

PAUL C. THOMPSON
International President

RICK L. MARCEAU
Assistant President

DAN E. JOHNSON
General Secretary and Treasurer

united
transportation
union



14600 DETROIT AVENUE
CLEVELAND, OHIO 44107-4250
PHONE: 216-228-9400
FAX: 216-228-0937
www.utu.org

LEGAL DEPARTMENT

CLINTON J. MILLER, III
General Counsel

• KEVIN C. BRODAR
Associate General Counsel

• ROBERT L. McCARTY
Associate General Counsel

• DANIEL R. ELLIOTT, III
Associate General Counsel

Fax & Regular Mail

May 20, 2005

Vincent O'Hara, Esquire
Holm & O'Hara, LLP
The Graybar Building
420 Lexington Avenue
New York, NY 10170-1799
Tel: (212) 682-2280
Fax: (212) 682-2153

Re: April 30 Document

Dear Mr. O'Hara:

This is in response to your May 6, 2005 letter to United Transportation Union International President Paul C. Thompson, which has been referred to the undersigned for response.

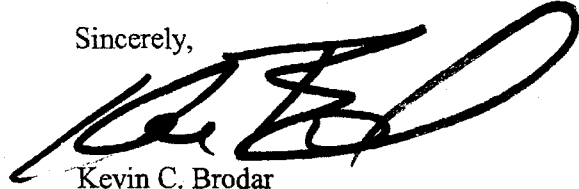
Your letter threatens litigation over an April 30, 2005 document which you claimed was sent by Art May to ACRE members containing inaccurate information.

The information you received is incorrect. The April 30, 2005 document was never circulated to ACRE members. It was a draft only. Secondly, these same and similar issues have been made public since the August 1, 2002, New York Daily News Article by Reporter Juan Gonzalez. These issues are legitimate matters of discussion.

You demand an apology and apparently threaten to bring a libel suit. There is nothing defamatory or libelous. Moreover, as I am sure you are aware, such suits in a labor context are greatly disfavored and are near frivolous. See e.g., *Linn v. United Plant Guard Workers*, 383 U.S. 53, 62 (1966) ("debate . . . should be uninhibited, robust and wide-open"); *Salzhandler v. Caputo*, 316 F.2d 445 (2d Cir. 1963) (Title I of LMRDA protects rights to inquire). There is absolutely nothing here that could possibly give rise to such an action. Such malicious prosecution would be merely an attempt to chill debate and quiet dissent about important union matters.

Given the well-settled case law, such threats of litigation should not be lightly made.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Brodar', written over a horizontal line.

Kevin C. Brodar
Associate General Counsel

cc: P. C. Thompson, International President
R/L. Marceau, Assistant President
D. L. Hakey, Vice President - Administration
C. J. Miller, III, General Counsel