

**united  
transportation  
union**



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M. B. FUTHEY JR.  
International President

ARTHUR MARTIN III  
Assistant President

KIM N. THOMPSON  
General Secretary and Treasurer

November 4, 2008

Mr. Samuel J. Marino  
Delegate, Local 1374  
1929 McCracken Avenue  
New Castle, PA 16101

Dear Sir and Brother:

Per your request, I have asked our Legal Department to research and report on the expenditures to date concerning *Michael v. Futhey* and *Babler v. Futhey*.

Enclosed you will find said report with the totals expended by the International in all three involved cases. Trusting this answers your inquiry, I remain

Fraternally yours,

M. B. Futhey Jr.  
International President

Enclosure

cc: A. Martin, III, Assistant President  
K.N. Thompson, General Secretary & Treasurer  
All Delegates  
All General Chairpersons

(1) **UTU LEGAL FILE NO.:** U-07-46

(2) **NAME OF PARTIES:** *Dale Edward Michael et al. v. Paul Thompson, et al.*

(3) **COURT:** U.S.D.C. Southern District Illinois

(4) **CASE NO. AND JUDGE:** 3:07-cv-00838-DRH-PMF

(5) **DATE FILED:** December 7, 2007

(6) **DATE OF SERVICE:** December 10, 2007

(7) **ATTORNEY FOR PLAINTIFF(S):** Arthur L. Fox, II

(8) **ATTORNEY FOR DEFENDANT(S):** Joseph Guerrieri, Jeff Bartos, John Papa-Local

(9) **DESCRIPTION OF THE CASE:** Request for Preliminary Injunction to restrain UTU and SMWIA from consummating the merger on January 1, 2008.

(10) **COMMENT ON THE CASE:**

(11) **FEES AND COSTS PAID:**

12/12/07	Guerrieri, Edmond & Clayman	\$7,936.97
01/11/08	Guerrieri, Edmond & Clayman	\$19,495.00
02/05/08	Vorys, Sater, Seymour & Pease	\$11,060.41
02/07/08	Guerrieri, Edmond & Clayman	\$19,974.48
02/15/08	Guerrieri, Edmond & Clayman	\$9,174.09
03/07/08	Guerrieri, Edmond & Clayman	\$19,265.84
03/19/08	Guerrieri, Edmond & Clayman	\$19,727.50
04/08/08	Guerrieri, Edmond & Clayman	\$19,926.25
05/14/08	Guerrieri, Edmond & Clayman	\$16,652.70
05/28/08	Vorys, Sater, Seymour & Pease	\$449.30
06/10/08	Guerrieri, Edmond & Clayman	\$19,449.34
06/12/08	Morse, Gantverg & Hodge	\$1,873.20
06/26/08	Vorys, Sater, Seymour & Pease	\$207.50
07/03/08	Guerrieri, Edmond & Clayman	\$14,281.85
08/08/08	Guerrieri, Edmond & Clayman	\$10,996.91
09/09/08	Guerrieri, Edmond & Clayman	\$6,906.49
10/02/08	Guerrieri, Edmond & Clayman	\$1,929.04
10/27/08	Vorys, Sater, Seymour & Pease	\$129.38

\$199,436.25

- (1) **UTU LEGAL FILE NO.:** U-07-47
- (2) **NAME OF PARTIES:** *Sheet Metal Workers' Int'l Union v. Int'l Board of Directors of the UTU*
- (3) **COURT:** U.S.D.C. District of Columbia
- (4) **CASE NO. AND JUDGE:** Case No: 1:07-cv-02230
- (5) **DATE FILED:** December 11, 2007
- (6) **DATE OF SERVICE:** December 11, 2007
- (7) **ATTORNEY FOR PLAINTIFF(S):**
- (8) **ATTORNEY FOR DEFENDANT(S):**
- (9) **DESCRIPTION OF THE CASE:**
- (10) **COMMENT ON THE CASE:**
- (11) **FEES AND COSTS PAID:**

02/26/08	Betty Grdina	\$9,950.00
03/20/08	Betty Grdina	\$9,950.58
04/18/08	Betty Grdina	\$17,744.53

\$37,645.11

- (1) **UTU LEGAL FILE NO.:** U-08-36
- (2) **NAME OF PARTIES:** *John Babler, Vic Baffoni, Roy Boling, J. M Brunkenhoefer James Cumby, John Fitzgerald, & Tony Iannone v. M. B. Futhey, Jr., Executive Board, David Murphy, J. P. Jones, Delbert Strunk*
- (3) **COURT:** U.S.D.C. Northern District of Ohio
- (4) **CASE NO. AND JUDGE:** Case No. 1:08-CV-912 Judge Gaughan, Magistrate White
- (5) **DATE FILED:**
- (6) **DATE OF SERVICE:**
- (7) **ATTORNEY FOR PLAINTIFF(S):**
- (8) **ATTORNEY FOR DEFENDANT(S):**
- (9) **DESCRIPTION OF THE CASE:** Plaintiffs filed action to prevent internal Executive Board hearing.
- (10) **COMMENT ON THE CASE:**
- (11) **FEES AND COSTS PAID:**

05/14/08	Guerrieri, Edmond & Clayman	\$17,241.90
06/10/08	Guerrieri, Edmond & Clayman	\$1,440.20
07/15/08	Guerrieri, Edmond & Clayman	\$19,411.60
07/23/08	Vorys, Sater, Seymour & Pease	\$87.40
08/13/08	Guerrieri, Edmond & Clayman	\$580.42
08/27/08	Vorys, Sater, Seymour & Pease	\$207.50
09/15/08	Betty Grdina	\$3,231.97
09/23/08	Vorys, Sater, Seymour & Pease	\$249.00
09/09/08	Guerrieri, Edmond & Clayman	\$16,477.27
10/08/08	Guerrieri, Edmond & Clayman	\$19,122.98
10/10/08	Charles Both	\$15,155.70
10/27/08	Vorys, Sater, Seymour & Pease	\$224.50
10/28/08	Betty Grdina	\$6,818.03

\$100,248.47



***united transportation union***

**FAX & US MAIL.**

United Transportation Union  
Mr. M. B. Futhey, Jr.  
International President  
14600 Detroit Avenue  
Cleveland, Ohio 44107-4250

Local Lodge #1374  
1929 McCracken Avenue  
New Castle, PA 16101  
October 30, 2008

FAX (216) 228-5755

Dear Sir and Brother:

As the Elected Delegate of UTU #1374, I am making a **"request"** for a total disclosure of any costs, expenses, attorney fees and any other monies that the **United Transportation Union** has expended regarding the on-going **Court Actions** associated with the **SMART** merger during the calendar years of **2007 and 2008**.

In addition, I am also **"requesting"** a disclosure of **monies expended** regarding the **Babler, et al vs. Futhey, et al-Law Suit** filed by Joyce Goldstein of the **SMWIA** on behalf of the seven **UTU Officers**.

**Also, included is the lawsuit against the UTU Executive Board (6); Brother J. P. Jones, Brother D. G. Strunk and Brother D. M. Murphy.**

The above **"requests"**, in plain words: **HOW MUCH MONEY HAS THE ABOVE NAMED ITEMS "COST" THE UNITED TRANSPORTATION UNION ,AS OF THIS WRITING?**

Thanking you in advance, I remain.

Fraternally yours,

Samuel J. Marino  
Delegate  
UTU-Local Lodge #1374

