

These results have been achieved in the Washington litigation, which has now been completed and dismissed with prejudice pursuant to a settlement agreement executed on August 21, 2000. Thus, in that litigation, Martinez was returned to her position as chief shop steward by way of a March 3, 2000 preliminary injunction. Martinez held that position under the injunction until her election as the principal officer of Local 556, with a term beginning September 1, 2000.

Similarly, under the settlement agreement, the trusteeship has been lifted. And by its terms, the settlement agreement resolves “all claims of any nature whatsoever by [Martinez and Saucedo] against the [International Brotherhood of Teamsters, AFL-CIO on behalf of itself, its affiliates, successors, assigns, officers, agents, representatives and employees (hereafter collectively “the Union”)] relating to or arising out of the subject of the lawsuit filed against the Union ...”

In 2000 EAD 2, the Election Administrator deferred decision in this matter until the conclusion of the Washington litigation. Prior Election Officers have often deferred to collectively-bargained grievance and arbitration procedures. See, *Mullins*, PR332 (October 29, 1998); *Tapia*, PR300 (October 8, 1998); *Martinez*, PR173 (August 27, 1998); *Guerrero*, P1315 (December 4, 1996); *McBride*, P1188 (November 19, 1996); *Watson*, P1179 (November 11, 1996), *aff'd*, 96 EAM 279; *Golubovic*, P440 (March 6, 1996); *Braswell*, P384 (February 27, 1996); *Jordan*, P196 (November 8, 1995); *Harrington*, P165 (September 27, 1995). Now that the Washington litigation has been concluded with a settlement agreement, and after examination of that agreement and the circumstances surrounding it, we have decided to dismiss the instant protest as moot.

Here, the court did not have before it as *Rules* violations the removal of Martinez from her shop steward position and the question of the trusteeship. The same is true in cases where the former Election Officers have deferred to collectively-bargained arbitration procedures. Even so, such deferral was exercised because “the issues presented [in the protest could] be fully resolved in other forums.” *Martinez, supra*.

Now that the Washington litigation has been completed, we find that the issues raised by the protest have been “fully resolved” by the settlement agreement. The complaint in the Washington litigation alleged violations of the Landrum-Griffin Act by the removal from Martinez from her steward position and the imposition by the IBT of its trusteeship over Local 556. As a “reach-back” protest, the instant matter raised the same allegations.² Moreover, as noted above, Martinez was not only returned to her steward position by preliminary injunction, but the IBT’s trusteeship has also been removed pursuant to the settlement agreement, as part of an agreement by Martinez and the IBT to end all of their Landrum-Griffin based disputes. Finally, Martinez has now been elected as the principal officer of Local 556. In these circumstances, we believe that the conclusion of the Washington litigation fully resolves this matter.

Accordingly, the protest is DISMISSED AS MOOT.

² See note 1, *supra*.

Pope, 2000 EAD 25
September 25, 2000

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Administrator in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
Suite 1000
885 Third Avenue
New York, New York 10022
Fax: 212-751-4864

Copies of the request for hearing must be served upon all other parties, as well as upon the Election Administrator for the International Brotherhood of Teamsters, c/o International Brotherhood of Teamsters, 25 Louisiana Ave., NW, Washington, DC 20001, all within the time period prescribed above. A copy of the protest must accompany the request for hearing.

William A. Wertheimer, Jr.

William A. Wertheimer, Jr.
Election Administrator

cc: Kenneth Conboy
Chris Mrak
2000EAD25

Pope, 2000 EAD 25
September 25, 2000

DISTRIBUTION LIST VIA UPS NEXT DAY AIR:

Patrick Szymanski
IBT General Counsel
25 Louisiana Ave. NW
Washington DC 20001

Bradley T. Raymond
Finkel, Whitefield, Selik, Raymond,
Ferrara & Feldman
32300 Northwestern Highway
Suite 200
Farmington Hills, MI 48334

J. Douglas Korney
Korney & Heldt
30700 Telegraph Rd.
Suite 1551
Bingham Farms, MI 48025

Tom Leedham
18763 South Highway 211
Molalla OR 97038

Barbara Harvey
Penobscot Building
Suite 1800
645 Griswold
Detroit, MI 48226

Betty Grdina
Yablonski, Both & Edelman
Suite 800
1140 Connecticut Ave. NW
Washington, D.C. 20036

Alexandra Pope
322 North Fullerton Avenue
Montclair, NJ 07042

David Mark
Central Bldg.
Suite 412
810 Third Ave.
Seattle, WA 98104

Michael Goldberg
Widener University School of Law
4601 Concord Pike
Wilmington, DL 19803

Kenneth J. Pedersen
Davies, Roberts & Reid, LLP
101 Elliott Ave. West
Suite 550
Seattle, WA 98119

Maria Martinez
4114 West Marie
Pasco, WA 99301

Teamsters for a Democratic Union
7437 Michigan Ave.
Detroit, MI 48210

Jon L. Rabine
President
Al Hobart
Food Processing Division Director
Teamsters Joint Council 28
553 John Street
Seattle, WA 98109

David Levin, New York TDU
500 State Street
Brooklyn, NY 11217