

EXHIBIT 5

1 of 2 DOCUMENTS

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The San Francisco Chronicle

AUGUST 25, 2004, WEDNESDAY, FINAL EDITION

SECTION: BUSINESS; Pg. C1

LENGTH: 595 words

HEADLINE: Pacific Maritime sued by ex-chief over pay;

Former CEO says he is owed \$1 million

SOURCE: Chronicle Staff Writer

BYLINE: George Raine

BODY:

Joseph Miniace, the former chief executive and president of the Pacific Maritime Association, alleges in a lawsuit that he was terminated without cause and he seeks well over \$1 million in bonuses and compensation, as well as unspecified punitive damages.

Miniace's final day of work at the San Francisco association of domestic and international carriers and stevedores, which negotiates labor contracts for workers at the 29 West Coast ports, was March 18. He said in an interview with a Chronicle reporter at the time that he was resigning and had accomplished his goals.

In the lawsuit, filed in San Francisco Superior Court on July 21 and transferred Monday to U.S. District Court in San Francisco, Miniace said he was terminated. He also alleged the maritime association has refused to pay him a bonus for 2003, another bonus for remaining on the job for at least three years and for 18 months of severance pay he said amounts to \$550,000.

The maritime association said in a statement Tuesday, "PMA does not believe that there are any amounts owing to Mr. Miniace. We regret that he feels otherwise. We are prepared to handle this dispute through the legal process."

Miniace, 59, was an administrator, vice president and adjunct professor at New York University specializing in labor relations, when he was hired as president in 1996. One of his primary goals, he said in the March interview, was changing the makeup of the association's board, replacing human resource specialists with chief executive officers and chief operating officers who had authority to make decisions. There was an election in 2000 of new board members.

An executive benefit plan, called the Secured Executive Benefit Plan, the annual bonus, a severance pay plan and bonus allegedly promised if he stayed on the job three years each became a part of Mr. Miniace's employment agreement with the association, the suit says.

It reads that he "successfully led PMA's collective-bargaining negotiations in the fall of 2002," that included a tumultuous labor dispute with the International Longshore and Warehouse Union. On Sept. 27, 2002, Miniace shut down the ports, locking out more than 10,000 International Longshore and Warehouse Union members when he believed there was a work slowdown in protest of the fruitless contract talks.

Trade was halted at the ports for 11 days, until President Bush obtained a federal court order in San Francisco to reopen the ports under the Taft-Hartley Act.

The lawsuit said the negotiations Miniace participated in had substantially positive benefits for all members of the association except for one board member, Jon Hemingway, the president and chief executive of terminal operator SSA Marine.

The suit alleges that Hemingway "demanded during the negotiations that Mr. Miniace obtain a concession from the union which would have benefited his company to the detriment of other members of PMA."

The San Francisco Chronicle AUGUST 25, 2004, WEDNESDAY,

The suit says that the union refused to make the concession and that "Mr. Miniace is informed and believes and thereon alleges that Mr. Hemingway's unrelenting animosity since then caused the breakdown in his employment with PMA." A spokesman for SSA Marine did not return a call seeking comment.

Miniace's suit was filed by attorneys at the San Francisco firm of Coblenz, Patch, Duffy & Bass. The association's law firm, Howard, Rice, Nemerovski, Canady, Falk & Rabkin, sought federal jurisdiction because the case comes under the Employee Retirement Income Security Act. E-mail George Raine at graine@sfnchronicle.com.

GRAPHIC: PHOTO, Joseph Miniace left his post as Pacific Maritime Association president in March. /

LOAD-DATE: August 25, 2004

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Copyright 2004 Los Angeles Times
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Los Angeles Times

August 26, 2004 Thursday
Home Edition

SECTION: BUSINESS; Business Desk; Part C; Pg. 2

LENGTH: 271 words

HEADLINE: California;
Former Chief of Shipping Line Group Files Lawsuit

BYLINE: From Times Staff and Wire Reports

BODY:

The former head of the Pacific Maritime Assn. is suing his former employer, claiming that he was terminated without cause and seeking more than \$1 million in bonuses and compensation.

Joseph Miniace, 59, who departed in March as president and chief executive of the San Francisco-based association that represents shipping lines and terminal operators, led the PMA through a bitter confrontation with the longshore union in 2002.

That confrontation led to a new contract that incorporated labor-saving technology that PMA members fought for. That technology is slowly being put in place at West Coast ports, including Los Angeles and Long Beach.

Miniace originally characterized his departure as a resignation and said he had accomplished his goals at the maritime association, which negotiates labor contracts for workers at 29 West Coast ports.

"Don't read anything into what I'm doing. It's just time now," the executive told The Times then, adding that he was looking into possible jobs at a university or in government service.

But in his lawsuit, filed July 21, Miniace claims the association has refused to pay him a bonus for 2003, another bonus for staying at the job for at least three years and 18 months of severance pay. He also alleges that he was terminated without cause, and is seeking unspecified punitive damages.

In a statement Tuesday, the maritime association said it didn't believe it owed Miniace any money and was prepared to handle the dispute through the legal process.

Miniace's suit was originally filed in San Francisco Superior Court, but was transferred to U.S. District Court in San Francisco on Monday.

LOAD-DATE: August 26, 2004

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The San Francisco Chronicle

AUGUST 31, 2004, TUESDAY, FINAL EDITION

SECTION: BUSINESS; Pg. F2; DAILY DIGEST

LENGTH: 600 words

HEADLINE: DAILY DIGEST

BYLINE: George Raine, David R. Baker, Henry K. Lee

BODY:

Pacific Maritime takes on Miniace in countersuit

The Pacific Maritime Association has filed a lawsuit against its former president, Joseph Miniace, and other defendants alleging a conspiracy to misappropriate life insurance benefits.

The suit, filed Friday in U.S. District Court in San Francisco, is a countersuit to one Miniace filed alleging he was terminated without cause and denied due compensation.

The board of directors of San Francisco's Pacific Maritime, which represents domestic and international shipping firms, said members decided on March 17 to fire Miniace. Board member Douglas Tilden, president of Marine Terminals Corp., said the decision followed an internal investigation.

The association alleges there was a conspiracy to flip benefits payable under a Secured Executive Benefit Plan without the knowledge or approval of the board.

Pacific Maritime said it paid insurance premiums on behalf of Thomas McMahon, who was the association's chief financial officer from 1982 until his death in 2002. The suit says the benefits plan was altered so that McMahon's beneficiaries, rather than Pacific Maritime, stood to recover the bulk of the benefits after his death.

The association seeks more than \$10 million in the suit. In addition to Miniace, the defendants are Jeannette Coburn, who was married to McMahon and identified in the suit as his heir; insurance broker Michael Corrigan; and two insurance companies, Corrigan & Co. and Benmark West.

Miniace's attorney, William Orrick of San Francisco, said he would not comment on the case outside of court.

- George Raine

Residential gas bills may creep higher

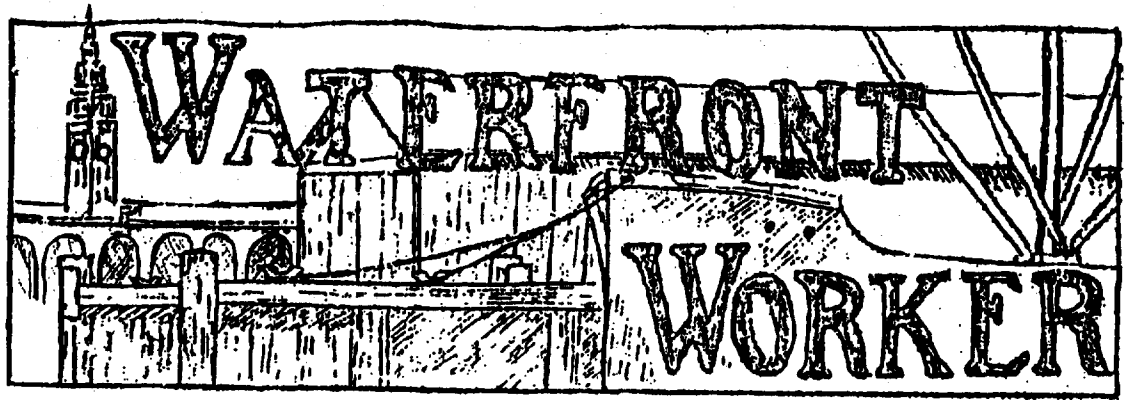
Residential natural gas bills would rise slightly under a three-year agreement reported Monday by Pacific Gas and Electric Co.

The agreement - reached by the utility, natural gas suppliers and consumer advocates - would set natural gas transportation and storage rates from January 2005 through the end of 2007.

Although transportation rates would fall under the agreements, storage costs would rise. Most large businesses would see a savings, but the average residential customer would see monthly natural gas bills rise from \$40.31 today to \$40.49 next year.

The agreement must be approved by the California Public Utilities Commission to take effect. The commission is expected to rule on the decision by mid-December, according to PG&E.

- David R. Baker



Vol. 4, No. 1

San Francisco

September 3, 2004

MILLION WORKER MARCH

If "Everything is political." And "Timing is priority in the next two months is defeating everything", then the political timing of the Bush. We in the ILWU know this better than Million Worker's March could not have been anyone. Remember Tom Ridge's phone call worse. Organizers of the event have run into and the lock-out? How about the attack on us trouble because it is seen as interfering with under the guise of "port security"? We in the efforts to defeat Bush in November. ILWU need not be reminded of the importance of getting George Bush out of office?

A couple of months ago the AFL-CIO issued a memo to all their affiliates and state organizations asking them not to devote time Washington D.C. would be the best way to do and resources to the Million Worker March. this doesn't ring true. This past week there The memo stated that while the AFL-CIO have been massive protests in New York agree with many of the positions and aims of during the Republican Convention. 500,000 the march, scheduling it one month before the protesters have been marginalized and ignored Presidential election makes it impossible to by the national press. Despite the name, it is commit resources and time because it would unlikely the Million Worker March will be take away from their efforts to get George able to put more than 100,000 people in Bush out of the White House. Last week the Washington D.C., especially without the full ILWU International Executive Board support of organized labor. concurred with the AFL-CIO and overwhelmingly rejected resolutions to endorse and finance the event.

The decision of the AFL-CIO was an enormous set back. But organizers decided to go ahead with their plans. Some attacked the AFL-CIO (and the labor movement) for being undemocratic and opposed because the march is a "grass roots" event. How organizers will respond to the IEB vote remains to be seen.

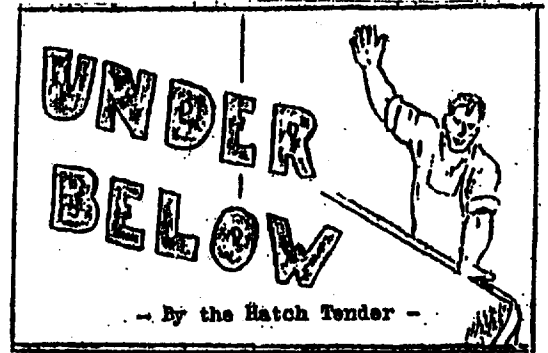
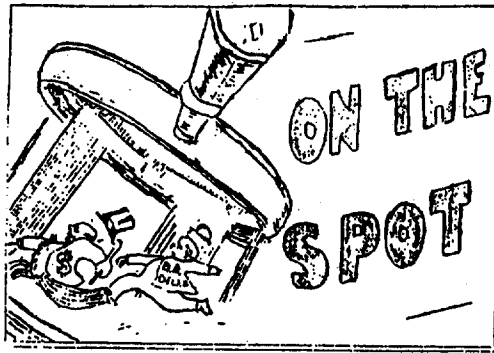
This is an especially important debate because the idea for this march came out of Local 10. It was with Local 10's name and seed money that this event was launched. Yet the rank and file have not been kept informed about what's taken place. When the AFL-CIO withheld their endorsement it should have been discussed at our Union Meeting. Now that the IEB has weighed in, this discussion is essential.

But what kind of discussion will it be? Everyone agrees on the purpose of the march. But the ILWU International and AFL-CIO have a legitimate point. Labor's number one

The AFL-CIO and the ILWU are saying the best way to get Bush out of office is to concentrate on phone banking, door-to-door campaigning, and getting out the vote. These are proven, practical, pragmatic steps in winning an election.

A massive march of working people on Washington D.C., in the tradition of Martin Luther King is an inspired idea. It is so good in fact that it should be done when it will have the most impact. By postponing this event for one year organizers will be able to obtain the endorsement of the AFL-CIO and the rest of the labor movement.

At that time either George Bush or John Kerry will be President. If it is Bush you can bet we will need every working person we can get in Washington to fight and defend ourselves. And if Kerry is President what better way to remind him who put him there and demand he stand up for worker's rights and the rest of his campaign promises.



"On The Spot" and "Under Below" were featured columns in the original Waterfront Worker. Their purpose was to expose the terrible working conditions, graft and corruption, on the San Francisco waterfront.

Anyway, at least they can't say we did not give them fair warning. We are going to do a job, a regular spring cleaning on some of the rottenness on "Frisco's" waterfront, and there is certainly plenty to expose. Anyway we are giving them ample warning to stand clear from "UNDER BELOW"!

This is a quote from the first edition (December 1932) of the Waterfront Worker. "On The Spot" debuted in February 1933. The features were immensely popular and really did a lot to expose the officials and employers for what they really were.

While we are not faced with the horrid conditions and graft of the early 1930's we do have a lot going on in the way of incompetence, employer attacks, and disingenuousness (especially in our Union Meetings). So as they did back in the day we plan to do a job and give warning to look out "Under Below". You don't want to be caught "On the Spot".

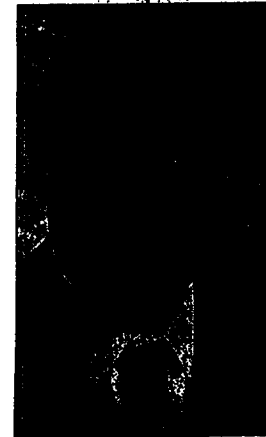
Sue Me Sue You Blues

Last Tuesday "Joltin' Joe" Miniace (aka "Lock-Out Joe") filed a lawsuit against PMA saying they shorted him a million bucks when they handed him his walking papers last March. Before the ink dried PMA filed a counter suit for 10 million alleging fraud.

When Miniace "resigned" back in March the talk was all nicey, nicey, about how he was simply moving on and there was no hard feelings. How the worm has turned!

We at the Waterfront Worker think they should handle this like a regular pay dispute. Miniace

files for a pay shortage (his million bucks) and PMA claims he walked off the job when he resigned. They can bring in Sutliff to arbitrate.



What me worry?

More Money! More Money!

After the 1993 Contract we didn't have much money because we had to carry 50% of the hiring hall expenses. We cut the night dispatcher, and the B.A. hours down to 24 on the weekend. The regular B.A.'s said "fer-get-about-it! We ain't workin' for free." And they gave the job to the runner up and called it the weekend B.A. Because the person is part time the Union doesn't pay the assessment for benefits (same goes for Caucus Delegates, relief Sergeant-at-Arms, Balloting Committee Members, Vice President, etc.). Every weekend B.A. since then has made their hours out of the hall. **THEY ONLY HAVE TO WORK 1.92 DAYS PER WEEK TO DO IT!**

Then along comes Jack Heyman. After busting his ass for the man last year they screwed him out of his health coverage. He's equating his "struggle" with the grocery workers strike.

Earth to Jack! We helped pay the medical bills of those striking workers because their backs were pinned against the wall. All you have to do is take your butt to the hall and go to work!

Richard Mead
Editor

The Waterfront Worker is an independent, rank and file publication, written for longshoremen, by longshoremen. It is not an official publication of the ILWU or any of its' affiliates.

Labor Donated

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Copyright 2004 Los Angeles Times
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Los Angeles Times

September 4, 2004 Saturday
Home Edition

SECTION: BUSINESS; Business Desk; Part C; Pg. 2

LENGTH: 175 words

HEADLINE: Pacific Maritime Countersues Ex-CEO, Alleging Misconduct

BYLINE: Ronald D. White, Times Staff Writer

BODY:

The Pacific Maritime Assn. has filed a countersuit in federal court against its former chief executive, Joseph N. Miniace, and other parties saying they improperly diverted a \$10-million settlement of an insurance policy.

Miniace sued the association in July, claiming the San Francisco-based organization fired him without cause and owed him more than \$1 million in bonuses, severance pay and other compensation.

The association countersued Aug. 27 in U.S. District Court in San Francisco. According to that suit, Miniace diverted most of the \$10 million from an insurance policy after the death of the group's finance chief, Thomas M. McMahon, to McMahon's wife and beneficiaries.

The organization, which represents shipping lines and terminal operators, alleges that Miniace shifted the funds without knowledge of the board of directors.

The shipping group contends that because it paid for the insurance policy, the bulk of the payout should have gone to the association, and it wants the funds returned.

Miniace, 59, could not be reached for comment.

LOAD-DATE: September 4, 2004

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Journal of Commerce

September 6, 2004, Monday

SECTION: PORTS; Pg. 64**LENGTH:** 776 words**HEADLINE:** Miniace, PMA sue each other;
He seeks severance pay; association claims insurance fraud**BYLINE:** BY BILL MONGELLUZZO**BODY:**

When Joseph Miniace announced his resignation last March after almost eight years as president of the Pacific Maritime Association, he said he was leaving amicably and on his own accord, but that turned out not to be the case. In a lawsuit filed on Aug. 27 in U.S. District Court in San Francisco, the PMA said it fired Miniace because he allegedly participated in a scheme to defraud the PMA of almost \$10 million in insurance benefits.

The PMA suit was filed after Miniace filed his own lawsuit, charging that the West Coast waterfront employers' association illegally terminated his employment and owed him more than \$1 million in unpaid bonuses and severance pay, as well as unspecified punitive damages.

In the suit, Miniace said he was unable to secure a concession in the new waterfront contract that would have benefited terminal operator SSA Marine to the detriment of other PMA members. His suit claimed that the subsequent "animosity" of SSA Marine's president, Jon Hemingway, led to his dismissal.

Miniace's suit was filed July 21 in San Francisco Superior Court and transferred on Aug. 23 to U.S. District Court in San Francisco. The PMA filed its suit four days later.

The litigation isn't expected to have any effect on cargo operations at West Coast ports, where the PMA negotiates and administers the employers' contract with the International Longshore and Warehouse Union, but it adds another controversial chapter to Miniace's tenure at the PMA.

Miniace broke the pattern set by previous PMA administrations that were more concerned about avoiding strikes than improving productivity at West Coast ports, and spent his initial years as president taking the powerful ILWU to court for alleged violations of the waterfront contract.

He also restructured the PMA's board of directors, replacing members who came from a labor-relations background with chief executives and chief financial officers of shipping lines and terminal-operating companies.

Backed by a stronger board, Miniace in October 2002 led the employers in a 10-day lockout of the ILWU during contract negotiations. The lockout caused extensive cargo backups at West Coast ports and threatened the delivery of holiday merchandise during the peak-shipping season, but it also led to greater oversight of the negotiations by a federal mediator, and to the PMA's most employer-friendly waterfront contract in years.

The six-year agreement raised ILWU members' pay and pensions, but gives employers the flexibility they need to implement labor-saving information technology. Terminal operators are introducing optical character readers, global positioning satellite systems and computerized yard management programs that will make cargo-handling more efficient and eliminate the need for re-keying of data by marine clerks.

Miniace declined to comment on the lawsuits while they are under litigation. Douglas Tilden, president of Marine Terminals Corp. and a PMA board member, said that while the litigation will not affect port operations or the PMA's relations with the ILWU, it should ultimately result in tighter internal controls over operations at the employer organization. "It's a corporate governance issue," Tilden said. The PMA issued a statement denying that it owed Miniace anything.

Miniace's suit accused the PMA of refusing to pay him a bonus for 2003, another bonus for remaining on the job at least three years, and 18 months of severance pay he said amounts to \$550,000.

The PMA suit alleges that Miniace, without the knowledge or consent of the board, allowed the amendment of an insurance policy covering Thomas McMahon, the PMA's chief financial officer, who died in 2002. Defendants named in the suit are Miniace; McMahon's widow, Jeannette Coburn; and Michael Corrigan, an insurance broker who did business with the PMA.

The suit charges that the amendment "flipped" the terms of an insurance policy so that McMahon's beneficiaries received most of the insurance policy's death benefits rather than the PMA, as was originally intended when the policy was written.

McMahon was diagnosed with cancer in March 2002. The suit states that the policy was amended in April so that McMahon's beneficiaries would receive more than \$9 million, with less than \$1 million going to the PMA. McMahon died on May 3, 2002.

The suit alleges that Miniace also benefited from the unauthorized transfer of PMA assets for his personal use, but that "the exact amount of PMA assets transferred for Miniace's personal benefit and the current form, location and status of such assets are unknown to PMA at this time." y

LOAD-DATE: September 6, 2004