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9 UNITED STATES DISTRICT COURT
 10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 11 WESTERN DIVISION

12 03-3645 JFW (CWZ)

13 ELAINE L. CHAO)	NO.
Secretary of Labor,)	
14 United States)	<u>COMPLAINT FOR VIOLATION OF</u>
Department of Labor,)	<u>LABOR-MANAGEMENT REPORTING AND</u>
15 200 Constitution Avenue, N.W.,)	<u>DISCLOSURE ACT</u>
Washington, D.C. 20210)	
)	[29 U.S.C. §§ 401 <u>et seq.</u>]
16)	
17 Plaintiff,)	
)	
18 v.)	
)	
19 LOCAL 47, INTERNATIONAL)	
BROTHERHOOD OF ELECTRICAL)	
20 WORKERS, AFL-CIO)	
600 N. Diamond Bar Boulevard)	
21 Diamond Bar, California 91765,)	
)	
22 Defendant.)	
)	

23

24 1. Plaintiff brings this action under Title IV of the

25 Labor-Management Reporting and Disclosure Act of 1959 (Act of

26 September 14, 1959, 73 Stat. 519 et seq., 29 U.S.C. §§ 401 et

27 seq.), hereinafter referred to as the Act.

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1 2. Jurisdiction of this action is conferred upon the Court
2 by section 402(b) of the Act (29 U.S.C. § 482(b)).

3 3. Defendant is, and at all times relevant to this action
4 has been, an unincorporated association maintaining its principal
5 office at 600 N. Diamond Bar Boulevard, City of Diamond Bar,
6 County of Los Angeles, State of California, within the
7 jurisdiction of this Court. Venue lies in this District pursuant
8 to Section 402(b) of the Act (29 U.S.C. § 482(b)) in that the
9 defendant's principal office is in this District.

10 4. Defendant is, and at all times relevant to this action
11 has been, a local labor organization engaged in an industry
12 affecting commerce within the meaning of sections 3(i) and 3(j)
13 of the Act (29 U.S.C. §§ 402(i) and 402(j)).

14 5. Defendant is, and at all times relevant to this action
15 has been, chartered by and subordinate to the International
16 Brotherhood of Electrical Workers, AFL-CIO, an international
17 labor organization engaged in an industry affecting commerce
18 within the meaning of sections 3(i) and 3(j) of the Act (29
19 U.S.C. § 402(i) and 402(j)).

20 6. Defendant, purporting to act pursuant to its
21 Constitution and Bylaws, conducted its regular election of
22 officers on July 8, 2002. The election was subject to the
23 provisions of Title IV of the Act (29 U.S.C. §§ 481 et seq.).

24 7. Steve Doyle, a member of Local 47, filed a protest of
25 the election, dated July 7, 2002, with the International Vice
26 President who rendered a final decision on the merits by letter
27 dated October 28, 2002. Having exhausted the remedies available
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1 under the constitution and bylaws of such organization, Doyle
2 filed, in accordance with section 402(a)(1) of the Act (29 U.S.C.
3 § 482(a)(1)), a timely complaint with the Secretary of Labor,
4 received November 27, 2002.

5 8. Craig Blair, a member of Local 47, filed a protest of
6 the election, dated August 7, 2002, with the International Vice
7 President who rendered a final decision by letter dated October
8 28, 2002. Having exhausted the remedies available under the
9 constitution and bylaws of such organization, Blair filed, in
10 accordance with section 402(a)(1) of the Act (29 U.S.C. §
11 482(a)(1)), a timely complaint with the Secretary of Labor,
12 received November 27, 2002.

13 9. Rae Sanborn, a member of Local 47, filed a protest of
14 the election, dated July 31, 2002, with the International Vice
15 President who rendered a final decision by letter dated October
16 28, 2002. Having exhausted the remedies available under the
17 constitution and bylaws of such organization, Sanborn filed, in
18 accordance with section 402(a)(1) of the Act (29 U.S.C. §
19 482(a)(1)), a timely complaint with the Secretary of Labor,
20 received November 29, 2002.

21 10. Local 47 attorney Glenn Rothner agreed to extend the
22 January 25, 2003, filing deadline for all three complainants to
23 February 14, 2003, by letter dated December 23, 2002. Similar
24 letters dated February 7, 2003, February 19, 2003, March 12,
25 2003, March 28, 2003, and April 15, 2003, further extended the
26 deadline to May 23, 2003.

1 11. Pursuant to section 601 of the Act (29 U.S.C. § 521),
2 and in accordance with section 402(b) of the Act (29 U.S.C. §
3 482(b)), plaintiff investigated the complaints and as a result of
4 the facts shown by the investigation, found probable cause to
5 believe that the following violations of Title IV of the Act (29
6 U.S.C. § 481, et seq.) had occurred in the conduct of the
7 election and had not been remedied at the time of the institution
8 of this action:

9 a. Defendant denied Complainant Doyle, a member in good
10 standing, the right to run for the office of Executive
11 Board/Basin West I, in violation of section 401(e) of the Act (29
12 U.S.C. § 481(e));

13 b. Defendant denied Complainant Blair, a member in good
14 standing, the right to run for the office of Business
15 Manager/Financial Secretary, in violation of section 401(e) of
16 the Act (29 U.S.C. § 481(e)); and

17 c. Defendant denied Complainant Sanborn, a member in good
18 standing, the right to run for the office of Business
19 Manager/Financial Secretary, in violation of section 401(e) of
20 the Act (29 U.S.C. § 481(e)).

21 12. The violations of section 401(e) of the Act (29 U.S.C.
22 § 481(e)) found and alleged above may have affected the outcome
23 of the election for the offices of Business Manager/Financial
24 Secretary and Executive Board/Basin West I.

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1 WHEREFORE, plaintiff prays for judgment as follows:

2 1. For a declaration that defendant's July 8, 2002,
3 election for the offices of Business Manager/Financial Secretary
4 and Executive Board/Basin West I was and is null and void;

5 2. For an order directing defendant to conduct a new
6 election, with new nominations, for those offices under the
7 supervision of plaintiff;

8 3. For plaintiff's costs of this action; and

9 4. For such other and further relief as the Court may deem
10 proper.

11 DATED: May 21, 2003.

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18 _____
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