



Robert Siegel

Partner

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Bob Siegel, Co-Chair of O'Melveny's Aviation Industry Group, is a labor lawyer who focuses his practice on representing major companies in federal court litigation under the Railway Labor Act and the National Labor Relations Act, arbitrations, labor negotiations, National Mediation Board and National Labor Relations Board matters, and employment law litigation and counseling. Representative past and current clients include: American Airlines, United Airlines, Delta Air Lines, Alaska Air, US Airways, Republic Airways, Atlas Air, Southern Air, Envoy Air, Airlines For America, Astar Air Cargo, AirTran Airways, Pan American World Airways, America West Airlines, Midwest Airlines, Spirit Airlines, Northwest Airlines, Atlas Air, Flying Tigers, Pacific Southwest Airlines, Polar Air, Delphi Corporation, and Mylan Laboratories.

Bob has also been labor counsel to several airlines regarding mergers, asset acquisitions, and ESOP transactions. Bob was formerly Co-Chairman of the American Bar Association's Railway and Airline Labor Law Committee and is a former Senior Editor of *The Railway Labor Act* (BNA).

Bob has argued significant labor law cases before the US Court of Appeals, Second, Third, Fourth, Seventh, Ninth, Tenth, Eleventh, and District of Columbia Circuits, and the Colorado Supreme Court. During the 2001-02 term, he represented **US Airways** before the US Supreme Court in *US Airways, Inc. v. Barnett*, a case involving reasonable accommodation requirements under the Americans with Disabilities Act. He previously served on the Board of Governors of The College of Labor and Employment Lawyers, Inc.

Admissions

Bar Admissions

California

District of Columbia

New York

Court Admissions

US Court of Appeals, Second, Fifth & District of Columbia Circuits

US District Court, Western District of North Carolina, Eastern District of Wisconsin

Education

University of Michigan, J.D.: *magna cum laude*; Order of the Coif

University of California at Berkeley, B.A.: with great distinction; Phi Beta Kappa

Bob served as Chair of O'Melveny's Litigation Department from 2005 to 2010 and as Vice-Chair of the Firm from 2005 to 2008.

Experience

- *American Airlines Inc. v. Transport Workers Union of America et al.*, Case No. 19-cv-00414 (N.D. Tex. 2019) – Won a permanent injunction for **American Airlines** requiring the carrier's mechanics unions to end an illegal work slowdown that resulted in thousands of flight cancellations and delays.
- *Atlas Air, Inc. et al. v. International Brotherhood of Teamsters et al.*, Case No. 17-7172 (D.C. Cir. 2019) – Represented **Atlas Air** in a DC Court of Appeal decision affirming a district court's issuance of a preliminary injunction prohibiting the International Brotherhood of Teamsters and its member pilots from engaging in any slowdown activities designed to give the union greater leverage in ongoing collective bargaining negotiations.
- *Beckington, et al. v. American Airlines*, Case No. 18-15648 (9th Cir. 2019) – Represented **American Airlines** in the Ninth Circuit Court of Appeal decision finding that airline employees cannot bring a claim of collusion against a carrier for "colluding" with a union that breached its duty of fair representation to its members.
- *Horner et al. v. American Airlines*, Case No. 18-10036 (5th Cir. 2019) – Represented **American Airlines** in the Fifth Circuit Court of Appeal decision affirming the district court dismissal of a lawsuit challenging an arbitrator's award concerning the integration of pilot seniority lists as part of American's mergers with Trans World Airlines and US Airways.
- *Spirit Airlines, Inc. vs. Air Line Pilots Association*, 2017 U.S. Dist. LEXIS 81596 (S.D. Fla.) – Obtained a temporary restraining order prohibiting pilots from disrupting **Spirit Airlines'** operations, and requiring the union and individual defendants to stop the pilots' illegal job action.
- *Atlas Air, Inc. et al. v. International Brotherhood of Teamsters et al.*, Case No. 7:17-cv-00903-NSR (S.D.N.Y.) – Won summary judgment for **Atlas Air** and an order compelling the Atlas pilots' union to arbitrate its refusal to negotiate a collective bargaining agreement.
- *Ballard et al. v. American Airlines, Inc.*, Case No. 17-cv-02534 (N.D. Ill.) – Won full dismissal for **American Airlines** of a purported class action brought by the airline's mechanics regarding changes to premium pay rates that American negotiated with the mechanics' union following American's merger with US Airways.
- *Piedmont Airlines, Inc. v. Air Line Pilots Association, International*, Case No. 1:16-CV-03263 (D. Md.) – Won summary judgment for **Piedmont Airlines** and remand of an arbitration award that ordered the payment of pension benefits under a defined benefit plan.
- *Krakowski v. American Airlines Group, Inc.*, Case No. 13-01283, (Bankr. S.D.N.Y.) – Won summary judgment for **American Airlines** of an action brought by a class of former TWA pilots challenging American Airlines' pilot seniority list on the ground that the plaintiffs could not show that American colluded with its pilots' union in an alleged breach of the union's duty of fair representation.
- *Bakos v. American Airlines, Inc.*, Case No. 17-2505 (3rd Cir. 2018) – Represented **American Airlines** in the Third Circuit Court of Appeal decision finding that American integrated the airline seniority lists of American Airlines and US Airways pilots in a fair and equitable manner under the McCaskill-Bond amendment to the Federal Aviation Act.

- *Flight Attendants in Reunion v. American Airlines, Inc.*, No. 15-869 (2d Cir. 2016) – Represented **American Airlines** in the Second Circuit Court of Appeals decision finding that American Airlines had integrated the airline seniority lists of American Airlines and US Airways flight attendants in a fair and equitable manner under the McCaskill-Bond amendment to the Federal Aviation Act.
- *Transport Workers Local 591 v. American Airlines, Inc.*, 2015 WL 3852958 (N.D. Ill. 2015) – Won full dismissal for **American Airlines** in an action brought by a local union representing American's mechanics on the ground that plaintiffs' claims were "minor disputes" under the Railway Labor Act and could therefore be remedied through the parties' collective bargaining agreement's grievance and arbitration procedures.
- *Joseph Brown, et al v. United Airlines Inc. and Ben Mitchell v. US Airways Inc.*, 720 F.3d 60 (1st Cir. 2013) – Represented **US Airways, Inc.** in the First Circuit Court of Appeals decision surrounding an alleged nationwide class action claim by United Airlines Inc. and US Airways skycaps.
- *US Airlines Pilots Association v. US Airways, Inc.*– 2012 WL 909834 (E.D. NY 2012) – Successfully represented **US Airways, Inc.** on a motion to dismiss a lawsuit alleging interference with collective bargaining rights, failure to maintain the "status quo," bad faith bargaining, and failure to exert every reasonable effort to settle disputes.
- *Air Transport Ass'n of America, Inc. v. National Mediation Bd.*, 663 F.3d 476 (D.C. Cir. 2011) – Represented the **Air Transport Association of America, Inc.**, the principal airline industry trade group, in challenging the National Mediation Board's new voting rules under the Railway Labor Act and the Administrative Procedures Act.
- *McMahon v. Delta Air Lines, Inc. Slip Copy*, 2011 WL 5572628 (D. Minn.2011) – Successfully represented **Delta Air Lines, Inc.** in opposing a preliminary injunction seeking to change the pay and profit-sharing payments for approximately 7,000 pre-merger Northwest flight attendants.
- *Air Line Pilots Assoc. v. United Air Lines, Inc. Slip Copy*, 2011 WL 4543820 (E.D. NY 2011) – Successfully represented **United Airlines, Inc.** in opposing a preliminary injunction sought by the Air Line Pilots Association regarding United's implementation of revised flight operations procedures in connection with its merger with Continental.
- *US Airways, Inc. v. US Airline Pilots Ass'n* F.Supp.2d, 2011 WL 4485795 (W.D. NC 2011) – Represented **US Airways, Inc.** in convincing a federal court to grant the airline's request for a preliminary injunction to stop an illegal slowdown by its pilots.
- *Air Line Pilots Association International v. US Airways Group, Inc. et al*, 609 F.3d 338 (4th Cir. June 23, 2010) – Represented **US Airways Group, Inc.** and **US Airways, Inc.** in obtaining a precedent-setting dismissal of a two-count complaint brought by the Air Line Pilots Association alleging that the Railway Labor Act required a multi-party arbitration board.
- *Air Line Pilots Association v. Spirit Airlines, Inc.*, 08-CV-13785 (E.D. Mi. 2009) – Represented **Spirit Airlines** in a case filed by ALPA alleging bad faith bargaining under the Railway Labor Act. The court granted Spirit's motion to dismiss under FRCP 12(b)(6), adopting the carrier's arguments regarding duties under Section 2, First of the RLA.
- *US Airways, Inc. v. Barnett*, 535 U.S. 391, 122 S.Ct. 1516, 152 L.Ed.2d 589 (U.S. Apr. 29, 2002) – Represented **US Airways** before the US Supreme Court in a landmark action deciding that employers ordinarily have no obligation under the Americans with Disabilities Act to violate a seniority-based bidding system in order to accommodate an employee with a disability.

- *In re US Airways Group, Inc.* (January 6, 2005) – Successfully represented **US Airways** in action under Section 1113(c) of Bankruptcy Code for rejection of labor contracts (first time in airline industry).
- *International Ass'n of Machinists v. US Airways, Inc.*, 358 F.3d 255 (3rd Cir. 2004) – Successfully represented **US Airways** before the Third Circuit in an action alleging that the outsourcing of aircraft maintenance constituted a "major dispute" under the RLA.
- *In re US Airways Group, Inc.* (E.D. Va. 2002) – Represented **US Airways** in actions seeking rejection of collective bargaining agreements under the US Bankruptcy Code, ultimately resulting in successful negotiations of restructured collective bargaining agreements for nine employee groups.
- *United Air Lines, Inc. v. International Ass'n of Machinists*, 243 F.3d 349 (7th Cir. 2001) – Successfully represented **United** before the Seventh Circuit in an action against its mechanics' union seeking injunctive relief under the RLA against a unlawful slowdown campaign by United mechanics.
- *Bishop v. Air Line Pilots Association*, 2000 US App. Lexis 3270 (9th Cir. 2000) – Successfully represented **American Eagle** in the defense of a putative class action against the carrier and the pilots' union challenging a novel ratification procedure for a new collective bargaining agreement.
- *US Airways, Inc. v. National Mediation Board*, 177 F.3d 985 (D.C. Cir. 1999) – Successfully represented **US Airways** in the first case ever to invalidate a representation certificate issued by the NMB on the basis that the carrier had been denied its First Amendment rights during the organizing campaign. This case established two major legal precedents – the right of the federal courts to invalidate an NMB certificate on Constitutional grounds, and a carrier's right to engage in free speech during a representation election.
- *America West Airlines, Inc. v. National Mediation Board*, 119 F.3d 772 (9th Cir. 1997) – Represented **America West Airlines** in an effort to invalidate a certification issued by the NMB on the basis that the Board had allowed former employees to vote in the representation election.
- *Pilkington v. United Airlines, Inc.*, 112 F.3d 1532 (11th Cir. 1997) – Successfully represented **United Airlines** in the defense of a multiple-plaintiff lawsuit alleging that United had failed to protect pilots who worked during a 1985 strike from harassment by the pilots' union, extending the preemption doctrine established in the Fry decision discussed below to strike replacements.
- *Fry v. Air Line Pilots Association*, 88 F.3d 831 (10th Cir. 1996) – Successfully represented **United Airlines** in a multiple-plaintiff action similar to Pilkington, establishing that the doctrine of Railway Labor Act preemption bars a claim by cross-over pilots that the carrier took insufficient actions to protect them from post-strike harassment.
- *Pyles v. United Air Lines, Inc.*, 79 F. 3d 1046 (11th Cir. 1996) – Represented **United Airlines** in the successful defense of a claim that United unlawfully failed to hire a former Pam Am pilot because he had undergone eye surgery, establishing that the claims were preempted by the Railway Labor Act and federal Aviation Act.
- *Lancaster v. Air Line Pilots Association*, 76 F. 3d 1509 (10th Cir. 1996) – Represented **United Airlines** in a claim against United and the pilots' union alleging that the plaintiff had been unlawfully terminated for failure to pay union dues.
- *Association of Flight Attendants v. United Airlines, Inc.*, 71 F.3d 915 (D.C. Cir. 1995) – Represented **United Airlines** in a dispute over the application of United's flight attendant agreement to flight attendants employed by a subsidiary corporation.

- *Tee v. UAL Corp.*, 91 F.3d 163 (11th Cir. 1996) – Represented **United Airlines** in a class challenge by unrepresented employees to United's 1994 ESOP transaction, establishing that the employees had no standing to object to the terms of the agreement between United and its unions.
- *Long v. Flying Tiger Line, Inc.*, 994 F.2d 692 (9th Cir. 1993) – Successfully represented **The Flying Tiger Line, Inc.** in an ERISA dispute, establishing the legal principle that a grievance before the System Board of Adjustment was the exclusive method to challenge the carrier's calculation of pension benefits.
- *America West Airlines, Inc. v. National Mediation Board*, 986 F.2d 1252 (9th Cir. 1992) – Successfully represented **America West Airlines** in an action to enjoin the NMB from distributing a notice to the carrier's employees as a remedy in a carrier interference case, establishing the legal principle that NMB had no authority to adjudicate or remedy alleged violations of the Railway Labor Act.
- *Rakestraw v. United Airlines, Inc.*, 981 F.2d 1524 (7th Cir. 1992) – Successfully represented **United Airlines** in a multiple-plaintiff challenge to a collective bargaining agreement that altered the plaintiffs' seniority rights, establishing the legal standard for carrier liability in a duty of fair representation case.
- *Association of Flight Attendants v. United Airlines, Inc.*, 976 F.2d 102 (2nd Cir. 1992) – Successfully represented **United Airlines** in a dispute with the flight attendants' union over establishment of a Paris domicile, obtaining an expedited reversal of the district court's injunction on the ground that the carrier's actions constituted a "minor dispute" subject to arbitration under the Railway Labor Act.
- *Air Line Pilots Association v. UAL Corp.*, 897 F.2d 1394 (7th Cir. 1990) and 874 F.2d 439 (7th Cir. 1989) – Represented **United Airlines** in an action by the pilots' union regarding poison pill provisions in a labor contract.
- *Connors v. America West Airlines, Inc.* (D. Ariz. 1995) – Successfully defended **America West Airlines** in lawsuit by 400 former mechanics challenging their terminations in connection with subcontracting of maintenance operations.
- *Pollock v. Continental Airlines, Inc.* (W.D. Wash. 1995) – Defended **America West Airlines** in action by 200 former employees of Continental Airlines alleging that they were replaced by younger employees of America West at various stations throughout the US.
- *Gantchar v. United Airlines, Inc.* (N.D. Ill. 1993) – Represented **United Airlines** in lawsuit by 32 flight attendants alleging sex and national origin discrimination; obtained summary judgment on majority of claims, and settled remainder on highly favorable terms.
- *Judice v. United Airlines, Inc.* (C.D. Cal. 1993) – Successfully defended **United Airlines** in action by 222 former skycaps alleging that subcontracting of skycap work, and termination of skycaps, constituted discrimination.

Professional Activities

Member

- American Bar Association, Litigation and Labor and Employment Law Sections
- Former Member of the Governing Board, The College of Labor and Employment Lawyers, Inc.
- Past Co-Chairman, American Bar Association, Railway and Airline Labor Law Committee

Publications

- Former Senior Editor, *The Railway Labor Act* (BNA)

Teacher/Lecturer

- ALI-CLE
- The American Arbitration Association
- Practicing Law Institute

Author

- “Modernization for Aviation and Railway Industries,” *Employment Law360*, co-authored with Natasha Waglow and Sloane Giddon (February 2012)

Speaker

- “Airline and Railroad Labor and Employment Law,” American Law Institute (September 27-28, 2018)
- “Current Trends in Arbitration, Mediation and Upcoming Bargaining Issues in the Airline Industry,” National Academy of Arbitrators Annual Meeting (May 24, 2018)
- “Major Disputes in the Airline Industry,” ABA Section of Labor & Employment Law, Railway & Airline Labor Law Committee’s Midwinter Meeting (March 8, 2018)
- “Throw Out the Devil and Deal with the Details in Complex Airline Arbitration,” National Academy of Arbitrators Annual Meeting (May 26, 2017)
- “Bargaining, Mediation, Status Quo, and Work Stoppages”; “Interest Arbitration and Grievance Procedures,” 26th Annual ALI-CLE Airline and Railroad Labor and Employment Law (April 27-28, 2017)
- “Election Campaigns,” “Management and the Mediation Process and Emergency Boards,” “Judicial Enforcement of the Railway Labor Act and ‘ULP’s’: Is There ‘Protected Activity’ under the RLA?,” “Affiliations, Mergers, and Consolidations,” The American Law Institute’s Airline and Railroad Labor and Employment Law: A Comprehensive Analysis (October 2012)

Honors & Awards

- Recognized as a Local Litigation Star and Labor & Employment Star in Antitrust and Labor & Employment by Benchmark Litigation (2020)
- Recognized as a Transportation MVP by *Law360* (2019)
- Recognized by *Best Lawyers*® 2020 for Employment Law - Management in Los Angeles, CA; Robert has been listed in *Best Lawyers*® since 2013.
- Selected by *Law360* as Transportation MVP (2016, 2018)
- Named to the Corporate Employment Lawyers Hall of Fame in *Lawdragon’s* Guide to The Most Powerful Corporate Employment Lawyers (2018)
- Ranked by *Chambers USA* (2007-2020)
- Selected by the *Daily Journal* as a Top Labor & Employment Lawyer (2010-2012, 2014-2019)
- Selected by *HRE Executive* and *Lawdragon* to its “Most Powerful Labor Attorneys” list (2017)
- Named a “Leading Lawyer” by *Legal 500 US* in Transport: Aviation and Air Travel (2017-2020)
- Recognized by *Legal 500 US* for Labor and Employment: Litigation (2011-2014), Labor and Employment: Labor-Management Relations (2013-2020), and Labor and Employment: Labor and Employment Disputes (2017-2019)

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- Named an “Employment MVP” by *Law360* (2012-2013)
 - Named one of “The Nation’s Most Powerful Employment Attorneys” by *Lawdragon* (2011-2016)
 - Named a Southern California *Super Lawyer* (2008-2017)
 - Selected as “Dealmaker in the Spotlight” by *The American Lawyer* (2013)