

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHARLENE CARTER,

Plaintiff,

v.

SOUTHWEST AIRLINES CO. and
TRANSPORT WORKERS UNION OF
AMERICA, LOCAL 556,

Defendants.

CASE NO.: 3:17-cv-02278-X

**SOUTHWEST AIRLINES CO.'S
UNOPPOSED EMERGENCY
MOTION FOR ADMINISTRATIVE
STAY AND OPPOSED MOTION TO
STAY THE COURT'S CONTEMPT
ORDER PENDING APPEAL**

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Attorneys for Defendant Southwest Airlines Co.

SOUTHWEST AIRLINES CO.’S UNOPPOSED EMERGENCY MOTION FOR ADMINISTRATIVE STAY AND OPPOSED MOTION TO STAY THE COURT’S CONTEMPT ORDER PENDING APPEAL

Southwest Airlines Co. moves to stay the Court’s Memorandum Opinion and Order Granting Sanctions (ECF 467) (“Contempt Order”) pending appeal to the United States Court of Appeals for the Fifth Circuit. To enable this Court and, if necessary, the Fifth Circuit, to resolve Southwest’s stay request, Southwest also seeks an immediate administrative stay, as set out below. Counsel for Southwest has conferred with counsel for Carter, who does not oppose an administrative stay as set out below, but opposes Southwest’s motion for stay pending appeal.

1. Southwest moves unopposed for an administrative stay of the Contempt Order permitting this Court and, if necessary, the Fifth Circuit, to consider Southwest’s request for a stay of the Contempt Order pending appeal. Southwest respectfully asks that the Court issue an administrative stay lasting until the Court rules on Southwest’s motion for a stay pending appeal or, if the Court denies the motion, until the Fifth Circuit rules on a request for a stay pending appeal, so long as Southwest files that request with the Fifth Circuit within 7 days of this Court’s denial. *See Texas. v. Biden*, 554 F. Supp. 3d 818, 858 (N.D. Tex. 2021) (granting 7-day stay to pursue appellate relief). Carter does not oppose this request for an administrative stay provided that this Court allows Carter at least 7 days to file a response with her arguments in opposition to Southwest’s motion for stay pending appeal.

2. Southwest moves for a stay pending appeal of the Contempt Order. As set out in the accompanying brief, the Court should stay the Contempt Order because it exceeds the Court’s civil-contempt power, violates the First Amendment, and rests on a jury verdict that the Fifth Circuit is likely to overturn on appeal. The Contempt Order will irreparably harm Southwest and its sanctioned attorneys without a stay, which is in the public interest and will not harm Carter.

Southwest respectfully advises the Court that it will ask the Fifth Circuit for a stay on August 22, 2023, if this Court has not granted a stay or an administrative stay by August 21, 2023.

CONCLUSION

Southwest respectfully requests an administrative stay and a stay of the Contempt Order.

DATED: August 16, 2023

Respectfully submitted,

/s Paulo B. McKeeby

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Attorneys for Defendant Southwest Airlines Co.

CERTIFICATE OF CONFERENCE

On August 15, 2023, an attorney for Southwest, Parker Rider-Longmaid, conferred by email and phone with an attorney for Carter, Matthew Gilliam, about the requests for relief in this Motion. Mr. Gilliam represented that Ms. Carter is unopposed to Southwest's motion for an administrative stay for the sole purpose of allowing this Court any time it deems warranted to consider and rule on Southwest's motion for a stay pending appeal. Mr. Gilliam further represented that Ms. Carter will not oppose Southwest's request for an administrative stay that, if the Court denies a stay pending appeal, continues until the Fifth Circuit decides Southwest's motion for a stay pending appeal, so long as Southwest moves in the Fifth Circuit for a stay pending appeal within 7 days of this Court's denial of a stay pending appeal. Mr. Gilliam also asked that Southwest convey that Carter and her counsel "think that it is important to resolve these motions quickly as Ms. Carter and the other Southwest flight attendants continue to suffer harm caused by Southwest's contempt, and any delay in Southwest complying with the Court's order extends that harm." Mr. Gilliam also conveyed that Carter is opposed to Southwest's request for a stay pending appeal.

DATED: August 16, 2023

Respectfully submitted,

/s Parker A. Rider-Longmaid
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been filed via the Court's ECF system and all counsel of record have been served on this 16 day of August, 2023.

DATED: August 16, 2023

Respectfully submitted,

/s/ Shay Dvoretzky

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