

No. 01-1232

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IN THE  
**Supreme Court of the United States**

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DR. RICHARD KAUFMAN, on behalf of himself  
and all others similarly situated, et al.,

*Petitioners,*

v.

ALLIED PILOTS ASSOCIATION, et al.,

*Respondents.*

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**On Petition for a Writ of Certiorari to the  
United States Court of Appeals  
for the Fifth Circuit**

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**RESPONDENTS' BRIEF IN OPPOSITION**

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EDGAR N. JAMES\*  
STEVEN K. HOFFMAN  
KATHY L. KRIEGER  
James & Hoffman P.C.  
1101 Seventeenth St., N.W.  
Suite 510  
Washington, D.C. 20036  
(202) 496-0500

\*Counsel of Record

*Attorneys for Respondents*

### QUESTION PRESENTED

Is any ground for review by this Court presented where the U.S. Court of Appeals for the Fifth Circuit, in a unanimous ruling that involves no departure from or conflict among relevant federal decisions, applied the well established *Garmon* preemption doctrine of federal labor law precisely as this Court instructed in *Wisconsin Department of Industry, Labor and Human Relations v. Gould, Inc.*, 475 U.S. 282 (1986), to hold that airline passengers may not pursue state-law claims and remedies against an airline pilots' union for engaging in a peaceful work stoppage prohibited by the Railway Labor Act ("RLA"), 45 U.S.C. § 151 *et seq.*, and by a federal court injunction specifically enforcing that RLA prohibition?

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**STATEMENT OF THE CASE**

This case arose from an entirely peaceful February 1999 work stoppage, or "sickout," by the pilots of American Airlines, Inc. ("American"), during which American delayed or cancelled hundreds of scheduled flights due to lack of available crew. The relevant circumstances leading to the Fifth Circuit's November 21, 2001 ruling (Pet. App. A) and the present Petition are as follows:

1. Within days after the work stoppage began, American filed a federal court action alleging that the Allied Pilots Association

