

GREEN JACOBSON, P.C.
ATTORNEYS AT LAW
SUITE 700, PIERRE LACLEDE CENTER
7733 FORSYTH BOULEVARD
ST. LOUIS (CLAYTON), MISSOURI 63105
(314) 862-6800
TELECOPIER (314) 862-1606

MARTIN M. GREEN
JOE D. JACOBSON
JONATHAN F. ANDRES
ALLEN P. PRESS
GREGORY J. CHRISTOFFEL
FERNANDO BERMUDEZ
NATHAN E. ROSS
BRADLEY P. SCHNEIDER

HON. GEORGE E. SCHAAF
(1930-1995)

November 30, 2012

RE: *Brady, et al. v. Air Line Pilots Association, Int'l.*
Civil Action No. 02-2917

Dear Former TWA Pilot:

We are the lawyers for the Class of former TWA pilots in the case against the Air Line Pilots Association (ALPA). We write to provide you with an update about your case, and to request certain information from you. It is important that you provide us with as much of the information we are requesting as possible. If we do not have this information, ALPA may be able to prevent you from recovering money if we are successful in the damages phase of the case.

BACKGROUND OF THE LITIGATION

This certified class action was brought on behalf of you and your fellow former TWA pilots against your former union, ALPA, for ALPA's breach of its duty of fair representation following the April 2001 asset purchase and sale between American Airlines and TWA, Inc. The current class representatives are Patrick Brady, Ted Case, Michael Finucan, Howard Hollander, and Sally Young.

The TWA pilots allege in our Second Amended Restated Complaint that ALPA failed to properly advocate for their interests in the seniority integration of the TWA and American pilots because of a serious conflict of interest. We allege that at the same time that ALPA was duty-bound to assist the 2300 TWA pilots in their seniority integration negotiations with the American pilots, ALPA was engaged in extensive, undisclosed efforts to cause the more than 11,000 American Airline pilots to become members of ALPA. As a result, we contend ALPA acted arbitrarily and in bad faith when it sacrificed the interests of the TWA pilots during their seniority negotiations with the American pilots.

In July 2011, after more than five weeks of trial, a jury found both that ALPA violated its duty of fair representation to the more than 2300 TWA pilots in the class, and that ALPA's violation caused damage to at least some of the TWA pilots.

ALPA filed motions to set aside the jury's verdict, but the Court denied those motions. The Court then opened the case for discovery on the issue of damages. We were previously barred from taking such discovery by an order splitting the liability and damage issues in this case into two phases. We have hired two experts, and they have prepared reports on damages that have been provided to ALPA's lawyers, as required by the rules controlling lawsuits in federal court. Each expert independently recreated what he determined to be a fair and reasonable seniority list that could have probably been achieved if ALPA had not breached its duty to you and your fellow TWA pilots.

A trial date to determine the amount of damages has not yet been scheduled. To prove our case, the law may require us to present evidence of what each former TWA pilot actually earned through employment from 2001 to the present. *Any employment income earned by you, regardless of whether you remained employed by American Airlines or were furloughed, will likely be deducted from the income the Class Plaintiffs expect to prove you would have earned if ALPA had done its job properly and helped the TWA pilots negotiate a fair and reasonable seniority integration. The difference between what you would have earned and what you did earn are your damages under the law, and we are required to prove both parts.*

REQUEST FOR INFORMATION

We ask that all class members fill out page 1 of the TWA Pilot Questionnaire included with this letter. Please also sign and date the attached Certification Page (please note that this Certification Page requires you to sign twice). Please use additional paper to complete your answers, if necessary.

For those pilots who were never furloughed and remained employed with American Airlines, we have already obtained your income information directly from American. Accordingly, if you were not furloughed after April 2001, you do not need to provide us any additional income information at this time.

If you were furloughed from TWA or American Airlines on or after April 5, 2001, you must provide us proof of your employment income from 2001 through the present if we are to be able to present your claim at the damages trial. As proof of income, please provide us with the following information:

- a. Fill out the attached form titled "TWA Pilot Questionnaire";
- b. Sign and date the Certification Page on the attached form (please note that this Certification Page requires you to sign twice);
- c. Provide us with all of your W-2 and employment-related 1099 forms for each year you were furloughed, along with the first two pages of your federal income tax returns for each year; you do not need to include 1099 forms for your investment or business income;
- d. Provide us with your current Social Security Administration wage and income report including all information for the period 2001 to present; and
- e. Send the documents described in (a) through (d) above to the following address:

Case Lab Inc.
288 Clinton Street
Toronto, ON, M6G 2Y6

We are looking to collect all of this information from all 2300 former TWA pilots by the end of 2012, but please do not wait until the end of the year to send us this information. The sooner you send us your information, the sooner we can start working with it and the sooner our damages experts can use it to start calculating actual damages for use at trial.

PLEASE TAKE NOTE: *The deadline for submitting the requested information is January 14, 2013.* If you fail to timely provide us with the information we are requesting, there is a risk that you personally will not be eligible to receive any damages in this case, or the damages to which you may be eligible may be greatly reduced.

Please understand that the collection and tabulation of this data is a significant undertaking on our part, and we simply cannot speak to all 2300 class members individually. That said, if you have questions as to how to complete the questionnaire, you should feel free to contact us. We encourage successors of deceased former TWA pilots who receive this letter to contact us for additional information.

As a final matter, you should feel confident that the information you provide us will be treated confidentially. The Court has entered a protective order which precludes the disclosure of your data beyond the parties to the case, their counsel, and their expert witnesses.

Very truly yours,

By: <u>s/ Lisa J. Rodriguez</u> Lisa J. Rodriguez Nicole M. Acchione TRUJILLO RODRIGUEZ & RICHARDS, LLC 258 Kings Hwy East Haddonfield, NJ 08033 (856) 795-9002	By: <u>s/ Allen P. Press</u> Allen P. Press Joe Jacobson GREEN JACOBSON, P.C. 7733 Forsyth Blvd., Suite 700 St. Louis, MO 63105 (314) 862-6800
---	--

TWA PILOT QUESTIONNAIRE

BRADY, et al. v. ALPA

Docket No. 02-2917

PLEASE NOTE: FAILURE TO PRODUCE ANY OF THE DOCUMENTS OR INFORMATION REQUESTED MAY AFFECT YOUR RIGHT TO RECOVER DAMAGES

1) Your name, address, telephone number and email:

2) Your date of birth:

3) The dates of your service at TWA, Inc., TWA LLC, and American Airlines:
(e.g., June 1982 - May 2003)

*Please indicate separately any periods of employment by American Eagle

4) Your final seniority number at TWA as of April 10, 2001:

5) Your initial seniority number at AA:

6) Date of death (if deceased):

7) Date of retirement (if applicable) and whether it was an early retirement:

8) Dates resigned, terminated, or lost FAA medical certificate due to disability or any other reason (if applicable):

9) Are you currently, or have you been, inactive from flying for any reason other than furlough, e.g., medical, discipline or leave of absence? If yes, please state the reason for the absence, when the absence started and ended or whether you have an expected return date.

10) Did you have any non-furlough absences for which you received benefits tied to your income, e.g., maternity leave. If yes, please state the reason for the absence, when the absence started and ended or whether you have an expected return date. Please describe the employment benefits you received during this absence.

11) Date or dates furloughed from TWA LLC or AA (please attach any furlough notice):

12) Did you take voluntary furlough? If yes, please explain why?

13) Date you were offered recall from TWA LLC or AA (please attach any recall notice):

14) Have you suffered any employment or economic impact from the TWA-AA seniority merger that is not otherwise addressed in this questionnaire? If so, please describe.

Note: The next pages contain a series of questions specifically tailored to those of you who were furloughed. If you were furloughed and never recalled, please answer the questions on page 2. If you were furloughed and recalled, please answer the questions on page 3. Please also sign the attached Certification page. Please return the entire booklet.

Furloughed and Never Recalled

(Complete this page only if you were Furloughed and Never Recalled)

If after April 5, 2001, you were furloughed, and have not been recalled by AA, please answer the following:

- a) Your last rank and equipment grade (e.g., international wide-body captain):
- b) The date you were furloughed (please attach any furlough notices):
- c) Did you take voluntary furlough? If yes, please explain your reason for accepting furlough.
- d) Your annual income received from TWA or AA for the three years immediately before you were furloughed:
- e) Your actual employment income earned each year since you were furloughed. Please include all income from any self-employment. Do not include spousal income or investment income (such as interest, rent, capital gains, etc.). If income earned is also from secondary employment, please indicate whether you held the secondary employment before being furloughed, and the hours worked at the secondary employment both before and after furlough.

2001 – _____

2002 – _____

2003 – _____

2004 – _____

2005 – _____

2006 – _____

2007 – _____

2008 – _____

2009 – _____

2010 – _____

2011 – _____

- f) For each year or partial year of furlough, please attach the first two pages of your federal income tax returns, along with all W-2 and employment-related 1099 forms, if any.
- g) If you held secondary employment prior to furlough which you continued to hold after furlough, please attach your W-2 or 1099 forms for that secondary employment for three (3) years immediately prior to furlough.
- h) Please obtain and enclose your Social Security Administration wage report showing your wages from employment from 2001 to present.
- i) Did you pay for health insurance coverage during any periods of furlough to replace the health insurance you received while employed at TWA, TWA LLC, or AA? If yes, please provide the dates of coverage, the type of coverage, and the premiums you paid. Please provide proof of coverage and payment.
- j) While you were furloughed, did you apply for work at other airlines? If yes, to which airline(s) did you apply and when? Were you offered employment and, if so, what were the terms of the offer or offers, and did you accept?

Furloughed but Recalled

(Complete this page if you were Furloughed but Recalled)

If after April 5, 2001, you were furloughed and were later recalled by AA, please answer the following:

- a) Your last rank and equipment grade before being furloughed (e.g., international wide-body captain):
- b) The date or dates you were furloughed (please attach furlough notices):
- c) Did you take voluntary furlough? If yes, please explain your reason for accepting furlough.
- d) Your annual income received from TWA or AA for the three years immediately before you were furloughed:
- e) Your actual employment income earned each year since you were furloughed. Please include all income from any self-employment. Do not include spousal income or investment income (such as interest, rent, capital gains, etc.). If income earned is also from secondary employment, please indicate whether you held the secondary employment before being furloughed, and the hours worked at the secondary employment both before and after furlough.

2001 – _____

2002 – _____

2003 – _____

2004 – _____

2005 – _____

2006 – _____

2007 – _____

2008 – _____

2009 – _____

2010 – _____

2011 – _____

- f) For each year or partial year of furlough, please attach the first two pages of your federal income tax returns, along with all W-2 and employment-related 1099 forms, if any.
- g) If you held secondary employment prior to furlough which you continued to hold after furlough, please attach your W-2 or 1099 forms for that secondary employment for three (3) years immediately prior to furlough.
- h) Please obtain and enclose your Social Security Administration wage report showing your wages from employment from 2001 to present.
- i) The date or dates you were offered recall (please attach any recall notices):
- j) Did you ever decline recall? If so, on what date(s) and why?
- k) Your rank and equipment grade upon being recalled:
- l) Your actual income received each year from AA since being recalled.
- m) Did you pay for health insurance coverage during any periods of furlough to replace the health insurance you received while employed at TWA, TWA LLC, or AA? If yes, please provide the dates of coverage, the type of coverage, and the premiums you paid. Please provide proof of coverage and payment.
- n) While you were furloughed, did you apply for work at other airlines? If yes, to which airline(s) did you apply and when? Were you offered employment and, if so, what were the terms of the offer or offers, and did you accept?

Certification Under 28 U.S.C. §1746

I certify under penalty of perjury under the laws of the United States of America that my foregoing answers to this Pilot Questionnaire are true and correct.

Executed on _____ (date).

(signature)

(print name)

(address)

(city, state and zip code)

CERTIFICATION

I certify under penalty of perjury under the laws of the United States of America that the _____ pages of documents attached to this Declaration are true and genuine copies of all of the documents that I have maintained and located in my files or that I have obtained from governmental authorities or employers to establish my employment history and my income through employment for the period 2001 to present.

Executed on _____ (date).

(signature)

(print name)

(address)

(city, state and zip code)