

PARKER ATTACHMENT 9

AO 440 (Rev. DC - September 2003) Summons in a Civil Action

UNITED STATES DISTRICT COURT
District of Columbia

ELAINE L. CHAO
Secretary of Labor
United States Department of Labor
200 Constitution Avenue N.W.
Washington, D.C. 20210

SUMMONS IN A CIVIL CASE

V.

Washington Teachers' Union Local 6
of the American Federation of Teachers
1717 K Street, N.W.
Suite 902
Washington, D.C. 20036

CASE NUMBER: 06-285 RWR

TO: (Name and address of Defendant)

Washington Teachers' Union Local 6
of the American Federation of Teachers
Serving: George Parker, Local President
1717 K Street, N.W., Suite 902
Washington, D.C. 20036

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Laurie Weinstein
Assistant United States Attorney
555 4th Street, N.W. Room E4820
Washington, D.C. 20530

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

NANCY MAYER-WHITTINGTON

7/5/06

CLERK

DATE

T. Davis

(By) DEPUTY CLERK

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RETURN OF SERVICE

Service of the Summons and complaint was made by me¹¹

DATE

NAME OF SERVER (PRINT)

TITLE

Check one box below to indicate appropriate method of service:

Served personally upon the defendant. Place where served:

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

Returned unexecuted:

Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

FILED

FEB 15 2006

ORIGINAL
ALANCYMATER WHITTINGTON, CLERK
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELAINE L. CHAO,
Secretary of Labor,
United States Department of Labor,
200 Constitution Avenue, N.W.,
Washington, D.C. 20210,

Plaintiff,

v.

WASHINGTON TEACHERS' UNION LOCAL 6 OF
THE AMERICAN FEDERATION OF TEACHERS,
1717 K Street, N.W., Suite 902
Washington, D.C. 20036,

Defendant.

CASE NUMBER 1:06CV00285

JUDGE: Richard W. Roberts

DECK TYPE: Labor/ERISA (non-employee)

DATE STAMP: 02/15/2006

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff Elaine L. Chao, Secretary of Labor, alleges as follows:

NATURE OF THE ACTION

1. This action is brought under Title IV of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. §§ 481-84 (the "Act"), for a judgment declaring that the December 28, 2004 election of union officers, and the January 26, 2005 run-off election of union officers conducted by Defendant Washington Teachers' Union Local 6 (Defendant) of the American Federation of Teachers, for the offices of President, General Vice President, Recording Secretary, Treasurer, Vice President Senior High, Vice President Junior High, Vice President Elementary, Vice President Special Education,

Vice President Special Services, Vice President Career Development, Member-At-Large Senior High (2), Member-At-Large Junior High (2), Member-At-Large Elementary (4), and Member-At-Large Special Services (3) are void, and directing Defendant to conduct a new election for these offices under Plaintiff's supervision, and for other appropriate relief.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 29 U.S.C. § 482(b), 28 U.S.C. § 1331, and 28 U.S.C. § 1345.

3. Venue lies in this district pursuant to 29 U.S.C. § 482(b) and 28 U.S.C. § 1391(b).

PARTIES

4. Plaintiff Elaine L. Chao is the duly appointed Secretary of Labor, United States Department of Labor. Plaintiff is authorized to bring this action under section 402(b) of Title IV of the Act, 29 U.S.C. § 482(b).

5. Defendant is, and at all times relevant to this action has been, an unincorporated association maintaining its principal office at 1717 K Street, N.W., Suite 902, City of Washington, District of Columbia.

FACUAL ALLEGATIONS

6. Defendant is, and at all times relevant to this action has been, a Local labor organization engaged in an industry affecting commerce within the meaning of sections 3(i), 3(j) and 401(b) of the Act (29 U.S.C. §§ 402(i), 402(j) and 481(b)).

7. Defendant purporting to act pursuant to its Constitution and Bylaws, conducted an election of union officers on December 28, 2004, and a run-off election of union

officers on January 26, 2005, and these elections were subject to the provisions of Title IV of the Act (29 U.S.C. §§ 481-484).

Complainants Jerome Brocks and Vernita Jefferson

8. By letter dated January 28, 2005, to the Defendant Election Committee, the complainants Jerome Brocks and Vernita Jefferson, members in good standing of the Defendant, protested the January 26, 2005 election.

9. By letter dated February 17, 2005, to Vernita Jefferson, the Defendant Election Committee denied the protest.

10. By letter dated February 28, 2005, the complainants appealed the decision of the Defendant Election Committee to the American Federation of Teachers (National) Secretary-Treasurer.

Complainant Elizabeth Davis

11. By letter dated January 28, 2005, to the Defendant Election Committee, the complainant, Elizabeth Davis, a member in good standing of Defendant, protested the December 28, 2004 election and the January 26, 2005 election.

12. By letter dated February 17, 2005, to the complainant, the Defendant Election Committee denied the protest.

13. By letter dated March 10, 2005, the complainant appealed the decision of the Defendant Election Committee to the National President.

Complainant Benita Nicholson

14. By letter dated February 14, 2005, to the Defendant Election Committee, the complainant, Benita Nicholson, a member in good standing of Defendant, protested the December 28, 2004 election and the January 26, 2005 election.

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15. By a second letter received on February 24, 2005, to the National Executive Council, the complainant protested the December 28, 2004 election and the January 26, 2005 election.

16. By letter dated May 4, 2005, to complainants Jerome Brocks, Vernita Jefferson, Elizabeth Davis, and Benita Nicholson, the National Secretary-Treasurer denied the complainants appeals and protest.

17. Having followed the directive of the union for challenging an election of union officers and having received a final decision, the complainants filed their timely complaints with the Secretary of Labor on June 1, 2005 and June 3, 2005, respectively, in accordance with the provisions of section 402(a)(1) of the Act (29 U.S.C. § 482(a)(1)).

18. In a series of letters, the Defendant agreed that the time within which the Plaintiff may bring suit with respect to the Defendant's aforesaid elections be extended to February 15, 2006.

19. Pursuant to section 601 of the Act (29 U.S.C. § 521), and in accordance with section 402(b) of the Act (29 U.S.C. § 482(b)), the Plaintiff investigated the complaint and, as a result of the facts shown by her investigation, found probable cause to believe that: (1) violations of Title IV of the Act (29 U.S.C. §§ 481-484) had occurred in the conduct of the Defendant's December 28, 2004 election and the January 26, 2005 run-off election; and (2) that such violations had not been remedied at the time of the institution of this action.

CAUSE OF ACTION

**Violations of the Labor-Management Reporting and Disclosure Act, Section 401
(29 U.S.C. § 481)**

20. Defendant violated section 401(e) of the Act, 29 U.S.C. § 481(e), during the conduct of the aforesaid elections by

(a) failing to mail an election notice to every member at his or her last known home address at least fifteen days prior to the election;

(b) failing to mail a ballot to each member in good standing and, as a result, denying those members the right to vote; and

(c) permitting ineligible voters to vote in violation of Defendant's Constitution and Bylaws and the Act.

21. The violations of section 401(e) (29 U.S.C. § 481(e)) may have affected the outcome of the Defendant's elections for the offices of President, General Vice President, Recording Secretary, Treasurer, Vice President Senior High, Vice President Junior High, Vice President Elementary, Vice President Special Education, Vice President Special Services, Vice President Career Development, Member-At-Large Senior High (2), Member-At-Large Junior High (2), Member-At-Large Elementary (4), and Member-At-Large Special Services (3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment:

(1) Declaring the Defendant's elections for the offices of President, General Vice President, Recording Secretary, Treasurer, Vice President Senior High, Vice President Junior High, Vice President Elementary, Vice President Special Education, Vice

President Special Services, Vice President Career Development, Member-At-Large Senior High (2), Member-At-Large Junior High (2), Member-At-Large Elementary (4), and Member-At-Large Special Services (3) are void;

(2) Directing the Defendant to conduct a new election for those offices under the supervision of the Plaintiff;

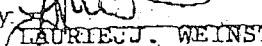
(3) For the costs of this action, and

(4) For such other relief as may be appropriate.

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

KENNETH L. WAINSTEIN
United States Attorney
DC Bar No.

By 
LAURIE J. WEINSTEIN,
D.C. Bar # 389511
Assistant U.S. Attorney

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DC Bar No.
Judiciary Center Building
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OF COUNSEL:

HOWARD M. RADZELY
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Associate Solicitor

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Counsel for Advice

WILLIE B. WHITE
Attorney
U.S. Department of Labor

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

FEB 6 - 2007

CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

ELAINE L. CHAO,)
Secretary of Labor)
)
Plaintiff,)
)
)
v.)
)
WASHINGTON TEACHERS' UNION)
LOCAL #6, AMERICAN FEDERATION)
OF TEACHERS,)
)
Defendant.)

Civil Action No. 06-0285 (TFH)

STIPULATION OF SETTLEMENT AND ORDER

This action was brought by the Secretary of Labor, United States Department of Labor (hereinafter referred to as the "Secretary"), pursuant to Title IV of the Labor-Management Reporting and Disclosure Act of 1959 ("LMRDA" or "Act"), 29 U.S.C. § 401, *et seq.*, requesting a judgment declaring that the December 28, 2004 election and the January 26, 2005 run-off election of union officers of Washington Teachers' Union, Local #6, American Federation of Teachers, AFL-CIO (hereinafter referred to as "WTU Local 6") for the offices of President, General Vice President, Recording Secretary Treasurer, Vice President Senior High, Vice President Junior High, Vice President Elementary, Vice President Special Education, Vice President Special Services, Vice President Career Development, Member-at-Large Senior High (2), Member-at-Large Junior High (2), Member-at-Large Elementary (4), and Member-at-Large Special Services (3), are void, and directing WTU Local 6 to conduct a new election for those offices to be held under the supervision of the Secretary.

The Secretary and WTU Local 6, having appeared by counsel, and having denied the

violations alleged in the Complaint, in order to resolve the issues contained in this action without the necessity of further litigation, stipulate and agree as follows:

1. The Parties, in settlement of this action, hereby stipulate and agree that WTU Local 6 shall conduct its next regularly scheduled nominations and officer elections for all the above-identified positions under the supervision of the Secretary. Such next regularly scheduled nominations and officer elections will begin in March 2007. Such supervised election is to be completed no later than 180 days from entry of this Stipulation of Settlement and Order.

2. The supervised election shall be conducted in accordance with Title IV of the Act, 29 U.S.C. §481 *et seq.*, and, insofar as lawful and practicable, in accordance with the Constitution and Bylaws of WTU Local 6, and the Constitution of the American Federation of Teachers, AFL-CIO ("AFT"). The persons elected in the supervised election shall be installed as soon as practicable after the Secretary's certification of the tally of ballots, and shall serve the full term for which they were elected as specified in the Constitution and Bylaws of WTU Local 6, and the Constitution of the AFT.

3. Immediately after the date of the entry of this Stipulation and Order, the WTU shall use its best efforts to provide the Secretary with a list of the names and addresses for all current members of the WTU and to provide the Secretary with copies of the most current dues check-off reports for all employers with whom the WTU has a collective bargaining agreement. Once the WTU has provided such information to the Secretary, the WTU will be responsible for updating the WTU membership database and for obtaining updated addresses of WTU members, as instructed by the Secretary.

4. All decisions as to the interpretation or application of Title IV of the Act, and of the Constitution and Bylaws of WTU Local 6 and the Constitution of the AFT relating to the

supervised election, are to be determined by the Secretary or her representative, and such decisions in all matters shall be final, unless and until any such decisions are, on application of WTU Local 6, set aside by the Court.

5. The processing of this action shall be held in abeyance pending the completion of the supervised election and the certification of results therefrom by the Secretary to this Court. After completion of the supervised election, the Secretary shall certify to the Court the names of the persons so elected; that such election was conducted in accordance with Title IV of the LMRDA; and, insofar as lawful and practicable, that the election was conducted in accordance with the provisions of the Constitution and Bylaws of WTU Local 6, and the Constitution of the AFT. Upon approval by the Court of such certification, the Court shall enter a judgment declaring that such persons have been elected as shown by such certification, pursuant to 29 U.S.C. § 482 (c)(2) of the Act.

6. The Secretary of Labor and WTU Local 6 have entered into this Stipulation for the sole purpose of resolving the issues herein without further litigation, and for no other purpose. By executing this Stipulation, WTU Local 6 does not admit any wrongdoing or violation of the Act; nor does WTU Local 6 admit any wrongdoing or violation of any other applicable laws related to the allegations in the Complaint.

7. It is further stipulated and agreed that each Party shall bear its own fees, costs, and other expenses incurred by such Party in connection with any stage of this proceeding.

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