

***From a different thread. Side note. We, the membership are APA. How can we let this happen? Well. it was not important enough for anyone of our leaders. We follow legal counsel advice. When does legal counsel overrides doing the right thing? I'm ashamed we (APA) did this.***

Kudos to CA Carey doing the right thing and taking James and Hoffman to task. They needed to be fired years ago, but were aided and abetted by the Wilson regime and Bennett Boggess.

CA Carey was keenly aware that James and Hoffman was aggressively litigating costly claims, to include involving my and Emery's lawsuits related to APA's unlawful C&R Lock-out of disabled APA members. They consistently took positions adverse to the membership's rights under the CBA, RLA, LMRDA, and ADA; which in fact could have easily been resolved at no-cost. Their excessive billings and claims trying to defend the indefensible, result in APA losing in professional liability insurance, leaving the Association exposed and vulnerable. Moreover, James and Hoffman while milking the association of million in legal fees over the years, has engaged in a host of unethical conduct which has been adverse to the membership as a whole.

Sadly, over the course of the past 9 years, APA's former general counsel James and Hoffman along with APA Legal have given the BOD fatally flawed legal advice, and presided over a host of representational failures, particularly those with respect to APA's disabled members, causing them substantial harm and exposing the association to substantial liability. I believe these failures to be systemic to their overall representation, but will only highlight the failures as it relates to myself and similarly situated disabled APA members, which are emblematic of everything that is wrong with James and Hoffman and APA Legal; for example, 1) In 2007 APA selected a non-clinical 3rd party disability claims reviewer Western Medical Evaluators ("WME") in violation of Supp-F's requirement for a clinical authority, 2) worse, APA Legal was in charge of selecting WME, but failed to conduct rudimentary due diligence, which would have revealed that WME was rife with fraud and procedural irregularities, 3) as a result some 29 disabled pilots received fraudulent reviews from WME and were wrongfully stripped of their disability benefits (it should be noted that WME is now defunct and it's principals are now in prison for 3 counts of felony medical claim fraud), 4) APA hired outside ERISA counsel, who identified WME as a problem and demanded it be replaced with a legitimate clinical authority – the Mayo Clinic, 5) however, APA never sought re-review by the Mayo, of the 29 pilots who were victims of WME, 6) nor did APA represent or litigate the

ERISA claims of these pilots, 7) in fact former APA Pres. Lloyd Hill and APA Vice Pres. Thomas Westbrook (current BOD) under James and Hoffman's counsel made and institutional decision to abandon the claims and representation of APA's disabled pilots and in a particular those out greater than 5 years in MDD status, 8) APA forced myself and others to hire their own outside ERISA counsel at their own expense, 9) worse, APA Legal had first-hand knowledge of WME's fraud but failed to share that information with these ERISA claimants, all of whom were disadvantaged by not having that relevant evidence, and lost their cases as a result, 10) only the day before I lost my ERISA case, did I discover AA Medical's *"Nurse Case Management Pilot Disability Cost Savings"* scheme which targeted the most costly disabled pilot's benefits for termination on cost savings alone, 11) this scheme was further facilitated by AA's Pension Benefits Administration Committee ("PBAC"), through the use of fraudulent claims reviewer WME, 12) this amounted to AA knowingly underfunding its defined benefit plans and artificially inflating its earnings, so I filed a Sarbanes-Oxley Whistleblower Complaint (it should be noted that AA Medical has since been shut down, AA's Corporate Medical director and other bad actors were fired, legitimate reviewer Harvey Watt has taken over disabled pilot's claims administration, the PBAC was disbanded, and WME is now defunct with its principals incarcerated, 13) In all, some 84 plus pilots lost their disability benefits to this scheme and APA DID ABSOLUTELY NOTHING FOR THEM, 14) Two weeks after becoming a Whistleblower, American purportedly terminated me and removed me from the pilot's seniority list, 15) APA refused to file a grievance forcing me to file own, 16) To date APA has refused to submit my grievance #12-011 to a SBOA, 17) APA has also refused to process DFW base grievance 12-012 which seeks reinstatement of similarly situated MDD pilots who were removed from the seniority list without notice, 18) APA Legal has allowed the Company to subjectively reinterpret the terms of and violate Sec 11.D., nowhere does the CBA allow for a disabled pilots termination or removal from the seniority list, based on disability alone, 19) APA has also allowed American to subjectively reinterpret Section 20, which language only provides for FAA 1st Class physicals, and not neuro-psych exams (and in so doing allowed the company to abuse Sec 20 as a disciplinary tool), 20) APA treated all MDD pilots disparately during the July 2013 Equity Distribution Proceedings, in fact, Arbitrator Goldberg held that APA ignored its duty and treated me arbitrarily, and awarded me a full share equity payout form all four Silos, he also awarded all other MDD pilots additional payouts from Silo three, 21) shortly thereafter, APA president Keith Wilson refused to submit my grievance to the SBOA, despite having escalating it to a PAC as a meritorious contractual grievance, 22) next the APA Secretary-Treasurer unilaterally removed my grievance from APA's proof of claim without notice nor consent (regardless my grievance was already incorporated into the JCBA), 23) in March 2014, myself and other disabled pilots made posts on C&R, which were highly critical of APA's leadership, and identified its failures

and disparate treatment with respect to its disabled members, this became one of the most active message threads with over 5,000 page views, 24) a few weeks later APA's former President retaliated, and during a secret BOD meeting issued a directive which declared all MDD pilots are not members and not entitled to any APA benefits, solely for the purpose of unilaterally revoking their access to C&R, in blatant violation of their LMRDA union member bill of rights (just recently one BOD officer was bragging how they had "*Ed James kick my crazy ass off C&R*"), 25) additionally, the APA Sec-Treasurer in violation of the C&B refused to issue myself and all other disabled MDD pilots membership cards, thereby restricting their access to important union meetings during critical negotiations affecting their collectively bargained benefits and rights under the JCBA and SLI, 26) attorneys for the Association for Union Democracy (AUD) were so offended by APA's lock-out its disabled members from the union electronic message forum, that they wrote a two page newsletter about it, which I think it would be beneficial for you to review (Attachment 1 herewith), 27) That matter is still pending a AAA arbitration decision, 28) the AAPSIC treated MDD pilots disparately in the SLI proceedings and failed to protect their seniority rights, 29) APA Legal engaged in improper *ex parte* communications with the AAPSIC to prevent communications with MDD pilots regarding their SLI treatment, and on and on. 30) Just last week a federal judge ruled that APA treated its disabled members disparately when in locked them out of C&R, ruling it to be an impermissible infringement of free speech and unlawful violation of the LMRDA, 31) Yesterday that same judge issued an Injunction ordering APA to treated disabled MDD pilots as active members, and ordered immediate reinstatement to C&R.

Despite Mr. Hoffman's Ivy league background, and mild-mannered demeanor, he is one of the most unethical attorneys I have ever dealt with, who far exceeds the bounds of zealous advocacy, to the point of routinely violating the professional rules. I don't say that lightly, and do so with a certain amount of authority; as someone who has dealt with scores of attorneys over the past seven years, having had the misfortune of spending \$1.5M in legal fees while engaged in complex multi-jurisdictional litigation; some of which involved deposing and examining a large banks general and in-house counsel on the stand, multiple rule 11's, and severe sanctions for spoliation of evidence. Indeed, while acting as an agent for APA, Mr. Hoffman, has willfully engaged in serial misrepresentations in multiple forums; for example, 1) misrepresented to the Utah district court that I was member of APA, for purposes of asserting that I was therefore bound by the C&B and thus I had ceded my rights to APA to resolve my grievance in it sole discretion; the problem is that he did so whilst having first-hand knowledge that just two months prior the APA BOD had issued a directive that all MDD pilots, including myself were in fact not members of APA, 2) He also has made written

misrepresentations to the APA Appeal Board that he had no personal knowledge of the discussions relating to the C&R lock-out of APA's disabled pilots, when in fact discovery in another case revealed privilege logs which showed his firm consulted with the APA president and provided a legal brief on that matter prior to the lockout, and that his firm was actually present during the secret Bod meeting which discussed and effectuated the C&R lock-out, 3) he appeared without my consent or notice in the SDNY bankruptcy court, solely for the purpose of taking a position adverse to my interests in an effort to bolster AMR's motion/argument which sought to disallow all of my claims; worse he misrepresented on the record to Judge Lane that APA didn't support my SOX claim, when in fact a year prior APA Legal stated in writing that did in fact support my SOX claim. His appearance in the bankruptcy court was particularly egregious, when considering that the APA Secretary -Treasurer had previously asserted in writing that he would preserve all of my claims with the limited exception of disability or personal business claims against AMR. I have fully substantiated these and other claims of misrepresentation as supported by record evidence, in my recently filed verified Rule 11 Motion seeking sanctions against Mr. Hoffman in the Utah District Court. Mr. Hoffman is a serial misrepresenter, and a professional embarrassment and liability to APA.

As anyone can see, it is undeniable that James and Hoffman along with APA Legal has engaged in a serial course of discriminatory conduct taking inappropriate positions and actions against myself and all other disabled APA members, which were not only unethical but at times seemed to be down-right petty, vindictive and personal. It is a sad day, when your very own union which you joined 25 years ago not only abandons your representation, but also aggressively works against your interests. Clearly, all of the above didn't happen in a vacuum and APA Legal was clearly complicit with and ratified James and Hoffman's conduct,. Accordingly, APA's former legal director was also terminated last month. I say Good Riddance!

I am thankful that Captain Carey has hired new general counsel and put end to this type of union "representation", once and for all.

Fraternally,

Lawrence Meadows

MIA/FO/777/MDSB