Miami domicile

1 they started having a requirement that they had
2 someone sitting at the door signing people in which
3 had never occurred before. That's the standard
4 policy now.

5 CHAIRMAN HEPP: That has happened in the
6 past.

7 MR. MEADOWS: It should have been done
8 that way all these years, but it was just ignored
9 and it was basically --

10 CHAIRMAN HEPP: No, it's happened in '09,
11 it happened in '03, it happened in '97. It
12 generally happens in the heat of contract
13 negotiations. That's kind of what happens.

14 MS. HELLER: So you -- I want to -- you
15 want evidence that he was denied access, and I'm not
16 sure of the relevance of that evidence if in fact
17 there is a presidential directive requiring that
18 that is in the record. And we know also that he
19 didn't have a card. Is that correct?

20 MS. TORELL: And when you say presidential
21 record, we're referring to the Miami domicile
22 meeting reminder of -- need my glasses -- posted on
23 July 21?

24 MR. THURSTIN: Tab 9.

25 MS. TORELL: Tab 9.

1 MR. MEADOWS: Yes. That was the first
2 time they required a membership card, they enforced
3 it.

4 MS. TORELL: To read that, it says,
5 "Please RSVP to reserve a meal. Doors will open at
6 0930. Please bring your APA ID."

7 MR. MEADOWS: I could print out all these
8 domicile reminders prior to this. They never had
9 the ID requirement in there. And it was -- it was
10 designed to not let people in like me.

11 MS. TORELL: I can --

12 CHAIRMAN HEPP: Well, I think it was
13 designed to let people in like the press and --

14 MR. MEADOWS: Yeah, that's probably true.

15 CHAIRMAN HEPP: You know, I'm not going to
16 deny whether it was or was not, you know, to exclude
17 MDD pilots, but --

18 MR. MEADOWS: I think it's a good policy,
19 but the point was we couldn't get into the union
20 meeting. I think it's always been a policy
21 probably, but --

22 MS. TORELL: I've been to numerous
23 domicile meetings, many, especially pretty much all
24 the Miami, and the ID is not a requirement that does
25 not let you in the door. They appreciate you

1 bringing the ID because we've used a scanner if it's
2 available. But most of the time the scanner doesn't
3 work, so we look your name up and let you go on in.
4 I have not seen anyone denied access. And I don't
5 believe that was the intent of this e-mail.

6 MR. MEADOWS: Do you recall --

7 CHAIRMAN HEPP: I will have to say, like I
8 said, a lot of times in the heat of contract
9 negotiations --

10 MS. TORELL: True.

11 CHAIRMAN HEPP: -- we've asked -- we've
12 asked -- we've done membership card or we've
13 excluded -- sometimes we've even excluded wives, I
14 mean --

15 MS. TORELL: I can see that.

16 CHAIRMAN HEPP: -- just because it was in
17 the heat of -- I mean, but whether it's directed
18 particularly at this issue of MDD, I think it's more
19 just a general we have information that we don't
20 want out and the less people -- you're directing it
21 to a particular audience, and that's the pilots.

22 MS. FLETCHER: Was there a directive by
23 President Wilson that membership cards had to be
24 shown to enter a union meeting?

25 MR. MEADOWS: I don't know if there was

1 official directive. There was testimony. I'll have
2 to call Emery tonight. Maybe we can get her
3 transcript.

4 MS. HELLER: That's sort of my question.

5 CHAIRMAN HEPP: Do you know where that is,
6 what he just said?

7 MR. MEADOWS: I'm going to try to get it
8 from -- I think Emery has some information to that.
9 She was arguing it more extensively than I was in
10 federal court.

11 CHAIRMAN HEPP: Can you find out what time
12 the conference call is on Friday?

13 MS. TORELL: Yes, absolutely. Five?

14 CHAIRMAN HEPP: I'm sorry?

15 MS. TORELL: Can we take five?

16 CHAIRMAN HEPP: Five minutes? Sure.

17 (Recess from 4:42 to 4:49)

18 CHAIRMAN HEPP: Back on the record? Okay.
19 So how much further do we have on the membership
20 issue, Larry?

21 MR. MEADOWS: I think given how you've
22 reined me in in respect for what you don't want me
23 to ask, I'm done with the membership questions.

24 CHAIRMAN HEPP: Okay. So now to --

25 MR. MEADOWS: Grievance issues.

1 CHAIRMAN HEPP: Okay.

2 MR. MEADOWS: Do you want to start that
3 now or tomorrow?

4 CHAIRMAN HEPP: Are you guys ready for
5 grievance, or do you want to -- now, is this still
6 with Torell on the stand?

7 MR. MEADOWS: Yeah. I'll finish that and
8 I'll probably do my --

9 CHAIRMAN HEPP: It's your call. I mean,
10 you guys, if you want a break -- and I guess, what,
11 we'll start maybe -- how's 8:30 tomorrow? Can we do
12 that? Is that all right?

13 MS. HELLER: That's fine.

14 CHAIRMAN HEPP: Is that okay, 8:30?

15 MR. THURSTIN: The question from us will
16 be if we start at 8:30, can we finish it tomorrow by
17 4:00 or do we have to go longer?

18 CHAIRMAN HEPP: How long are we going to
19 go?

20 MR. MEADOWS: I don't know. It depends
21 how direct the answers are. I could ask yes or no
22 questions. If I get yes or no answers, it'll go
23 quick. Today, unlike last time, it seems to have
24 devolved into the same thing, but I really was just
25 trying to ask yes or no questions. But instead

1 of -- and I didn't do the big opening, all that
2 crap.

3 CHAIRMAN HEPP: Let's start. Can we
4 start? Is that all right? It's up to you because
5 you guys -- you've been on the stand for --

6 MR. MEADOWS: Okay.

7 CHAIRMAN HEPP: Okay. All right. Here we
8 go.

9 MR. MEADOWS: Do you want to go again?

10 CHAIRMAN HEPP: Charge 2.

11 MR. MEADOWS: All right. Charge 2. Okay.
12 Let's go to Tab 19, please.

13 MS. TORELL: 18?

14 MR. MEADOWS: 19.

15 MS. TORELL: 19.

16 MR. MEADOWS: All right. You guys ready?

17 CHAIRMAN HEPP: Yeah. So this is Meadows
18 grievance, Meadows 332713 grievance, proof of claim.

19 MR. MEADOWS: Where does it say that?

20 MS. TORELL: On the e-mail, subject.

21 CHAIRMAN HEPP: At the top of 19 on an
22 e-mail.

23 MR. MEADOWS: Yes. Yeah, but the second
24 page. My first question, I'd like to ask Captain
25 Torell just to read that message from the fellow

1 pilots down through the second highlighted
2 paragraph.

3 MS. TORELL: To the -- mine isn't
4 highlighted, so first and second paragraph?

5 MR. MEADOWS: Yeah, just that's fine.

6 MS. TORELL: Okay. So this would be a
7 blast from -- a message from the APA
8 secretary-treasurer, First Officer Scott Shankland,
9 dated July 5th, 2012. "Fellow pilots, back in late
10 May all of you received an official-looking mailer
11 from American Airlines containing a proof of claim
12 form. The proof of claim form should be used to
13 assert your rights to any debt or other liability
14 that you feel American owes you that is not being
15 covered by claims -- by the claims being filed on
16 behalf of all pilots by union counsel. APA will be
17 preparing and submitting any claims for any changes
18 to or rejections of the contract for any changes or
19 terminations to pilot pension plans and for all
20 outstanding and ongoing grievances that APA was
21 pursuing prior to the bankruptcy. You do not need
22 to file your own claim for any of these issues, and
23 these APA submitted claims should cover the vast
24 majority of pilots." Continue?

25 MR. MEADOWS: No, that's good. Okay.

1 CHAIRMAN HEPP: So just to be clear, this
2 was written by Scott Shankland --

3 MR. MEADOWS: Scott Shankland.

4 CHAIRMAN HEPP: -- who then was
5 secretary-treasurer.

6 MR. MEADOWS: So my question is, I know
7 this was written by Scott, but I'm sure you
8 inherited a lot of the carryover from this, so do
9 you fully understand the intent of this letter to
10 the APA basically to protect all pilots' claims
11 except for individual business and LTD claims,
12 generally?

13 CHAIRMAN HEPP: Sorry. Could you please
14 repeat that one more time?

15 MR. MEADOWS: My question is, I know this
16 was written by Scott Shankland, but is it Captain
17 Torell's understanding that APA was in fact -- did
18 she assume as secretary-treasurer her obligation was
19 in fact to preserve all pilot claims except for LTD
20 and personal business claims?

21 CHAIRMAN HEPP: Her job was to --

22 MR. MEADOWS: Well, the
23 secretary-treasurer's job.

24 CHAIRMAN HEPP: Right,
25 secretary-treasurer. Your stipulation is that

1 secretary-treasurer's job is to preserve all claims
2 in regard to the bankruptcy.

3 MR. MEADOWS: Yeah. It says unless you
4 have an unresolved workmen's compensation claim or
5 disability denial or a business relationship with
6 AMR outside of being a pilot. So I'm just asking in
7 general terms if she understands what APA's doing
8 here in terms of preservation of pilot claims.

9 CHAIRMAN HEPP: So where does it say that
10 APA is going to preserve all claims? It says -- it
11 looks like you're filling out a proof of claim form.

12 MR. MEADOWS: It says the APA will be
13 preparing and submitting claims for any changes to
14 or rejections of the contract, for any changes or
15 terminations to pilot pension plans, and for all
16 outstanding and ongoing grievances.

17 CHAIRMAN HEPP: Right. So --

18 MR. MEADOWS: Do you agree with that,
19 Captain Torell?

20 CHAIRMAN HEPP: So I think what you're
21 asking is, is APA's the collection agency for these
22 claims.

23 MR. MEADOWS: Does she concede that the
24 APA secretary-treasurer had an obligation to
25 preserve proofs of claims for pilots with

1 outstanding grievances.

2 CHAIRMAN HEPP: Okay. Come here.

3 (Off record from 4:55 to 4:56)

4 CHAIRMAN HEPP: We're just checking on the
5 accuracy of your question. All right. Ask your
6 question -- I'm sorry. Can you read his question
7 again, please?

8 MR. MEADOWS: I'm just trying -- I'm
9 trying to establish that Captain Torell is aware of
10 the obligations of which she inherited, that
11 Secretary-Treasurer Shankland basically promised
12 that he would preserve the outstanding grievance
13 claims of our members in the APA proof of claim and
14 pretty much cover everything for pilots with the
15 exception of LTD, workmen's comp, and personal
16 business claims.

17 MS. HELLER: I think the promise to
18 preserve --

19 MR. MEADOWS: That's what he said he's
20 going to do.

21 MS. HELLER: -- is a little bit of a leap
22 that you're making.

23 MR. MEADOWS: I'm not trying to make a
24 leap.

25 CHAIRMAN HEPP: I don't see the -- I mean,

1 it said "APA will be preparing and submitting."

2 Okay. So we're the collection agency. We'll be
3 working --

4 MR. MEADOWS: So I'm asking Captain Torell
5 if she understands what Captain Shankland is saying
6 here.

7 CHAIRMAN HEPP: Well, I'm not -- again,
8 I'm trying to figure out what Captain Shankland is
9 saying.

10 MR. MEADOWS: He's saying APA will be
11 preparing and submitting claims for any pilots --
12 for any changes to the contract --

13 CHAIRMAN HEPP: Who are pursuing?

14 MR. MEADOWS: -- and it goes on to say
15 "and ongoing grievances that APA was pursuing prior
16 to bankruptcy."

17 CHAIRMAN HEPP: Right.

18 MR. MEADOWS: So do you concede or concur,
19 Captain Torell, do you concur that APA agreed to
20 preserve or file a proof of claim for any ongoing
21 grievances for individual pilots?

22 CHAIRMAN HEPP: Well, that's two separate
23 questions.

24 MR. MEADOWS: I thought it was one.

25 CHAIRMAN HEPP: Are they going to file a

1 proof of claim and are they going to preserve that
2 claim.

3 MR. MEADOWS: Well, it's the same thing.
4 When you file a proof of claim, you're preserving
5 the claim.

6 CHAIRMAN HEPP: Well, my interpretation of
7 preserve -- so maybe that's the problem. Maybe I'm
8 not understanding the definition of preserve,
9 because --

10 MR. MEADOWS: Well, proof of claim
11 preserves your claim in a bankruptcy estate.

12 CHAIRMAN HEPP: When someone says I'm
13 going to preserve your claim, that means I'm going
14 to go to the -- I'm going to take it to the end.
15 And, you know, I'm going -- but there were a lot
16 of -- I mean, you know, there were other things that
17 dropped off the table. I'm seeing the preparing and
18 submitting. So, like I said, if a pilot has a
19 claim --

20 BY MR. MEADOWS:

21 Q. Okay. Captain Torell, do you agree that
22 Secretary Shankland agreed that APA would file proof
23 of claim forms for members who had ongoing
24 grievances prior to bankruptcy?

25 A. That they would file -- they would file --

1 repeat that one more time?

2 MR. MEADOWS: Can you reread it back?

3 CHAIRMAN HEPP: Would you please read the
4 last question.

5 (Requested text was read)

6 A. No, I do not agree.

7 BY MR. MEADOWS:

8 Q. You don't. Really? Why do you not -- why
9 do you not agree?

10 MR. THURSTIN: Could I -- state the reason
11 why you think that she should agree.

12 MR. MEADOWS: Because she's the secretary.
13 She inherited his responsibility.

14 MR. THURSTIN: No, I'm not talking about
15 the document. Can you tell me why you think in the
16 document it says that she should agree to this?

17 MR. MEADOWS: Because Captain Shankland
18 made a commitment on behalf of the institution to
19 the members. And by assuming the role of
20 secretary-treasurer, Captain Torell in turn
21 inherited that commitment. All I wanted was a
22 simple yes or no answer that she understands what's
23 in here and agrees with it, because we can't
24 establish that my grievance was supposed to be
25 preserved in a proof of claim to begin with if she

1 doesn't.

2 MR. THURSTIN: What I see in here, if you
3 decide to file an individual claim, complete the
4 proof of claim form.

5 MR. MEADOWS: No. Go to the middle of
6 paragraph, first paragraph. It says, "APA will be
7 preparing and submitting any claims for any ongoing
8 grievances that APA was pursuing prior to
9 bankruptcy. You do not need to file your own claim
10 for any of these issues."

11 So do you agree that APA had an obligation
12 to incorporate my personal grievance, number 12-011,
13 into the APA proof of claim? It's a really simple
14 question. This is why it's going to take an extra
15 day.

16 CHAIRMAN HEPP: Larry, please.

17 MR. MEADOWS: I'm just telling you.

18 CHAIRMAN HEPP: We'll be here until --
19 we'll be here until the end, so just --

20 MS. TORELL: I retain my answer, no, for
21 the reason is "dash," in the last state -- part of
22 the last sentence, "submitted claims should cover
23 the vast majority of pilots."

24 MR. MEADOWS: Okay.

25 CHAIRMAN HEPP: Okay. So you do not need

1 to file your own claim for any of the -- and these
2 APA-submitted should cover the vast majority of
3 pilots. Okay.

4 MR. MEADOWS: Okay. I'm going to object
5 because this evasiveness is what's going to delay
6 these proceedings. Let's just flip forward one page
7 to page 1 of that exhibit, please.

8 And, Captain Torell, can you please read
9 the subject line, the to and from, and the content
10 of that e-mail.

11 MR. THURSTIN: There's two e-mails. Which
12 one?

13 MR. MEADOWS: You can start with the
14 bottom, actually start at the bottom one, please,
15 and work your way to the top one. They're in
16 reverse order.

17 MS. TORELL: Okay. So this is from
18 Lawrence Meadows sent on Monday, July 9, 2012, at
19 10:35 p.m. to Chuck Hairston, APA legal, Bennett
20 Boggess, director of legal; subject, Meadows number
21 332713 grievance, forward proof of claim form filing
22 deadline approaching. "Hello, Charles, I am writing
23 to seek confirmation that you (APA) is filing proof
24 of claim on my behalf for my outstanding grievance.
25 Please advise ASAP. Sincerely, First Officer Larry

1 Meadows."

2 And the top e-mail says subject regarding
3 Meadows number 33217 grievance, forward proof of
4 claim form filing deadline approaching from Chuck
5 Hairston at Allied Pilots dot org to Lawrence
6 Meadows. And I believe that would be also director
7 of legal Allied Pilots dot org. Date, Tuesday,
8 July 10, the following day, 2012, 7:35 am. "We are
9 filing a proof of claim for your grievance. Charles
10 R. Hairston, staff attorney, Allied Pilots
11 Association."

12 BY MR. MEADOWS:

13 Q. Okay. So do you now agree that APA had an
14 obligation and agreed to file my proof of claim?

15 A. I don't -- by looking at these two e-mails
16 today for the first time, I would not state that
17 that stipulates them to a --

18 (Discussion between Ms. Torell and
19 Mr. Thurstin)

20 A. Yes, and Jeff made the -- and Captain
21 Thurstin made the point I wasn't in office at this
22 time. But my interpretation at this time does not
23 form an object -- does not form a stipulation, just
24 that basically we are filing according to Chuck.

25 Q. Seriously? Okay.

1 A. I don't see that as a --

2 CHAIRMAN HEPP: Asked and answered,
3 please, Captain Meadows.

4 MR. MEADOWS: Really? This is a -- this
5 is what I'm talking about. You guys can tolerate
6 this?

7 CHAIRMAN HEPP: Larry, Larry, Larry.

8 MR. MEADOWS: You're going to tolerate
9 this is what I'm asking. I want as much time as I
10 need. If it takes four days, I want as much time as
11 I need. I'll be patient and calm, but it's going to
12 take time because she's a difficult witness and
13 evasive.

14 CHAIRMAN HEPP: Larry.

15 MR. MEADOWS: And it's not well taken.
16 Why don't we break for tomorrow, please, because
17 this is not -- it's just a waste of my time today.

18 CHAIRMAN HEPP: You're going to ask these
19 same questions tomorrow.

20 MR. MEADOWS: Yeah, I know, but, I mean, I
21 don't have the patience to sit here with her being
22 evasive because it's a fact in record that APA filed
23 my proof of claim. All I'm trying to establish is
24 that she understands her predecessor preserved my
25 proof of claim, agreed to do it, did it. And in

1 turn, as the secretary-treasurer, she inherited the
2 obligation to shepherd that proof of claim through
3 the bankruptcy process.

4 She couldn't just disavow any knowledge of
5 it because her predecessor did it. She inherited
6 that obligation, and I'm just trying to establish so
7 there's no legal room here that it's very clear what
8 APA promised to do and what they did for me and that
9 she's aware of it so I can go forward with my line
10 of questioning. This is just trying to set the
11 table for the next 50 questions.

12 MS. HELLER: Can you ask maybe a broader
13 question as to what her knowledge was as to your
14 proof of claim or --

15 MR. MEADOWS: Captain Torell, is it your
16 understanding that APA preserved Lawrence Meadows'
17 grievance, number 12-011, on its initial proof of
18 claim in the American Airlines bankruptcy
19 proceedings?

20 CHAIRMAN HEPP: Can you just define for me
21 preserve?

22 MR. MEADOWS: Preserve means APA files a
23 general proof of claim and a list specifically that
24 individual grievances were preserved in that proof
25 of claim, and mine was one of them.

1 CHAIRMAN HEPP: Okay.

2 MR. MEADOWS: And I guess one of the
3 questions maybe you could have Captain Torell -- I
4 would request you order her to produce the initial
5 proof of claim tomorrow. It's a lengthy document.
6 They could print it out in the morning. But that
7 would be helpful to have because she's not going
8 to -- I don't have that one.

9 CHAIRMAN HEPP: Larry, please. Let me
10 pretend to be the chairman.

11 MR. MEADOWS: I'm just saying, so --

12 CHAIRMAN HEPP: I get it, I get it, but --

13 MR. MEADOWS: If it helps her
14 recollection, maybe we should have the legal
15 department print the proof of claim.

16 CHAIRMAN HEPP: But my point is, Larry,
17 here's what I know about this topic given this
18 e-mail. You wrote an e-mail to Mr. Hairston. He
19 responded that they'll be filing a claim. Doesn't
20 look like it went through the secretary-treasurer's
21 office other than the fact --

22 MR. MEADOWS: Secretary-treasurer signed
23 the proof of claim.

24 CHAIRMAN HEPP: But my point is that --
25 but I don't know that yet. You haven't produced

1 that document yet. My point is, is that Scott
2 Shankland sent out a message to the membership
3 saying that they're preparing and submitting. Okay?
4 And then you sent an e-mail to Hairston, and he
5 responded that he'll be submitting your claim.

6 MR. MEADOWS: Okay.

7 CHAIRMAN HEPP: That's what he says, we're
8 filing a proof of claim.

9 MR. MEADOWS: All right. Here's my
10 question.

11 CHAIRMAN HEPP: So let's just keep it
12 simple.

13 MR. MEADOWS: Okay. Captain Torell, do
14 you understand that you had an obligation to uphold
15 the promises of Scott Shankland with respect to
16 preserving individual grievances and proofs of
17 claim?

18 MR. THURSTIN: Objection.

19 CHAIRMAN HEPP: By preserving you mean
20 filing those claims?

21 MR. MEADOWS: Filing it on a proof of
22 claim. That is preserving it, yes. All preserving
23 means is that you're putting it in the record to the
24 bankruptcy court so that the claim is acknowledged,
25 noticed to the debtor. That's all.

1 CHAIRMAN HEPP: So I guess my -- I
2 guess --

3 MR. MEADOWS: Doesn't mean it's going to
4 get arbitrated. All it means is preserved, that
5 claim is preserved.

6 CHAIRMAN HEPP: All it means is it's being
7 followed.

8 MR. MEADOWS: Yes. And I'm just trying to
9 get her to acknowledge that simple fact so we can
10 move forward. And if she doesn't want to do that,
11 I'm going to ask --

12 CHAIRMAN HEPP: Well, just hang on a
13 second. And it falls under the purview of the
14 secretary-treasurer because?

15 MR. MEADOWS: The secretary-treasurer
16 signs the proof of claim.

17 CHAIRMAN HEPP: Okay.

18 MR. MEADOWS: That initial proof of claim
19 was signed by Scott Shankland. So I'm getting
20 her -- I would like to get her to acknowledge that
21 even though it was signed by Scott Shankland, she
22 inherited the responsibility of managing that proof
23 of claim throughout the bankruptcy proceedings
24 because it required periodic amendments, and it was
25 amended thereafter by Captain Torell.

1 CHAIRMAN HEPP: Well, that's something we
2 have yet to --

3 MR. MEADOWS: Well, we're going to get
4 there, but it's hard for me to --

5 CHAIRMAN HEPP: I get it.

6 MR. MEADOWS: I've got to establish it.
7 If she's shrugging her shoulders and says she has
8 nothing to do with it, this was Scott Shankland,
9 then we've got problems.

10 CHAIRMAN HEPP: So this initial -- so --
11 yes.

12 MR. THURSTIN: Can I -- for the sake of
13 moving things forward, there is a proof of claim
14 listed in Tab 3, Exhibit 3 of our documentation.

15 CHAIRMAN HEPP: Where?

16 MR. THURSTIN: Tab 3.

17 MR. MEADOWS: That's the wrong one.
18 That's the amended proof of claim. We're talking
19 about the original proof of claim.

20 CHAIRMAN HEPP: Let him finish, please,
21 Larry.

22 MR. THURSTIN: Let me finish.

23 MR. MEADOWS: Well, that's -- it's my line
24 of questioning though. This is where things are
25 going sideways.

1 MR. THURSTIN: The amended proof of claim
2 in this particular instance that we have here was
3 filed I think about 11 or 12, 13 days too late to be
4 within the one-year limitation for this proof of
5 claim on the amendment.

6 MR. MEADOWS: What are you talking about?

7 MR. THURSTIN: It was not timely.

8 MR. MEADOWS: Are you talking about my
9 charge wasn't timely? I'm going to object. What
10 he's trying to say is I didn't file within a year.
11 He is wrong.

12 CHAIRMAN HEPP: Larry, Larry, wait,
13 please. Jesus. God, you're driving me nuts.

14 MR. MEADOWS: That's not an answer to my
15 fucking question.

16 CHAIRMAN HEPP: Look, he --

17 MR. MEADOWS: Okay. I can fix this one.

18 CHAIRMAN HEPP: No, Larry, stop.

19 MR. MEADOWS: All right.

20 CHAIRMAN HEPP: Okay. Pam, do you think
21 that -- you signed -- you signed the proof of
22 claims. Yes? No?

23 MS. TORELL: I signed the proof of claim
24 from March 4, 2014.

25 CHAIRMAN HEPP: Did you sign other proofs

1 of claims? I mean, not necessarily for Meadows,
2 just for anybody, any -- any -- you know, as Scott
3 talks about, any claims involving pay, contract,
4 outstanding grievances? I mean, did you sign or did
5 Scott handle all of that?

6 MS. TORELL: I'd have to go back and
7 check. I mean, we're talking about how many years
8 ago now?

9 MR. MEADOWS: To clarify, there's a master
10 document.

11 CHAIRMAN HEPP: Please, Larry.

12 MR. MEADOWS: Okay. I'm trying to make it
13 easy for you.

14 CHAIRMAN HEPP: Well, so far that hasn't
15 helped.

16 MR. MEADOWS: Well, thank you for
17 Ms. Torell's testimony, lack thereof.

18 CHAIRMAN HEPP: Yeah, but, Larry,
19 badgering the witness is not going to help.

20 And so do you see it as your job to sign
21 those proof of claims? Was that your responsibility
22 as the secretary-treasurer?

23 MS. TORELL: I have been advised from
24 counsel that it can be any national officer. And as
25 I reviewed the Constitution and Bylaws of the duties

1 of the national officers, it's not explicitly stated
2 in there.

3 So I'm at a little bit of a -- it can be
4 any national officer is the bottom line.

5 BY MR. MEADOWS:

6 Q. Okay. I guess my question is, what
7 officers can sign a monetary instrument for
8 \$5,000 or more? And whose signature is required on
9 every transaction greater than \$5,000?

10 A. It takes two signatures above 5,000 or
11 5,000 or greater, and --

12 Q. The secretary-treasurer must sign above
13 5,000. Is that correct?

14 A. Uh-huh.

15 Q. Take that as a yes?

16 A. Yes.

17 MR. MEADOWS: Okay. So, Captain Hepp,
18 what I was trying to clarify is there's not multiple
19 proofs of claim. Proof of claim is one giant,
20 massive document that contains all the individual
21 proofs of claim --

22 CHAIRMAN HEPP: Okay.

23 MR. MEADOWS: -- in an addendum on the
24 back. So to my knowledge Scott Shankland signed one
25 in July of 2012, and I think it was only amended

1 once by Pam Torell.

2 CHAIRMAN HEPP: Okay.

3 MR. MEADOWS: All I'm trying to
4 establish -- this isn't even my question. I'm just
5 trying to establish that she's aware that an
6 institutional commitment by the
7 secretary-treasurer's office was made to preserve
8 the proofs of claim, the legal department
9 acknowledged it, they did in fact preserve my
10 grievance in the APA proof of claim.

11 And what you'll see that we're wasting all
12 this time, it's going to be so clear that the
13 grievance was preserved by APA in the bankruptcy
14 settlement agreement. But I can't even get past
15 square one to get her to admit that the
16 secretary-treasurer's office did in fact have this
17 obligation and upheld it.

18 MS. HELLER: So just to clarify, it was
19 preserved in the July 2012 Scott Shankland proof of
20 claim?

21 MR. THURSTIN: Yes.

22 MR. MEADOWS: Yeah, there was a bar date.
23 The bar date I think was July 12th, 2012. And so
24 all proofs of claims were filed by that date.

25 MS. HELLER: And then the modified one?

1 Is that what we would call it --

2 MR. MEADOWS: Right.

3 MS. HELLER: -- that was done in March of
4 2014 that Captain Torell said she signed?

5 MR. MEADOWS: Correct.

6 MS. HELLER: Was it in that?

7 MR. MEADOWS: No. It was excluded.
8 That's the former grievance. And that brings me to
9 a question. They're using this argument that it
10 wasn't timely, which --

11 CHAIRMAN HEPP: Well, let's get to that in
12 the future.

13 MR. MEADOWS: I do have a question. When
14 you amended the proof of claim in April -- in
15 March --

16 CHAIRMAN HEPP: Can we keep to your
17 time -- I want to keep to your time line on the
18 questions.

19 MR. MEADOWS: Well, I'm getting derailed
20 here, and this is what's making it hard. But I
21 would like to go to Tab 26.

22 MR. THURSTIN: It's the same one.

23 MR. MEADOWS: Yeah, this is GCG proof of
24 claim number 7654080 filed by the Allied Pilots
25 Association. And if you go to page 2, do you

1 acknowledge that that was signed by you on March 4,
2 2014, Captain Torell?

3 The question is, does Captain Torell
4 acknowledge that that's her signature on that
5 document?

6 MR. THURSTIN: Can I interject for a
7 moment, object? Captain Torell at this time -- this
8 is the document we just looked at a minute ago, same
9 document, two different places. Captain Torell
10 signed this document. I think she already answered
11 that.

12 MR. MEADOWS: She did not answer it. We
13 haven't even got to this document.

14 CHAIRMAN HEPP: Larry, please.

15 MR. MEADOWS: I'm going home.

16 CHAIRMAN HEPP: Larry, you can't
17 interrupt.

18 MR. MEADOWS: I'm going home. This is
19 ridiculous.

20 CHAIRMAN HEPP: Larry, you have to let the
21 man talk. You couldn't do this in a court of law
22 either.

23 MR. MEADOWS: Yeah, I could.

24 CHAIRMAN HEPP: No, you can't.

25 MR. MEADOWS: Yeah, I could. Well, they

1 would never get away with any of the shit they're
2 pulling right now, ever. So I'm sorry. Go ahead.
3 You guys run it the way you want to run it.

4 MR. THURSTIN: Captain or First Officer
5 Shankland signed the first proof of claim
6 documentation. That's not in question that he
7 signed it. If you're asking when his proof of claim
8 was removed, we don't have that information. We
9 don't know if it was under Captain Torell's time as
10 the secretary-treasurer. All we know is that she
11 signed the document. It was not there at that time.

12 MR. MEADOWS: I object. This is totally
13 waylaying my line of questioning.

14 CHAIRMAN HEPP: He asked the question --
15 Mr. Meadows asked the question is this Pam's
16 signature on this document, Tab 26.

17 BY MR. MEADOWS:

18 Q. Did you sign that document, Captain
19 Torell, on March 4th?

20 CHAIRMAN HEPP: Yes or no?

21 A. Yes.

22 BY MR. MEADOWS:

23 Q. Did you file that document on March 4th?
24 Yes or no?

25 A. The actual document was filed by legal.

1 Q. But was it filed after you signed it?

2 A. The actual document was filed by legal.

3 Q. Okay. And did you notify any of the
4 individual pilots whose grievances were removed from
5 that proof of claim? Yes or no?

6 A. I'm not going to answer that with a yes or
7 a no. I would go back and check to see what I had
8 to do. I am not going to answer that --

9 Q. Did you notify -- well, I can tell you
10 didn't. You did not notify --

11 A. Larry, you're not going to raise your
12 voice, or I'm walking out.

13 CHAIRMAN HEPP: Whoa, whoa, whoa. All
14 right. We're done. Okay? We've been doing good so
15 far, but we can either do ten minutes and come back
16 or we just call it a day because we can't have this.
17 Okay? Again, you guys are cross-talking. Larry, I
18 understand --

19 MR. MEADOWS: She's not answering the
20 questions. I'm asking yes or no questions. I'm
21 trying to keep it simple. I'm trying to uphold my
22 end, and all I get is these -- I don't get
23 objections. He's not entitled to ask questions.
24 And this whole concept of me going through you is
25 bullshit. Let me ask her questions directly, yes or

1 no. Let her answer them.

2 CHAIRMAN HEPP: Look, Larry.

3 MR. MEADOWS: It's not working, Chuck.
4 I'm sorry. It's just not.

5 CHAIRMAN HEPP: Larry, look. It's up to
6 you. We're here because you wanted to be here.
7 Now --

8 MR. MEADOWS: I'm here because I have to
9 be here. And frankly, this was not personal, but at
10 the end of this proceeding Pam Torell is getting
11 sued for everything she has in federal court because
12 she's being nonevasive and uncooperative.

13 And this could be resolved right here and
14 now, Pam. But you know what? You bought yourself a
15 lot of trouble. And you don't even understand
16 what's coming your way from not just me but many
17 other members.

18 CHAIRMAN HEPP: All right. We're done for
19 today.

20 MR. MEADOWS: Yeah, that's right. She's
21 done.

22 CHAIRMAN HEPP: See you at 8:30 in the
23 morning.

24 (Proceedings adjourned at 5:18 p.m.)

25 -oOo-

1 STATE OF TEXAS)
2 COUNTY OF TARRANT)

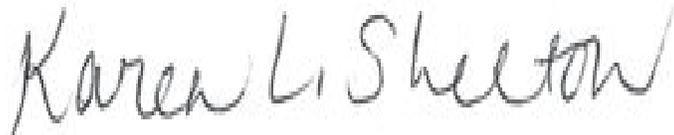
3

4 This is to certify that I, Karen L. Shelton,
5 Certified Shorthand Reporter in and for the State of
6 Texas, reported in shorthand the proceedings had at
7 the time and place set forth in the caption hereof,
8 and that to the best of my ability, the above and
9 foregoing pages contain a full, true, and correct
10 transcript of said proceedings.

11

12 Certified to on the 8th day of March, 2017.

13



14

15

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21 My CSR commission expires: 12/31/18

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