

No. 04-10860

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IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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KITTY HAWK AIRCARGO, INC.,  
Plaintiff – Appellee

v.

ELAINE CHAO, Etc  
Defendant

AIR LINE PILOTS ASSOCIATION;  
HAL WINTERS  
Intervenor Defendants-Appellants

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On Appeal from the United States District Court for the Northern District  
of Texas, Dallas Division, Case No. 3:01-CV-1356-K

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**BRIEF OF INTERVENOR**  
**DEFENDANT-APPELLANT CAPTAIN HAL WINTERS**

Respectfully Submitted,

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DATED: October 8, 2004

**CERTIFICATE OF INTERESTED PERSONS**

**No. 04-10860**

**KITTY HAWK AIRCARGO, INC.,  
Plaintiff – Appellee**

**v.**

**ELAINE CHAO, Etc.,  
Defendant**

**AIR LINE PILOTS ASSOCIATION;  
HAL WINTERS,  
Intervenor Defendants-Appellants**

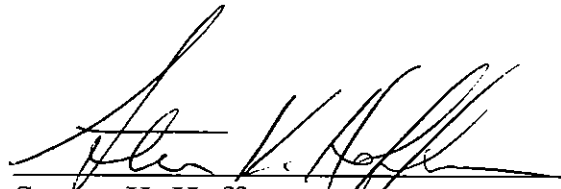
Pursuant to Fifth Circuit Rule 28.2.1, the undersigned counsel of record certifies that the following listed persons and entities have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

1. Kitty Hawk Aircargo, Inc. (Plaintiff-Appellee)
2. Kitty Hawk, Inc. (owns Kitty Hawk Aircargo, Inc.)
3. Everest Capital Limited (owns 10% or more of Kitty Hawk, Inc.'s stock)
4. Stockton, LLC (owns 10% or more of Kitty Hawk, Inc.'s stock)
5. Elaine Chao, Secretary of the United States Department of Labor ("DOL") (Defendant; governmental agency that issued the administrative decision challenged in this case)

6. Captain Hal Winters, an individual residing in Chapel Hill, North Carolina, and an airline pilot directly affected by the challenged administrative decision (Intervenor Defendant-Appellant)
7. Airline pilots currently and previously employed by Kitty Hawk Aircargo, Inc. (persons directly affected by the challenged administrative decision)
8. Airline pilots who worked for contractors with the United States Postal Service (“USPS”) providing services pursuant to the USPS’ ANET and WNET contracts (persons directly affected by the challenged administrative decision)
9. Air Line Pilots Association (Intervenor Defendant-Appellant; collective bargaining representative of the Kitty Hawk Aircargo, Inc. pilots)
10. Steven K. Hoffman (counsel for Intervenor Defendant-Appellant Captain Hal Winters)
11. Sean G. Bajkowski (counsel for Intervenor Defendant-Appellant Captain Hal Winters)
12. James & Hoffman, P.C. (counsel for Intervenor Defendant-Appellant Captain Hal Winters)

13. Robert Russell Bailey (counsel for Intervenor Defendant-Appellant Air Line Pilots Association)
14. Marta Wagner (counsel for Intervenor Defendant-Appellant Air Line Pilots Association)
15. James L. Hicks (counsel for Intervenor Defendant-Appellant Air Line Pilots Association and for Intervenor Defendant-Appellant Captain Hal Winters)
16. Hicks & Associates (counsel for Intervenor Defendant-Appellant Air Line Pilots Association and for Intervenor Defendant-Appellant Captain Hal Winters)
17. Leif G. Jorgenson (counsel for DOL)
18. Douglas J. Davidson (counsel for DOL)
19. Steven J. Mandel (counsel for DOL)
20. Frank D. Able (counsel for DOL)
21. Gerard F. Doyle (counsel for Plaintiff-Appellee)
22. Scott W. Woehr (counsel for Plaintiff-Appellee)
23. Doyle & Bachman, LLP (counsel for Plaintiff-Appellee)
24. George Bramblett, Jr. (counsel for Plaintiff)
25. Monique M. Kleck (counsel for Plaintiff)
26. Michael L. Hood (counsel for Plaintiff-Appellee)

27. Karen S. Precella (counsel for Plaintiff-Appellee)
28. Haynes & Boone, LLP (counsel for Plaintiff-Appellee)
29. Jeffrey S. Lowenstein (counsel for Plaintiff-Appellee)
30. Bell Nunnally & Martin, LLP (counsel for Plaintiff-Appellee)



Steven K. Hoffman  
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## **REQUEST FOR ORAL ARGUMENT**

The issues in this case are complex and substantial. Intervenor Defendant-Appellant Captain Hal Winters seeks the reversal of a ruling below that seriously misinterprets the standing requirements of Article III of the United States Constitution, seriously undermines the uniform regulation of interstate commerce under the Service Contract Act, and conflicts with settled legal authority, including the relevant precedent of the Supreme Court, this Court, and other federal courts. Captain Winters therefore respectfully submits that oral argument is appropriate and necessary in this case.

