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Teamsters Ask 11th Circ. For Sanctions On Amerijet

By **Jimmy Hoover**

Law360, Washington (February 11, 2016, 8:45 PM ET) -- The International Brotherhood of Teamsters have called Amerijet's bid to reverse a decision forcing arbitration of a labor dispute with its overseas pilots "frivolous" and "vexatious," urging the Eleventh Circuit to scrap the appeal and award the union attorneys' fees.

In a motion for sanctions Wednesday, the Teamsters told the appeals court that it "already decided all the dispositive" issues in the case when, in March 2015, a different Eleventh Circuit panel held that whether the dispute warranted arbitration was an issue for the arbiter to decide.

"With this appeal, Amerijet seeks nothing more than to delay the inevitable and harass the union," the union wrote. "This appeal amounts to little more than another request for reconsideration because it raises once again the same issues and arguments that this court already rejected in its previous decision in this case."

The Teamsters filed suit against Amerijet International Inc. in April 2012 in Florida federal district court, seeking to compel arbitration to resolve disputes over the compensation of flight crews while stationed in Port of Spain, Trinidad, and the firing of a pilot stationed there.

The federal court held in October 2012 that it didn't have subject-matter jurisdiction over the Teamsters' claims to compel arbitration, holding that the Railway Labor Act doesn't apply to employees working in an air carrier's operations outside of the United States, the petition said.

The Eleventh Circuit reversed in March 2015, reasoning that ordering arbitration wouldn't constitute extraterritorial application of the act because it is the contractual agreement that is being applied. The Teamsters aren't looking to apply rights created by a federal statute to work overseas, the panel held, they are looking to compel arbitration to determine whether Amerijet violated a collective bargaining agreement.

The Supreme Court denied an appeal of that decision in November, while, on remand, the district court granted the motion to compel arbitration.

Appealing the decision on remand, Amerijet has said the Eleventh Circuit's March 2015 decision did not first examine whether

there was even a dispute under the CBA that would force arbitration.

"The more important issue in this case has yet to be decided, which is the division of labor between an arbitrator and a judge on the application of a collective bargaining agreement in a particular setting," Amerijet's in-house counsel Joan Canny told Law360.

That issue, she said, "was not briefed in the district court in the first instance and it was not raised as an issue on appeal."

"It is appropriate and important that the Eleventh Circuit decide that question on this appeal," she added.

Counsel for the Teamsters declined to comment.

The Teamsters are represented by Howard S. Susskind, Noah Scott Warman and Dustin L. Watkins of Sugarman & Susskind PA.

Amerijet is represented by in-house counsel Joan M. Canny.

The case is International Brotherhood of Teamsters v. Amerijet International Inc., case number 15-15145, in the U.S. Court of Appeals for the Eleventh Circuit.

--Additional reporting by Shayna Posses. Editing by Bruce Goldman.

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