



An Appeal to Judgment – Active Litigation Update

by Laura Glading, APFA President

On July 22, 2008, Judge Nina Gershon of the United States District Court, Eastern District of New York, handed down a decision in what had been known as the “Marcoux” case (after the first-named plaintiff in the filing.) This was a suit against APFA and other defendants over issues surrounding the Restructuring Participation Agreement. The text of the District Court’s decision, and the details of this suit—as well as others since dismissed or closed—can be found on the Lawsuits page of the APFA website, under the Members’ Resources menu.

APFA was pleased with the decision last July as all the lawsuits—and this one in particular—have proven to be a substantial drain of dues dollars on our Union’s treasury. To date, the cost to APFA for the Marcoux case alone has totaled \$1,205,359. To put that in perspective, this amount is approximately the cost of providing six full-time APFA Reps-on-Duty over a four-year period! Add to this total the over \$750,000 APFA has spent defending other lawsuits, since dismissed, closed or later consolidated into Marcoux, and the total approaches a staggering \$2,000,000. This is money APFA can hardly afford as we find ourselves having to tighten our belts in the face of declining dues, decreased flying and a weak, uncertain economy.

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the remaining plaintiffs (their number dwindling since the initial filing), have appealed the Judge’s ruling and once again, APFA finds itself forced to spend dues dollars to defend itself against a small minority of its own members. This diversion of your dues dollars is particularly unfortunate at this critical time

in negotiations, while our members are facing an uncertain future and the financial well-being of the industry is at stake.

Of the original 27 plaintiffs in the case, only 13 have chosen to appeal the Court’s decision. They are (with base assignments as of March 2009 for those still active):

Jill Lindsay (LAX)
 Carol Johnson (IOR)
 Constance LaMattina
 Daniel Santiago (JFK)
 Deborah Whittington
 Dottie Long (LAX)
 Janet Gold

Judith Alexander (LAX)
 Karen Rivoira
 Laurence E. Salomon III (BOS)
 Patricia Kennedy (JFK)
 Patty Gentry
 Rebecca Smith (IMA)

With the original namesake of the lawsuit no longer a plaintiff, the appeal is now referred to as the “Lindsay” case.

Our goal must always be to secure the future of our members. As stated in the APFA Code of Conduct: “Strength and unity within the APFA are fundamental to the successful resolution of any endeavor the Union may undertake.”