

On Monday, the eighth of August a status conference in the United States District Court was held by Judge Richard Roberts with the attorneys for both the FAA and NAATS in attendance. The purpose of the conference was to hear arguments regarding the briefing and hearing schedule for our Application of Preliminary Injunction.

At the conclusion of the conference the Court scheduled a two hour hearing on our motion for Preliminary Injunction to be held in Washington on Sept 1, 2005. Each side will be given an hour to present their arguments, and if necessary, the Court will carry over the hearing the next afternoon Sept 2, 2005. Additionally the Court shortened the time that the FAA had to respond to our initial Application for Injunction, it now needs to be answered no later than August 23, 2005. Lastly, the Court allowed GAO report GAO-05-724 to be filed as a supplement to our Application. This was done against FAA objections.

Courts do not often grant preliminary Injunctions. In order for an Injunction to be ordered, a strict 4 pronged test must be met. They are:

- 1. There is a strong likelihood that the plaintiff case will succeed on the merits**
- 2. Plaintiffs will be irreparably harmed if Injunction is not granted.**
- 3. No other party (including those not part to the suit) will suffer substantial harm.**
- 4 The public interest is supports granting the injunction.**

We believe that our lengthy Application for Injunction does satisfy all of these factors. 1. We believe that the FAA actions are indeed discriminatory and are based on age, and that absent the age factor our work force never would have been selected for this action.

- 2. Our employees are DEFINITELY undergoing irreparable harm and we have oceans of documentation on this prong.**
- 3. Any harm that befalls the FAA or LH is outweighed by the harm to the employees.**
- 4. The Public has a strong interest in Aviation safety and security.**

I am not going to go into the specifics of the arguments in this forum, however suffice to say that we will be aggressively arguing the merits of our case. The next timelines will be for a hearing on the Sept1 -2, 2005 in DC and then await the judge's decision. In most cases the Judge will act within a week of the hearing. At the outset of the conference the Judge asked the Government attorneys if they could delay implementation of the Lockheed transition to give the Court and opportunity to review the case, and the attorney said they would absolutely not offer this. The Judge is aware of the importance of timeliness in this issue.

All of the directors have been given copies of the Application for Injunction. It is a document over 100 pages and you can contact them to review it. Any questions please feel free to contact me Coolsdad@aol.com .

Mike