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August 17, 2014

## *Update on the Court Hearing*

In the past, we have identified and countered the misrepresentations and omissions of the DPA. Their organizers' habitual exaggeration has never been more apparent than the latest DPA update on the alleged hacking matter. In its latest account of the hearing before Judge Hellerstein, DPA makes the claim that it "achieved great success in court." DPA won *no* victories in court on Thursday, August 14<sup>th</sup> and in fact, the court expressed considerable skepticism about the motives and validity of the hacking litigation.

Let's be perfectly and unequivocally clear. Neither ALPA International, the Delta MEC, nor any ALPA committee had anything to do with whatever happened to the DPA website in November 2013. ALPA had *nothing* to do with DPA's web issues. The DPA, with both subpoena power and access to their own accounts could have easily by now provided a detailed account of what actually happened to their website. What we should all be asking is "why not?"

Of course that's a rhetorical question. They have not because, if they can just keep the "John Doe Hacking Incident" limping along, and if they can just insinuate even in the slightest hint that ALPA must have been involved, it allows them their one last gasp to continue to finance their failed crusade. None of us should forget that in November of 2013 DPA wrote:

*"ALERT! ALPA has hacked part of the DPA website," and "The ALPA 'Special Committee' is clearly responsible for this so reward them appropriately," and "This hack could be the product of an offshoot of the Special Committee or it could be ALPA members taking direction from leadership to conduct the crime."*

From the beginning, here is what ALPA wrote, and the same is true today:

*"We have learned that network traffic was briefly mixed with a private individual's account maintained with the same hosting provider as the DPA, in this case, Squarespace. These sorts of problems simply could not have been generated by persons without administrative access to DPA's accounts."*

The Delta pilot who had traffic briefly mixed with the DPA website *is not* "John Doe," and despite months of subpoena power, the DPA leaders have been unable to produce anything that would reveal their illusory "John Doe."

ALPA has always been willing to provide the name of the Delta pilot whose private website information was somehow briefly mixed with the DPA website to DPA. What ALPA has opposed from the outset is DPA's machination to vilify a Delta pilot who denies hacking their website. The truth is that in court on Thursday, the judge discussed the pending dispute and mediated a resolution permitting exactly the limited discovery that ALPA was always willing to provide. The

judge's decision provided all protective orders sought by ALPA to prevent harassment and misuse concerning the Delta pilot that had his account intermixed with DPA's.

In particular, ALPA provided (as it always stated it was willing to) the name and email address of the pilot whose web traffic was mixed with that of the DPA, and who authored a statement denying his involvement in hacking activity. This was provided subject to a protective order from the Court forbidding DPA to publish this information unless the Court granted permission in the future.

Additionally, ALPA offered to share with the Court and with DPA's lawyer a two-page internal report produced by ALPA IT staff in November 2013 that was the basis for the November 21, 2013 *True Headings*. After providing this material subject to protective orders imposed on DPA by the Judge, *ALPA was freed from any further discovery obligations.*

More significantly, Judge Hellerstein stated more than once for the record that he believed this litigation is being pursued for reasons other than those stated by DPA.

DPA won *no* victories in court on Thursday, August 14. To the contrary, it was DPA, not ALPA, that was criticized by the Court. Their misrepresentations and omissions continue to be as irrational as ever, producing nothing but disunity for the Delta pilots.