

It is therefore, **ORDERED, ADJUDGED and DECREED** that Defendant Secretary of Labor shall take no action against Plaintiff Kitty Hawk Aircargo, Inc., or any of its past, present, and future parent and subsidiary and sibling corporations and entities, divisions, partners, successors, associates, affiliates, agents and assigns (collectively referred to as the “Kitty Hawk Related Parties”) on behalf of the final decision of the U.S. Department of Labor Administrative Review Board in *U.S. Postal Service ANET and WNET Contracts*, ARB Case. No. 98-131, dated August 4, 2000 that airline pilots (captains and first officers) as a class are not “learned professionals” within the terms of 29 C.F.R. Part 541 (the “Final Decision”).

It is **FURTHER ORDERED** that Defendant is hereby permanently enjoined from implementing the Final Decision against Plaintiff Kitty Hawk Aircargo, Inc. or the Kitty Hawk Related Parties.


It is **FURTHER ORDERED** that Defendant is hereby permanently enjoined from taking any actions against Plaintiff Kitty Hawk Aircargo, Inc. or the Kitty Hawk Related Parties inconsistent with the Court’s findings that the Kitty Hawk pilots (captains and first officers) at issue in the Final Decision qualify for exemption as “professional employees” pursuant to the McNamara-O’Hara Service Contract Act, 41 U.S.C. § 351 *et seq.*, and the regulations in 29 C.F.R. §§ 541.3, 541.301 and 541.315.

It is **FURTHER ORDERED** that the Clerk of the Court is directed to issue all writs and processes necessary for execution of this Amended Final Judgment.

All relief not expressly granted herein is hereby denied, and this Amended Final Judgment finally disposes of all claims and parties.

SO ORDERED.

May 24th, 2004.


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UNITED STATES DISTRICT JUDGE