

NO. 02-5144

ORAL ARGUMENT SCHEDULED FOR APRIL 18, 2003

In The
United States Court of Appeals
For the District of Columbia Circuit

ALLIED PILOTS ASSOCIATION,
H.O. VAN ZANDT, and ROBERT C. STOW,

Plaintiffs-Appellants,

v.

PENSION BENEFIT GUARANTY CORPORATION,
PICHIN CORPORATION, ICAHN ASSOCIATES CORPORATION,
and DOES 1-10,

Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BRIEF OF APPELLANTS

Edgar N. James
Kathy L. Krieger
James & Hoffman, P.C.
1101 17th Street, N.W., Suite 510
Washington, D.C. 20036
Tel. (202) 496-0500
Fax. (202) 496-0555

Counsel for Appellants

Dated: December 31, 2002

CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES

In accordance with Fed. R. App. P. 28 and Circuit Rule 28 (a)(1), the undersigned certifies as follows:

(A) **Parties:** The names of all parties (including intervenors and amici) who appeared before the district court in this action are as follows:

Air Line Pilots Association, International:	Appellants/Plaintiff
H.O. Van Zandt:	Appellant/Plaintiff
Robert C. Stow:	Appellant/Plaintiff
Pension Benefit Guaranty Corporation:	Appellee/Defendant
Pichin Corporation:	Appellee/Defendant
Icahn Associates Corporation:	Appellee/Defendant

By order of this Court dated July 23, 2002, the Allied Pilots Association (“APA”) was substituted for the Air Line Pilots Association, International (“ALPA”), as Appellant. Neither ALPA nor APA is a corporation. Rather, ALPA and APA are unincorporated associations and employee organizations which do not have a “parent” company and are not subject to any ownership interest by a publicly held company.

(B) **Rulings Under Review:** The ruling under review is the Memorandum Opinion and Order dated March 29, 2002 in Air Line Pilots Ass’n, et al. v. Pension Benefit Guaranty Corp. et al., Case No. 1:00CV03113 (Ricardo M. Urbina), granting the defendants’ motions for summary judgment and denying the plaintiffs’ cross-motion for summary judgment. This ruling, which is reported at 193 F. Supp.2d 209, is reproduced in the Appendix at pages A. 465-85.

(C) **Related Cases:** This case was not previously before this or any other court. A subsequent case also filed in the U.S. District Court for the District of Columbia, Adams, et al. v. Pension Benefit Guaranty Corp., et al., Case No. 1:02CV00945 (Royce C. Lamberth), raises similar ERISA claims arising from the same circumstances as this case but was denied “related case” designation. The Adams case has been stayed pending disposition of this appeal.

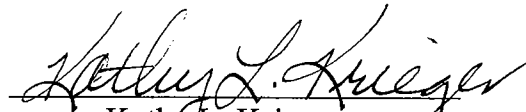

Kathy L. Krieger
Counsel for Appellants

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