

2003V 61042  
JMR

1 DEBRA W. YANG  
United States Attorney  
2 LEON W. WEIDMAN  
Assistant United States Attorney  
3 Chief, Civil Division  
RUSSELL W. CHITTENDEN  
4 Assistant United States Attorney  
California State Bar Number: 112613  
5 Room 7516, Federal Building  
300 North Los Angeles Street  
6 Los Angeles, California 90012  
Telephone: (213) 894-2444  
7 Facsimile: (213) 894-7819

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CLERK, U.S. DISTRICT COURT  
FEB 19 2004  
CENTRAL DISTRICT OF CALIFORNIA  
DEPUTY  
BY [Signature]

8 Attorneys for Plaintiff

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CLERK, U.S. DISTRICT COURT  
FEB 17 2004  
CENTRAL DISTRICT OF CALIFORNIA  
DEPUTY

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

9 BLAINE L. CHAO  
10 Secretary of Labor,  
11 United States  
12 Department of Labor,  
13 200 Constitution Avenue, N.W.,  
14 Washington, D.C. 20210

NO. 03-3645 JFW (CWx)

SETTLEMENT STIPULATION,  
~~PROCESS~~ ORDER THEREON

15 Plaintiff,

16 v.

17 LOCAL 47, INTERNATIONAL  
18 BROTHERHOOD OF ELECTRICAL  
19 WORKERS, AFL-CIO  
20 600 N. Diamond Bar Boulevard  
21 Diamond Bar, California 91765

DOCKETED ON  
FEB 7 5 2004  
BY [Signature] 012

22 Defendant.

23  
24 It is hereby stipulated by the parties, through their  
25 undersigned counsel, as follows:

26 1. Plaintiff, Secretary of Labor, brought this action under  
27 Title IV of the Labor-Management Reporting and Disclosure Act of  
28 1959, 29 U.S.C. §§ 481-484, hereinafter referred to as the Act,

18

1 to set aside the defendant's July 8, 2002, regular election for  
2 Business Manager/Financial Secretary and Executive Board/Basin  
3 West I offices.

4 2. The parties, in settlement of this action, hereby  
5 stipulate and agree that the defendant shall conduct, under the  
6 supervision of the plaintiff Secretary of Labor, the defendant's  
7 next regularly scheduled election, including nominations for all  
8 offices, in June 2005. The parties agree that nominations and  
9 elections shall be conducted in accordance with Title IV of the  
10 Act, 29 U.S.C. §§ 481-484, and, insofar as lawful and  
11 practicable, in accordance with defendant's International  
12 Brotherhood of Electrical Workers Constitution (constitution) and  
13 Local 47 Bylaws (bylaws).

14 3. Defendant enters into this stipulation of settlement in  
15 order to avoid and save the costs and burdens of further  
16 protracted litigation. Defendant denies any wrongdoing in  
17 connection with any matter in litigation.

18 4. Defendant agrees to publish, in print and  
19 electronically in *The Union Reporter*, the Notice of Supervised  
20 Election (Notice), attached and incorporated in this agreement by  
21 reference, in the following time frame: in the first publication  
22 of *The Union Reporter* following the execution of this agreement  
23 by the parties and again in the election editions, i.e., the  
24 editions that routinely contain combined nominations and election  
25 notices and are mailed to all members once in each of the  
26 following months in an election year: March, April and May. In  
27 addition, defendant agrees to electronically post the Notice on  
28 its webpages, [www.ibew47.org](http://www.ibew47.org), on the "Bulletin Board Notices"

1 page. and at the union hall from the execution date of this  
2 agreement until the nominations notice is first mailed in March  
3 2005. The printed Notice will be conspicuously placed in the  
4 Union Reporter and will be at least a one-half page block while  
5 the posted Notice at the union hall will be at least 8 1/2 by 11  
6 inches.

7 5. All decisions as to the interpretation or application of  
8 Title IV of the Act, and the bylaws and constitution of the  
9 defendant relating to the supervised election, are to be  
10 determined by the Plaintiff Secretary of Labor and her decisions  
11 shall be final and binding. All complaints and challenges  
12 including post-election challenges regarding the conduct of this  
13 supervised election shall be directed to the Election Supervisor,  
14 c/o Jeffrey Gitomer, District Director, Office of Labor  
15 Management Standards, 915 Wilshire Boulevard, Suite 910, Los  
16 Angeles, California 90017.

17 6. The Court shall retain jurisdiction of this action after  
18 completion of the supervised election and throughout the  
19 certification process. The plaintiff Secretary shall certify to  
20 the Court the names of the persons so elected and that such  
21 election was conducted in accordance with Title IV of the Act,  
22 and insofar as lawful and practicable, in accordance with the  
23 provisions of the constitution and bylaws of the defendant. Upon  
24 approval of such certification, the Court shall enter a judgment  
25 declaring that such persons have been elected as shown by such  
26 certification to serve as the duly elected officers of the  
27 defendant local and further providing that each party shall bear  
28

1 its own costs, fees and other expenses incurred by such party in  
2 connection with any stage of this proceeding.

3 DATED: February 12, 2004.

4 ROTNER, SEGALL & GREENSTONE

5   
6 \_\_\_\_\_  
7 GLENN ROTNER

8 Attorneys for Defendant

9 DATED: February 13, 2004.

10 DEBRA W. YANG  
11 United States Attorney  
12 LEON W. WEIDMAN  
13 Assistant United States Attorney  
14 Chief, Civil Division

15 

16 RUSSELL W. CHITTENDEN  
17 Assistant United States Attorney

18 Attorneys for Plaintiff

19 OF COUNSEL:

- 20 HOWARD M. RADZELY
- 21 Solicitor of Labor
- 22 CAROL A. DE DEO
- 23 Associate Solicitor
- 24 SUSANNE LEWALD
- 25 Regional Solicitor
- 26 PAMELA W. MCKEE
- 27 Associate Regional Solicitor
- 28 SHIRREN M. MCQUADE
- Attorney
- U.S. Department of Labor
- of Counsel

ORDER

IT IS SO ORDERED.

DATED: February 19, 2004

  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

