

October 2, 1996

VIA UPS OVERNIGHT

Walter Talt  
28 Karen Road  
Highland Lake, NJ 07422

Ron Carey Campaign  
c/o Nathaniel K. Charny  
Cohen, Weiss & Simon  
330 W. 42nd Street  
New York, NY 10036

Chris Gunnells, Trustee  
Teamsters Local Union 807  
32-43 49th Street  
Long Island City, NY 11103

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

Re: Election Office Case No. P-1012-LU807-NYC

Gentlemen:

A pre-election protest was filed pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")* by Walter Talt, a member of Local Union 807. Mr. Talt alleges that Local Union 807 Trustee Chris Gunnells retaliated against him for supporting James P. Hoffa, a candidate for general president. Mr. Talt states that on September 7, 1996, he and four other IBT members attempted to carry a Hoffa placard at a Labor Day parade in which Local Union 807 members were carrying signs in support of Ron Carey. Mr. Talt states that he was denied access to the parade by Mr. Gunnells because of his political beliefs. In response, Mr. Gunnells states that the protest is untimely.

New York City Protest Coordinator Barbara C. Deinhardt investigated this protest.

Article XIV, Section 2(b) of the *Rules* requires protesters to file "within two (2) working days of the day when the protestor becomes aware or reasonably should have become aware of the action protested." The short time limits are important to ensuring that alleged violations of the *Rules* are

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quickly brought to the attention of the Election Officer in order to afford the greatest opportunity for applying an effective remedy if a violation is found.

Mr. Talt's protest letter was received by the Election Officer on September 25, 1996. Mr. Talt states that he did not file the protest sooner because he was out of town several times during the period and that he was debating whether to file a protest. He admits that he was aware of the time limits under the *Rules*. Under these circumstances, the Election Officer finds that Mr. Talt's protest is untimely.

Accordingly, the protest is DENIED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one day of 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:

Kenneth Conboy, Esq.  
Latham & Watkins  
885 Third Avenue, Suite 1000  
New York, NY 10022  
Fax (212) 751-4864

Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 N. Capitol Street, Suite 855, Washington, DC 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel  
Election Officer

cc: Kenneth Conboy, Election Appeals Master  
Barbara C. Deinhardt, New York City Protest Coordinator