OCTOBER 7, 2019

MAX Litigation Announcement Against Boeing

I wanted to let you know directly about an important step that SWAPA is taking today regarding the grounding of the 737 MAX. SWAPA has filed a lawsuit against The Boeing Company. This is not a step your BOD took lightly. As you may have heard me mention, our Pilots have been substantially harmed by the loss of income during the time that the MAX has been out of service, and this is part of SWAPA’s work to recoup some of that income.

The grounding of the MAX has now caused the elimination of more than 30,000 scheduled Southwest flights and - as so many members have noted - more than $100 million in real financial losses for us as Pilots. With the MAX not scheduled to return to service until possibly the first quarter of 2020, these losses are continuing to grow at a rapid pace.

We have heard, and share, the serious concerns that so many of you have raised about Boeing’s actions, the effect this situation has had on passenger trust, and the significant financial impact it is having on our Pilot group. That is why, for more than a month, SWAPA has been engaged in discussions with Boeing on ways to address this matter, particularly the loss of compensation that so many of our Pilots have experienced.

Unfortunately, despite our efforts, Boeing has not responded with any concrete financial proposals to address the concerns of SWAPA Pilots. Boeing has simply left us with no viable choice but to pursue litigation, and we intend to hold Boeing accountable for their actions.

We understand that SWA is in talks with Boeing for compensation for the 737 MAX grounding and that Gary Kelly has said SWA was "looking at ways to share proceeds as appropriate" with employees. However, it is unclear whether Boeing’s settlement with SWA will be all cash directly to SWA or in some other indirect form such as discounts on future aircraft. There has also been no indication that SWA is proposing to compensate Pilots for the total extent of their losses. Our Pilots deserve to be made whole, and we intend to represent you to the fullest.

Does this mean that we don’t support flying the MAX once it has been authorized by the FAA to return to service? No, absolutely not. This is purely a legal matter to protect SWAPA Pilots from some of the loss of income you have endured since the grounding of the plane.

Again, we did not take this step lightly. It is our duty to advocate for you, our membership. No SWAPA Pilot should be required to shoulder the significant financial losses caused by Boeing’s fraud and negligence. Please be assured that we intend to actively pursue this litigation to its resolution. To that end, we have entered into an agreement with a litigation funding company to defray the costs that would have been borne by SWAPA.

A copy of the legal complaint that we filed with the District Court in Dallas today along with a press release can be found by clicking the links.

We will continue to keep you apprised as this situation progresses, but for now I simply ask that you continue to do what you do as professional Pilots every day. SWAPA will advocate on your behalf; and as always, you fly the jet.

Leading Forward,
Jon