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March 1, 1991

VIA UPS OVERNIGHT

Vernon Rhodes
Old Wilmore Road
Edensburg, PA 15931

Terry Hunter
Secretary-Treasurer
Local Union 110
Old Wilmore Road
Edensburg, PA 15931

Gary Lewellyn
165 Orchard Road
DuBouis, PA 15801

Re: Election Office Case No. P-556-LU110-PGH

Gentlemen

A pre-election protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). The protestor, Vernon Rhodes, filed on behalf of himself and on behalf of Terry Hunter, both of whom are candidates for delegate to the 1991 IBT International Convention, a protest against Gary Lewellyn, an opposing candidate for delegate. Mr Rhodes contends that the *Rules* were violated when Mr Lewellyn mailed campaign materials to Local 110 members utilizing a mailing list provided by the Election Officer to an accredited International Union Officers

In an "Advisory on Membership List Distribution to Accredited Candidates," dated August 23, 1990, the Election Office discussed the process for obtaining and the appropriate use of membership lists. In pertinent part that Advisory provides as follows

On July 10, 1990, the Honorable David N Edelstein, issued an Opinion and Order with respect to the rules and procedures under which the IBT International Officer and Delegate Election is to be conducted. Specifically, the Court found that 'the IBT has misused its membership lists' (slip opinion, p 21), and that this misuse requires that the membership lists be released to any accredited IBT candidate (slip opinion, p 21). Accordingly, the Court amended Article VIII, §2(a) of the *Rules for the IBT International Union Office and Delegate Election* (the "Rules") promulgated on April 27, 1990, to provide

(1) that the IBT prepare a current membership list before September 1, 1990, (2) transfer that list to the Election Officer, (3) the Election Officer is authorized to release a copy of the appropriate membership list to an accredited candidate thirty days before the date of an election

* * * * *

The Court Order requires distribution to 'an accredited candidate' Under the *Rules*, only International Union officer candidates are entitled to obtain accredited status, (*Rules*, Article III) Therefore, I will now distribute the list only to International Union Officer candidates who have obtained accreditation pursuant to Article III of the *Rules*, i.e., accredited candidates for the position of General President, General Secretary-Treasurer, International Vice President, whether at-large or regional, or International Trustee

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Because delegates will nominate International Officer candidates at the 1991 IBT International Convention, and because an accredited candidate must be nominated at the Convention in order to run for International Office, the accredited candidate will be affected by the results of the delegate and alternate delegate elections

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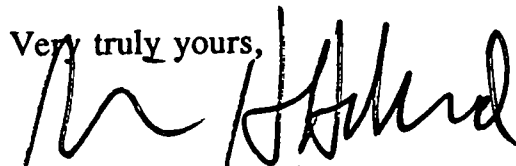
Use for any purpose other than advancing the accredited candidate's campaign for nomination and/or election as an International Union Officer will constitute misuse of the membership list Use of the list to support delegate and alternate delegate candidates will not constitute misuse of the membership list since such delegate and alternate delegate, if elected, may advance the campaign of the accredited candidate by their votes at the 1991 IBT International Convention
(emphasis added)

Based on the above, the membership list was rightfully obtained and rightfully used pursuant to the *Rules*, and thus, this protest is **DENIED**

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter The parties are reminded that, absent extraordinary circumstances,

no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal. Requests for a hearing shall be made in writing, and shall be served on Independent Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N W, Washington, D C 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Holland". The signature is written in a cursive style with a large initial "M" and "H".

Michael H. Holland

MHH/mca

cc Frederick B. Lacey, Independent Administrator
William B. Kane, Regional Coordinator