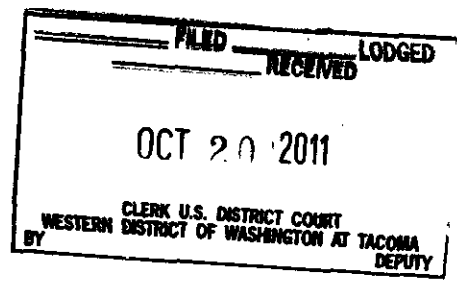


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THE HONORABLE RONALD B. LEIGHTON



11-CV-05684-JGM



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

	)
RICHARD L. AHEARN, Regional Director of the	)
Nineteenth Region of the National Labor	)
Relations Board, for and on behalf of the	)
NATIONAL LABOR RELATIONS BOARD	) Civil No. <u>3:11-CV-05684 - RBL</u>
	)
Petitioner	)
	) ( <del>PROPOSED</del> ) JUDGMENT
v.	) DIRECTING RESPONDENTS TO
	) PAY THE PRIOR AWARD OF
INTERNATIONAL LONGSHORE and WAREHOUSE	) \$250,000 COMPENSATORY
UNION, LOCAL 21	) DAMAGES TO THE ENTITIES
Respondent	) NOTED IN THEIR
	) APPORTIONED PRO-RATA
and	) AMOUNTS
	)
INTERNATIONAL LONGSHORE and WAREHOUSE	)
UNION, LOCAL 4	)
Respondent	)

ANNE P. POMERANTZ, Regional Attorney, Region 19  
DANIEL SANDERS, Attorney, Region 19  
JOHN FAWLEY, Attorney, Region 19  
HELENA FIORIANTI, Attorney, Sub-Region 36

NATIONAL LABOR RELATIONS BOARD, Region 19  
915 Second Avenue, Room 2948  
Seattle, Washington 98174, Telephone: (206) 220-6301

(Proposed) Judgment Allocating - Page 1  
Award of Compensatory Damages  
Civil No. 3:11-CV-05684 - RBL

2948 Jackson Federal Building  
915 Second Avenue  
Seattle, Washington  
(206) 220-6301

1 (PROPOSED) JUDGMENT DIRECTING RESPONDENTS TO PAY THE PRIOR AWARD  
2 OF \$250,000 COMPENSATORY DAMAGES TO THE ENTITIES  
3 NOTED IN THEIR APPORTIONED PRO-RATA AMOUNTS

4 After hearing testimony and argument on September 15, 2011, establishing by  
5 clear and convincing evidence the allegations of civil contempt of the Temporary  
6 Restraining Order ("TRO") that issued on September 1, 2011, this Court found  
7 Respondent International Longshore and Warehouse Union, Local 21 ("Local 21"),  
8 Respondent International Longshore and Warehouse Union, Local 4 ("Local 4"), and their  
9 International, the International Longshore and Warehouse Union (collectively,  
10 "Respondents"), in civil contempt of the TRO. An Order issued that same date setting  
11 forth that the remedy and other consequences of the finding of contempt would be  
12 addressed by the Court at hearing on September 30, 2011.

13 Petitioner Richard L. Ahearn ("Petitioner"), Regional Director of Region 19 of the  
14 National Labor Relations Board (the "Board"), filed with this Court his Proposed Findings  
15 Regarding Compensatory Damages, Fees, and Fine Schedule in anticipation of that  
16 hearing. In that document, Petitioner sought a total of \$292,697.65 in compensatory  
17 damages on behalf of the various entities harmed by Respondents' contumacious conduct:  
18 the Board; the BNSF Railroad; EGT; the Longview Police Department; the Kelso Police  
19 Department; the Cowlitz County Sheriff's Office; and the Washington State Patrol.

20 Upon a good cause shown at the hearing on September 30, 2011, based upon  
21 the entire record, the lack of assurances provided by Respondents that they would heed  
22 the Court's directives, the severity of the conduct in contempt of this Court's Order and the  
23 extensive damages caused by that contumacious conduct, this Court issued both an

1 Amended Order Adjudicating Respondents in Civil Contempt, in which it established a  
2 prospective fine schedule, and Findings of Fact and Conclusions of Law regarding the  
3 September 15, 2011 finding of contempt. This Court also issued an Order Awarding  
4 Compensatory Damages for Civil Contempt of Court on September 30, 2011, in which it  
5 directed that Respondents pay a civil contempt compensatory award of \$250,000 to be  
6 apportioned and paid on a pro-rata basis among the entities on whose behalf the  
7 Petitioner sought recompense. Accordingly, the Court directed that Petitioner prepare a  
8 Judgment reflecting that decision.

9 IT IS HEREBY ORDERED AND ADJUDGED that Respondents shall be jointly  
10 and severally liable for payment within seven (7) days of this Order the pro-rata  
11 compensatory damages to the following entities in the amounts set forth opposite their  
12 names:

	Proposed Compensatory Damages	Pro-rata Compensatory Damages
<b>Board</b>	\$ 66,267.99	\$ 56,601.06
<b>BNSF</b>	\$ 13,100.00	\$ 11,189.02
<b>EGT</b>	\$ 137,114.45	\$ 117,112.70
<b>Longview Police Dept.</b>	\$ 19,932.30	\$ 17,024.65
<b>Kelso Police Dept.</b>	\$ 3,538.58	\$ 3,022.39
<b>Cowlitz County Sheriff's Office</b>	\$ 40,416.56	\$ 34,520.74
<b>Washington State Patrol</b>	\$ 12,327.77	\$ 10,529.44
<b>TOTAL:</b>	\$ 292,697.65	\$ 250,000.00

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IT IS SO ORDERED.

DATED at Tacoma, Washington this 18 day of October, 2011.

  
UNITED STATES DISTRICT JUDGE

Presented by:  
/s/ Anne Pomerantz  
/s/ Daniel Sanders  
/s/ John Fawley  
/s/ Helena Fiorianti  
Anne Pomerantz, CA Bar 204059; NY Bar 2398428  
Daniel Sanders, WA Bar 3679  
John Fawley, MA Bar 160410  
Helena Fiorianti, NJ Bar 2006-00127; NY Bar 4442786  
National Labor Relations Board  
915 2<sup>nd</sup> Ave, Suite 2948  
Seattle, WA 98174  
Telephone (206) 220-6301  
Fax: (206) 220-6305  
Email: Anne.Pomerantz@nlrb.gov  
Daniel.Sanders@nlrb.gov  
John.Fawley@nlrb.gov  
Helena.Fiorianti@nlrb.gov  
Counsel for Petitioner