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BY U.S. MAIL and BY EMAIL TO kennedy@ask-attorneys.com
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In Re: Integration of Seniority Process For American Airlines/U.S. Airways
Pilots – Protection Of Interests of American Airlines Flow-Through Pilots

Dear Mr. Kennedy:

Thank you for your letter of June 10.

First, while we appreciate the offered opportunity to present a brief, it is not very meaningful to do so without knowing the positions of APA/AAPSIC and the other parties. There is no point in arguing about matters that may not be issues at all. The issue here is information as to the parties' positions on matters that affect the rights and future employment opportunities of AA pilots represented by APA. This seems to us to be the kind of information that APA/AAPSIC needs to share as an aspect of its representational duty.

Whether or not APA/AAPSIC is still uncertain as to its position, what APA/AAPSIC currently knows about the other parties' position would not seem confidential or privileged from disclosure to my clients at this time. Although we are pleased to see that the parties submissions will be made available to AA pilots, I would hope that those submissions would be make available immediately and not in an undefined "due course." Particularly if parties are making submissions electronically, posting of these submissions on the APA/AAPSIC website would not appear to involve substantial time or effort justifying any significant delay in posting them.

My clients also believe that APA or APA/AAPSIC have been in communication with the TWA/TWA-LLC pilot group (or members of that group) as to the seniority issues involved in the integrated list. The placement of the TWA-LLC pilots on the American Airlines Pilot System Seniority List in 2001 adversely affected the transfer rights of the Flow-Through pilots to AA. Their placement on the list continues to have adverse effects on the Flow-Through pilots' rights today. Therefore my clients request copies of any and all documents submitted by the TWA-LLC pilots to the APA/AAPSIC pertaining to the seniority list integration (SLI) involving US Airways' pilots. We also

request any documents generated in response to recent legal actions filed by the TWA pilots pertaining to AA seniority. Furthermore, in the interest of fairness, I sincerely hope that any and all documentation and information that has been supplied to the TWA-LLC pilots or other AA pilots, has also been supplied to the AA Flow-Through pilots as well. Anything less could be construed as a discriminatory refusal to supply this information.

Second, in your letter of June 10, you state: “Among other things, there is no contemplation of changing the relative placement of any pilot on the pre-merger American seniority list *vis a vis* other pilots on the pre-merger seniority list.” While we appreciate this sentiment, this statement appears to us completely ambiguous as to AAP/AAPSIC’s position or the positions of the other parties. Merely maintaining relative seniority on the pre- and post-merger lists could nevertheless adversely affect the interests of my clients in a variety of ways:

1. Your statement would allow any number of “zippered” integrated seniority lists, such as the 7:1 ratio partially used in the TWA merger or a straight 1:1 merger. In either case, the relative positions of existing AA pilots would not change (e.g., Number 5000 would still be ahead of Number 5001), but any number of US Airways pilots could be inserted between the two existing AA pilots on the seniority list, drastically impacting the job opportunities of the lower-numbered AA pilots.
2. As you are undoubtedly aware, the AA Flow-Through Pilots have a variety of disputes as to their treatment *via a vis* the former TWA (and particularly the TWA-LLC) pilot group. Under your “relative placement” statement, it would be entirely possible—and one of the potential scenarios my clients desire to prevent—that US Airways pilots would be slotted into the integrated seniority list directly behind the least senior former TWA pilot and ahead of the next most senior AA Flow-Through Pilot. Again, this would preserve the relationship between the existing positions on the AA seniority list, but would drastically and adversely affect the seniority positions and job opportunities of the AA Flow-Through Pilots on the integrated list.
3. On the other hand, perhaps your statement was intended to mean that APA/AAPSIC is currently contemplating that the US Airways pilots would be placed at the bottom of the AA seniority list. This would also preserve the existing relative positions on the pre-merger AA pilots seniority list—but might also preserve the existing seniority-based job opportunities of the AA Flow-Through Pilots without additional adverse consequences to them. Again, the details would be critical to determining the actual impact of any such proposal.

It is precisely because of this kind of ambiguity that we sought clarification of APA/AAPSIC’s position on integration of seniority.

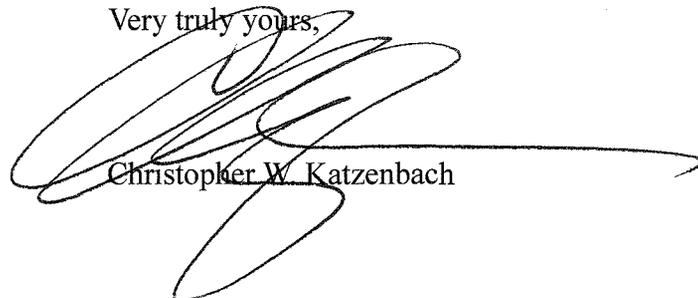
Will you clarify what you intended to mean in your statement about relative placement on the seniority list? In particular, can you clarify whether you intended to allow for the possibilities indicated in numbered paragraphs 1 or 2 above, or if numbered paragraph 3 was what you intended to convey. If something different than the situations described in numbered paragraphs 1, 2 or 3, will you please clarify what it was you intended to mean by your comment.

That said, it is important to understand that my clients have the right to expect APA/ AAPSIC to uphold their duty to represent the American Airlines Flow-Through Pilots by rigorously defending their position on the AA seniority list from other parties that potentially may want to see the pre-merge AA list reordered. This is opposite the position that the APA has taken in the past with respect to these pilots in several arbitrations, in which the arbitrators ultimately have upheld the Flow-Through Pilot's AA seniority rights. Simply, "not contemplating" a reorder of the pre-merge list is insufficient to show the kind of commitment the AA Flow-Through pilots deserve in protecting their seniority rights. Rather, APA/ AAPSIC need to be ready and willing to be a strong advocate of the AA Flow-Through pilots' rights on seniority issues and placement on the final integrated seniority list. Is APA / AAPSIC prepared to do that?

In particular, the information we have requested is intended to allow my clients to determine if all pilots, including the AA Flow-Through pilots, are being fairly treated. We want to determine, for instances, that if credit is given for work at other carriers (like US Airways, TWA or TWA-LLC), then the Flow-Through Pilots get equal credit for work at American Eagle. As another example, if other pilots (such as TWA or TWA-LLC pilots) will or have received credit for time on furlough or time working at American Eagle, my clients want to be sure that they receive equal and non-discriminatory credits for the same circumstances. Without full information as to all parties' positions in the SLI process, my clients cannot monitor the situation as effectively as they may need to do to ensure that they receive fair and/or equal treatment.

Third, in my prior letter I noted that one of the AAPSIC committee members stated that "Pilots will be credited for the time they are on the AA property." Your letter does not respond to this remark or clarify it. Again, was this statement intended to state that seniority integration or placement on the integrated list will be based on the date a pilot began working on the AA property?

Very truly yours,



Christopher W. Katzenbach