



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

AMERICAN AIRLINES, INC.,

Plaintiff,

v.

TRANSPORT WORKERS UNION OF AMERICA, AFL-CIO, INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, and AIRLINE MECHANIC AND RELATED EMPLOYEE ASSOCIATION TWU/IAM,

Defendants.

Civil Action No. 4:19-cv-00414-A

~~PROPOSED~~ MODIFICATIONS TO JUNE 14, 2019 TEMPORARY RESTRAINING ORDER

On June 14, 2019, American Airlines, Inc. (“American”) filed a Motion for Temporary Restraining Order, which the Court granted the same day. On July 10, 2019, American filed a Motion seeking Immediate Modification of the Temporary Restraining Order. After considering the July 10, 2019 Motion and Appendix in Support of American’s Motion for Immediate Modification of Temporary Restraining Order, as well as the other filings in this matter, the Court finds cause to modify the June 14, 2019 Temporary Restraining Order by imposing additional requirements on Defendants Transport Workers Union of America, AFL-CIO, International Association of Machinists and Aerospace Workers, and Airline Mechanic and Related Employee Association TWU/IAM (collectively “Defendants” or the “Union”).

THEREFORE, IT IS ORDERED that the June 14, 2019 Temporary Restraining Order remains in full force and effect, and the Union remains adequately indemnified by the bond

previously obtained by American, with the following additional requirements imposed on Defendants:

- a. The most senior Union leaders, including Sito Pantoja, Alex Garcia, and John Samuelsen, shall conduct in person group meetings as soon as possible with mechanics at American's line maintenance stations who are currently scheduled to work the RON (overnight) shift, and communicate a sincere and emphatic respect for the requirements of the Temporary Restraining Order and an imperative that every single mechanic and related employee fully and immediately comply with an unequivocal goal of restoring the mechanics and related employees' behavior and the operation to normal subject to the imposition of fines or discipline by Defendants, and allow representatives of American management to attend those meetings to monitor compliance;
- b. The most senior Union leaders, including Sito Pantoja, Alex Garcia, and John Samuelsen, shall conduct in person group meetings as soon as possible with all Union officials, including Local leadership, Local e-board members, shop stewards and grievance committee members, at all stations and communicate a sincere and emphatic respect for the requirements of the Temporary Restraining Order and an imperative that every single union official fully and immediately comply with an unequivocal goal of restoring the mechanics and related employees' behavior and the operation to normal subject to the imposition of fines or discipline by Defendants, and allow representatives of American management to attend those meetings to monitor compliance;

- c. The most senior Union leaders, including Sito Pantoja, Alex Garcia, and John Samuelsen, shall, to the extent that mechanics or Union officials are not available to attend the above meetings to call those mechanics and Union officials, as soon as possible and communicate a sincere and emphatic respect for the requirements of the Temporary Restraining Order and an imperative that every single mechanic and related employee and union official fully and immediately comply with an unequivocal goal of restoring the mechanics and related employees' behavior and the operation to normal, subject to the imposition of fines or discipline by Defendants;
- d. Defendants shall post the June 14, 2019 Temporary Restraining Order and these modifications to a dedicated webpage and on dedicated bulletin boards, separate from all other union correspondence;
- e. Defendants shall post a video on the same dedicated webpage of the most senior Union leaders, including Sito Pantoja, Alex Garcia, and John Samuelsen, communicating a sincere and emphatic respect for the requirements of the Temporary Restraining Order and an imperative that every single mechanic and related employee and union official fully and immediately comply with an unequivocal goal of restoring the mechanics and related employees' behavior and the operation to normal, subject to the imposition of fines or discipline by Defendants;
- f. Each of Defendants' members shall sign and date an acknowledgment form stating that they have read and understand their obligation to comply with the

modified Temporary Restraining Order upon risk of being disciplined or fined by Defendants and American;

- g. The most senior Union leaders, including Sito Pantoja, Alex Garcia, and John Samuelsen, shall issue, as soon as possible, the following notice, to all mechanics and related employees:

“Despite the Temporary Restraining (TRO) issued by the United States District Court for the Northern District of Texas on June 14, 2019, the disruption from the status quo—as measured by AOS at 0700, high daily open MELs, and low nightly accomplishment yields—has continued, and even worsened.

We therefore notify you, in no uncertain terms, that:

Any actions by mechanic and related employees that are designed or intended to harm or slow down American’s operations is a violation of the Court’s TRO and the Railway Labor Act.

You MUST resume normal working schedules and practices.

You MUST NOT engage in any concerted refusal to perform normal operations.

Any individual employee represented by the Association who is found to have:

- Refused to accept overtime or field trip requests as they would in the normal course;
- Failed to complete maintenance repairs as they would in the normal course;
- Slowed down in the performance of their job duties; or
- Taken any other action intended to cause aircraft to be out of service outside of the normal course (including specifically aircraft out of service at 7:00 a.m.) or otherwise cause flight delays or cancellations or interfere with American’s operations;

WILL face discipline and fines from the Association, TWU and/or IAM”; and

- h. Defendants shall take all reasonable actions, including but not limited to communications to their members, to ensure that their members working at American's line maintenance stations, within seven days of entry of the modified Temporary Restraining Order, achieve approximately, in the aggregate, on a 7-day moving average basis, overnight productivity levels equal to the aggregate status quo overnight productivity levels achieved in the summer of 2018 of 77.5%.

IT IS FURTHER ORDERED that by 10:00 a.m. on the fifth business day following issuance of these modifications, Defendants shall, by sworn declarations, confirm the steps taken toward compliance with each of the above requirements. The declarations shall include full details regarding the timing/location of the meetings and names of attendees at such meetings, and a detailed summary of what Defendants' leaders said at such meetings—with the recognition that Defendants may not be able to accomplish all of the above actions within five business days. If that is the case, Defendants shall update the Court every third business day until completed.

SO ORDERED at 5:23 o'clock ^{P.m.} this 10 day of July, 2019.


HON. JOHN MCBRYDE
United States District Judge