

DOCKET NO. NNH-CV-18-6078502-S	:	SUPERIOR COURT
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 825	:	J.D. OF NEW HAVEN
v.	:	AT NEW HAVEN
UNIFORMED PROFESSIONAL FIRE FIGHTERS ASSOCIATION OF CONNECTICUT	:	JUNE 15, 2018

**DEFENDANT’S OBJECTION TO PLAINTIFF’S
MOTION FOR TEMPORARY INJUNCTION**

The Defendant, UNIFORMED PROFESSIONAL FIRE FIGHTERS ASSOCIATION OF CONNECTICUT (hereinafter “Defendant” or “State Union”), hereby objects to the Plaintiff’s, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 825 (hereinafter “Plaintiff” or “Local Union”) Motion for Temporary Injunction, dated June 5, 2018, and received by the Defendant on June 8, 2018, as set forth more fully herein.

BACKGROUND

The underlying action was initiated by way of a Complaint filed on March 5, 2018. The Complaint was amended on April 16, 2018, and the Defendant filed a Request to Revise the Amended Complaint on May 16, 2018. The Plaintiff subsequently filed a Revised Amended Complaint on May 25, 2018 (hereinafter, the “Revised Amended Complaint”), which is now the operative complaint in this matter. The Defendant’s responsive pleading is due to be filed on or before June 25, 2018.

On May 7, 2018, the State Union sent notice to Frank Ricci and Mark Vendetto, officers of the Local Union, that the State Union was initiating charges against them with the International Association of Fire Fighters (hereinafter, “National Union”) pursuant to the

Constitution and By-Laws¹ thereof (hereinafter, the “By-Laws”). (See relevant Articles of the By-Laws attached hereto as **Exhibit A**).

On June 5, 2018, the Plaintiff filed a Motion for Temporary Injunction seeking an Order from the Court enjoining the Defendant from pursuing the charges against Mr. Ricci and Vendetto, who are **not parties to this action**.

LEGAL STANDARD

An injunction is the exercise of an extraordinary power. *Jarjura for Comptroller v. State Elections Enforcement Commission*, 51 Conn. Supp. 483, 429, 4 A.3d 356 (2010). “...The issuance of a temporary injunction is an “extraordinary remedy” that courts [should grant] cautiously.” *Hartford v. American Arbitration Assn.*, 174 Conn. 472, 476, 391 A.2d 137 (1978). “The remedy by injunction is summary, peculiar, and extraordinary. An injunction ought not be issued except for the prevention of great and irreparable mischief.” *Connecticut Assn. of Clinical Laboratories v. Connecticut Blue Cross, Inc.*, 31 Conn. Sup. 110, 113 324 A.2d 288 (1973).

The standard for issuing a temporary injunction is well settled. “In general, a court may, in its discretion exercise its equitable power to order a temporary injunction pending final determination of the order, upon a proper showing by the movant that if the injunction is not granted he or she will suffer irreparable harm for which there is no remedy at law.” *Moore v. Ganim*, 233 Conn. 557, 569 n.25, 660 A.2d 742 (1995).

A party seeking injunctive relief must demonstrate: (1) it has no adequate remedy at law; (2) it will suffer irreparable harm absent an injunction; (3) it will likely prevail on the merits; and (4) the balance of equities tips in its favor. *Aqleh v. Cadlerock Joint Venture II, L.P.*, 299 Conn. 84, 97-8, 10 A.3d 498 (2010). “These considerations involve essentially the application of

¹ Article XVI (“Charges”) and Article XVII (“Trials”) of the Constitution and By-Laws of the International Association of Fire Fighters provide the authority and the procedure for bringing and challenging Charges brought thereunder.

familiar equitable principles in the context of adjusting the rights of the parties during the pendency of litigation until a final determination on the merits.” *Griffin Hospital v. Commission of Hospitals & Health Care*, 196 Conn. 451, 458, 493 A.2d 229 (1985). Moreover, “[t]he extraordinary nature of injunctive relief requires that the harm complained of is occurring or will occur if the injunction is not granted. Although an absolute certainty is not required, it must appear that there is a substantial probability that, but for the issuance of the injunction, the party seeking it will suffer irreparable harm.” *Karls v. Alexandra Realty Corp.*, 179 Conn. 390, 402, 426 A.2d 784 (1980).

ARGUMENT

First and foremost, the Plaintiff simply does not have standing to move this Court for injunctive relief on behalf of Mr. Ricci or Mr. Vendetto. The only parties to this action are the State Union and the Local Union. Mr. Ricci and Mr. Vendetto are not named parties in any capacity and, therefore, the Plaintiff’s Motion for Temporary Injunction should be denied.

Further, despite the Plaintiff’s mischaracterization, the Revised Amended Complaint in the instant action and the charges do not overlap. Count One of the Revised Amended Complaint seeks a declaratory judgment as to Union dues owed by the Plaintiff to the Defendant. Count Two alleges a breach of fiduciary duty and Counts Three and Four allege negligent misrepresentation and innocent misrepresentation, respectively. The charges filed against Mr. Ricci and Mr. Vendetto allege specific violations of Articles contained in the By-Laws, which violations include: 1) the failure to conduct the requisite referendum vote; 2) slander and libel by way of statements made in certain publications and in press announcements; 3) testimony at the Connecticut Legislature in opposition of a bill brought forth by the State Union and affiliated locals; and 4) engaging in conduct detrimental and unbecoming of a member by engaging a

national right-to-work law foundation and anti-Union attorney in the instant action. (See charges against Frank Ricci and Mark Vendetto, attached hereto as **Exhibit B**). Although the underlying court action is referenced in the charges, the allegations constituting such charges are not “composed of the very issues at issue in this matter” as the Plaintiff claims in its Motion for Temporary Injunction.

Additionally, the remedies available under the By-Laws differ from those available in this action. Article XV of the By-Laws contains the following remedies if an officer or member is found to have committed a violation thereof: formal reprimand; removal from office; fines; and/or suspension or expulsion from the IAFF. By becoming members of the National Union and the State Union, the Local Union’s members and officers agreed to abide by the Constitutions and By-Laws of these organizations. The State Union is merely exercising its rights under the By-Laws by filing charges against two members who are not parties to the underlying action, and the Plaintiff’s motion is an attempt to strip the State Union of those rights.

The Plaintiff Will Not Suffer Irreparable Harm

It is difficult, if not impossible, to imagine how the Plaintiff would suffer irreparable harm by the pursuit of charges against Mr. Ricci and Mr. Vendetto, two individuals who are not parties to the underlying action.

Notwithstanding that fact, the Plaintiff has otherwise failed to meet its burden to establish that it will somehow suffer irreparable harm if the State Union pursues the charges. In its motion, the Plaintiff cites a single Connecticut Superior Court decision to support its claim that it will suffer irreparable harm in that the charges “will damage the credibility and strength of Local 825 and its leaders.” (See Plaintiff’s Motion for Temporary Injunction, dated June 5, 2018 at ¶16). The Plaintiff has extracted a quote from the opinion so as to suggest by way of distortion that

Local 818 of Council 4 AFSCME, AFL-CIO v. Town of East Haven, 42 Conn. Supp. 227, 238 (Conn. Super. Ct. 1992) stands for the proposition that damage to the credibility of a union constitutes irreparable harm.

The facts in *Local 818* are distinguishable from the ones at issue here in several major respects. In that case, pursuant to the Town Charter, employees of the City of East Haven could be terminated when a new mayor took office in order to allow for the appointment of a new staff at the mayor's discretion. In fear of losing their jobs, employees that stood to be affected by the Charter provision formed a union and successfully negotiated a contract requiring "just cause" for termination. Nevertheless, some time after the contract was executed, several members of the union received notices that they were being terminated by order of the mayor-elect.

In response, the union filed a complaint with the Connecticut State Board of Labor, which has the authority to issue a cease and desist order upon the expiration of thirty (30) days following the filing of a complaint. The union's complaint was filed on what was to be their members' last day of employment with the City, and therefore, the cease and desist order would not be issued until a month after they were terminated. The union sought an injunction from the court to restrain the City from terminating the members pending resolution of the complaint with the Connecticut State Board of Labor.

In granting the union an injunction, the court found that the City's actions "amount[ed] to a repudiation of the contract and a prohibited labor practice...." in violation of several Connecticut General Statutes. *Id.* at 238. It further opined that the harm to the union would be irreparable "under all of the circumstances presented..." in that case. *Id.* at 238. Specifically, the union was a very young one and quite small, and furthermore, was formed in order to protect its members from termination under the exact scenario that had once again occurred. In this respect,

the court found “...that the damage to the credibility and strength of the union would not be repaired by eventual victory...as the dramatic termination of union members would create a lasting impression of union impotence that would not be fully remedied by later relief.” *Id.* at 238.

The act of filing charges against Mr. Ricci and Mr. Vendetto does not rise to the level of those actions that were enjoined in *Local 818*. The Defendant is not an employer who has violated a contractual right of the Plaintiff; on the contrary, the Defendant is attempting to assert its own right under the Constitution and By-Laws of the International Association of Firefighters by bringing charges pursuant thereto. Furthermore, the outcome of the pursuit of charges will not be of any consequence to the outcome of the underlying action whatsoever, as the allegations contained therein are completely different from the issues being litigated in the present action for temporary injunction before the Court.

Notably, Article XVI, Section 1 of the By-Laws provides a “statute of limitations” that states any party seeking to prefer charges of misconduct must do so within six (6) months from when the charging party knew or should have known of the alleged misconduct. The By-Laws also provide that a trial and subsequent determination as to the charges must be completed within one hundred and twenty (120) days. If the State Union is enjoined from pursuing the charges at this time (as opposed to an injunction being imposed against the national union enjoining it from *hearing* the charges), the State Union will itself suffer an irreparable harm in that it will be forever barred from seeking relief for the alleged misconduct of Mr. Ricci and Mr. Vendetto.

The Plaintiff Has an Adequate Remedy at Law

The Plaintiff has an adequate remedy at law, should it choose to defend Mr. Ricci and Mr. Vendetto against the charges filed by the State Union. The By-Laws provide a procedure to

dispute charges and, in fact, Mr. Ricci and Mr. Vendetto are currently utilizing that procedure. (See request for pre-trial, dated May 31, 2018, attached hereto as **Exhibit C**). Article XVI, Section 5 of the By-Laws provides an opportunity for charged members to submit a position statement in writing and to be heard before a pre-trial review board. If the charges are found to have merit, the matter will be set down for further proceedings where both sides will have an opportunity to be heard, once again.

“A temporary injunction may not be granted unless it is very clear that the plaintiff is without a legal right.” *Connecticut Assn. of Clinical Laboratories v. Connecticut Blue Cross, Inc., supra*. However, as stated above, the Plaintiff in this action is the Local Union, not Mr. Ricci and/or Mr. Vendetto. There are currently no charges pending against the Local Union and, as such, the Plaintiff does not have standing to move this Court for such an injunction.

The Plaintiff will not likely prevail on the merits

The Plaintiff will not likely prevail on the merits. This action stems from the Local Union’s belief that it properly disaffiliated from the State Union. It claims there is a “default rule” allowing unions to disaffiliate at any time, unless, as in the case at bar, such rule has been “altered when a local union agrees in advance to follow valid, reasonable procedures or provision of notice to the statewide or international affiliate.” (See Plaintiff’s Motion for Temporary Injunction at ¶ 26). The State Union provides a Constitution & By-Laws as well as a Policy Manual to all of its affiliated local unions. The Policy Manual explicitly states “[i]f a local would like to change its affiliation status with the [State Union] then the Local must send a letter to the Secretary of the [State Union], informing the [State Union] of the Locals [sic] intent to change its affiliation status effective the end of the [State Union’s] fiscal year. Said letter shall be sent by Certified Mail, return receipt requested and must be mailed to the [State Union] no later

than the 1st of September.” (See UPFFA Policy Manual at p. 15, “Miscellaneous” Section 4. e., attached hereto as **Exhibit D**). The Plaintiff, as an affiliated local union, received this Policy Manual. However, it failed to follow the procedure outlined in the Policy Manual.

The Balance of Equities Does Not Tip in the Plaintiff’s Favor

As stated above, if the State Union is not able to pursue its charges against Mr. Ricci and Mr. Vendetto at this time, it will be forever barred by the “statute of limitations” dictated in Article XVI of the By-Laws. The issuance of a temporary injunction would be fatal as the By-Laws provide the only procedural avenue by which the State Union may seek relief from the actions of these individuals.

Pursuit of the charges against Mr. Ricci and Mr. Vendetto will have no bearing on the outcome of this matter as the allegations contained therein are not the same as the issues before this Court, and further, the remedies available to the State Union under the By-Laws are different, if not exclusive, compared to those available in this action. Finally, there are no charges pending against the Local Union, and as such, the Plaintiff will not be harmed in any way if the injunction is denied. Therefore, the balance of the equities clearly does not tip in the Plaintiff’s favor.

WHEREFORE, for the foregoing reasons, the Plaintiff's Motion for Temporary Injunction should be denied.

THE DEFENDANT,

BY: _____/S
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CERTIFICATION

The foregoing Objection was sent on the above date, via regular mail and/or via email to the following:

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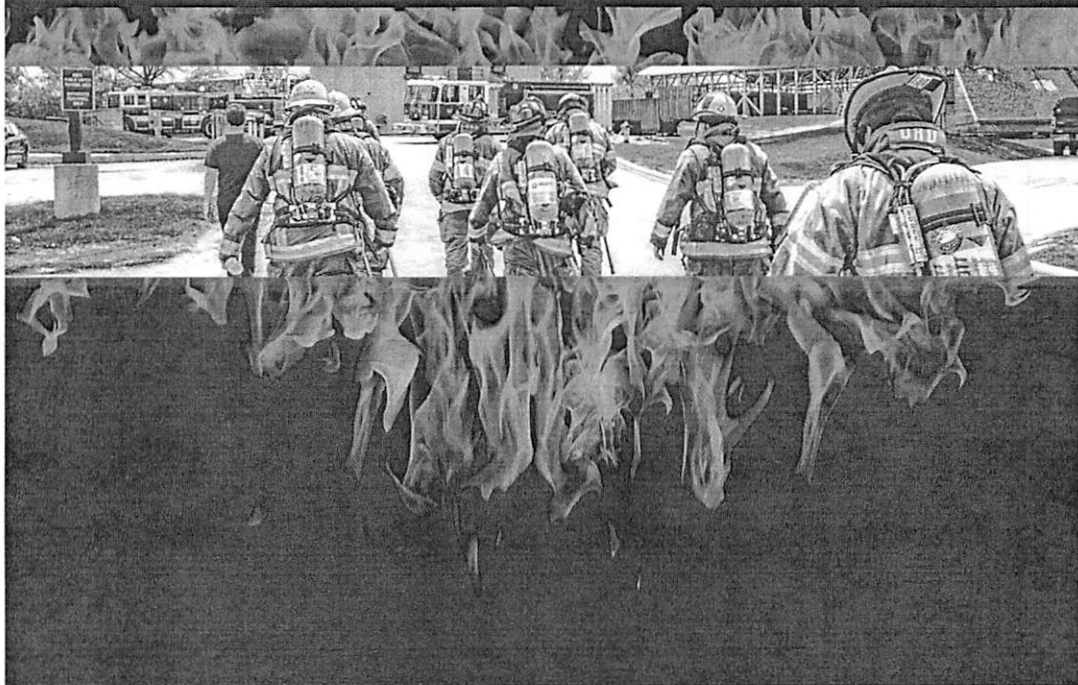
_____/S
NANCY E. VALENTINO

EXHIBIT A



STRENGTH + SOLIDARITY + SUCCESS

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS AFL-CIO, CLC | 53RD CONVENTION | AUGUST 15-19, 2016



Constitution and By-Laws

- M. Refusal or failure without good reason to accept service of charges and stand trial on such charges.
- N. Working a secondary job part-time, paid on call, volunteer or otherwise as a firefighter, emergency medical services worker, public safety or law enforcement officer, or as a worker in a related service, whether in the public or private sector, where such job is within the work jurisdiction of any affiliate or which adversely impacts the interests of any affiliate or the IAFF. Upon a finding of guilt of working a secondary job in violation of this subsection, it is recommended that the penalty include disqualification from holding office in any affiliate and/or expulsion from membership for the period that the misconduct persists. Charges filed for the misconduct described in this subsection shall be preferred by a member of the charged party's local and/or a member of an adversely affected affiliate.

Section 2. Rival Organizations

With the approval of the Executive Board the General President may appoint a five (5) member Executive Board Committee to investigate and determine if the charges against any outside organization warrant the declaring of the term "rival organization", and report the committee's recommendation to the full Executive Board. An outside organization may be declared a rival organization by two-thirds (2/3) vote of the Executive Board.

Upon receipt of a request by the charging party involved or by an affiliate of the Association to remove the declaration of rival organization from an outside organization, the Executive Board must consult with all parties involved and may vote to revoke the designation of rival organization by a two-thirds (2/3) majority vote; provided, however, that if the charging party is deceased or the charging affiliate is dissolved, the Executive Board may of its own motion consider revoking a declaration of rival organization.

ARTICLE XVI – CHARGES

Section 1. Who May Prefer Charges; Statute of Limitations; Multiple Charged Parties

Any member in good standing may prefer charges of misconduct as defined in Article XV against any officer or member of the Association or of any of its subordinate unions. Charges must be filed within six (6) months from when the charging party either knew or should have known of the alleged misconduct. The charging party or parties may name up to seven (7) charged parties in any set of charges alleging the same misconduct, in which case such charges will be adjudicated as a single trial board proceeding.

Section 2. Form of Charges

All charges shall be preferred in the following way:

- A. Be in writing.
- B. Be signed by the party or parties preferring same.
- C. Contain a statement of the facts out of which such charges originated and set forth the specific act or acts alleged to constitute misconduct, the dates, places, and persons involved.
- D. State the nature of the violation or violations alleged.
- E. Refer to the Articles and Sections of this Constitution and By-Laws, the constitution or by-laws of the subordinate union, the established policies, decisions, rules or regulations or other governing laws which it is alleged have been or are being violated.

Section 3. Notice of Charges Against Officers or Members of Local Unions, State or Provincial Associations or Joint Councils

Notice of charges against any officer or member of a local union or other subordinate organization of this Association shall be sent by the officer or member preferring the charges by certified mail with return receipt where available, and if not available, then by registered mail to the local union, association or joint council with which the accused is affiliated, and a copy sent by certified mail with return receipt where available, and if not available, then by registered mail to the accused. Upon request of the party preferring the charges, the Vice President of the District concerned or his/her designee, not to include the person preferring the charges, shall serve the charges by hand-delivery on the accused and must testify to the date, time and location of the service before the local trial board convened to hear the charges.

Notice of charges shall also be contemporaneously filed, using the same manner as outlined above, upon the General President's office, as well as upon the Vice President for the District or Districts encompassing the local, association or joint council of each of the parties to the case. Such notice shall also be provided to the state or provincial association, to the extent that any of the parties to the charges are members of locals belonging to the state or provincial association. Failure to accomplish such notice shall be grounds for dismissal of the charges.

Section 4. Notice of Charges Against Association Officers

Notice of charges against any officer of the International shall be sent by the member preferring the charges by certified mail with return receipt where available, and if not available, then by registered mail to the General Secretary-Treasurer for delivery by him/her after duplication of sufficient copies to each member of the Executive Board, and by sending by certified mail with return receipt where available, and if not available, then by registered mail a copy of said charges to the accused. If the General Secretary-Treasurer is the party accused, the original of the charges shall be sent to the General President for delivery to the members of the Executive Board as aforesaid.

Where charges are filed against either the General President or General Secretary-Treasurer of the Association, notice and a copy of such charges shall be sent to all local unions of the Association. Where charges are filed against an International Vice President or Trustee, notice and copy of the charges shall be sent to all local unions in the Vice President's District or Trustee's Region. In the event charges are filed against any Department Head of the International, notice and a copy of the charges shall be sent to all local unions of the Association.

Section 5. Pre-Trial Review Boards

A charged party, including any International officer, may request review of any charge or charges by a Pre-Trial Review Board to be convened at the next meeting of the IAFF Executive Board. The Pre-Trial Review Board has the authority to dismiss some or all charges if it concludes, after review of written submissions by all parties, that such charges are frivolous, retaliatory, or de minimis. If the Pre-Trial Review Board determines that a charge should go to trial, a Trial Board must be convened within one hundred and twenty (120) days of the decision. There shall be no appeal from the Pre-Trial Review Board's decision.

A. Filing of a Request:

A request that the General President convene a Pre-Trial Review Board must be mailed to the General President and the District Vice President no later than thirty (30) days after service of the charges, with a copy of the request mailed at the same time to all other parties. The party requesting a Pre-Trial Review Board must include a declaration with the request affirming that a copy of the request has been mailed to the other parties, and list in the declaration the names and addresses to whom a copy of the request has been sent. Where the request for Pre-Trial Review is received less than forty-five (45) calendar days before commencement of the next Executive Board meeting, the matter will be heard at the next following Executive Board meeting, unless all of the parties involved agree otherwise. If the General President is involved as a party, the request to convene a Pre-Trial Review Board shall be submitted to the General Secretary-Treasurer.

B. Statements by Parties:

Any party wishing to submit a written statement related to a Pre-Trial Review Board's consideration of a case may do so. Any such statement must be received by the General President's office, either by regular or overnight mail, facsimile or e-mail, no later than thirty (30) calendar days before commencement of the Executive Board meeting at which the Pre-Trial Review Board will be convened. Parties submitting statements shall, at the same time, mail or email a full copy of the written statement, including exhibits, to all other parties.

C. Convening of Pre-Trial Review Board:

If the General President is involved as a party, the General Secretary-Treasurer shall be the person to convene a Pre-Trial Review Board. If the General President and General Secretary-Treasurer are both involved as parties, the International Vice President who is elected by the General President and approved by the parties shall convene a Pre-Trial Review Board. In all other situations, the General

President shall convene a Pre-Trial Review Board of three Vice Presidents from panels the General President has regularly established, from districts adjacent to the district wherein the charges were filed. No Vice President can sit on a Pre-Trial Review Board for a charge arising from the Vice President's District. Those Vice Presidents who serve on a Pre-Trial Review Board will be recused from considering any further appeals in the same case.

ARTICLE XVII – TRIALS

Section 1. Trials of Officers or Members of Local or Other Subordinate Unions

- A. Whenever charges are preferred against an officer or member of a local union or an officer or individual member of a state or provincial association or joint council (hereinafter referred to collectively as "subordinate unions"), the accused shall be tried within one hundred twenty (120) days by a trial board selected and appointed as hereinafter provided by the president of the local or other subordinate union unless he/she is directly involved as a party, witness, or otherwise, in the conduct giving rise to the charges. (If the charged party requests a Review Board pursuant to Article XVI, Section 5, then the 120 day period shall run from the date of the decision by the Review Board.) If the president is so involved, the secretary-treasurer (or corresponding executive officer) of the subordinate union shall appoint the members of the trial board. If the secretary-treasurer (or corresponding executive officer) is also so involved, the General President shall designate the Vice President of the District in which the subordinate union is located as the appointing officer of the trial board.

The appointing officer shall submit names of seven (7) members in good standing of the subordinate union to the accuser, of which the accuser shall reject two (2), and then shall submit the remaining five (5) to the accused, of which the accused shall reject two (2), with the remaining three (3) thus appointed as the trial board; provided, however, that if all members of the subordinate union are either directly or indirectly involved as parties, witnesses, or otherwise, in the conduct giving rise to the charges brought against the accused, or, in the event the required number of members of a local or other subordinate union refuse to serve as members of a trial board, in either of these events the Vice President of the District in which the charges arose shall submit the names of seven (7) members in good standing of a neighboring local union or neighboring local unions within the District to the accuser, of which the accuser shall reject two (2), and then shall submit the remaining five (5) to the accused, of which the accused shall reject two (2), with the remaining three (3) thus appointed as the trial board; provided, further, however, that the decision of the trial board consisting of members of a neighboring local or locals shall be deemed to be the decision of the local union in which the charges arose, the reasonable costs of which shall be borne by such local union and the decision of the trial board reported to such local union.

In the event that neither the local president nor the secretary-treasurer (or corresponding executive officer) have either submitted the names of seven (7) members of the subordinate union to the accuser, or notified the General President that they are sufficiently involved so as to preclude them from doing so, within thirty (30) days of their receipt of the charges, then the General President shall be authorized, upon request by any party to the case, to designate the Vice President of the District in which the subordinate union is located as the appointing officer of the trial board.

The accuser shall make his/her selection no later than seven (7) days following the submission of the names by the appointing officer, in the absence of which the appointing officer shall strike two names; thereafter the appointing officer shall submit the remaining five (5) names to the accused, who shall make his/her selection no later than seven (7) days following the submission by the appointing officer, in the absence of which the appointing officer shall designate the three (3) members of the trial board.

In cases where there is more than one accuser and/or accused, an effort will be made to obtain agreement among each group of accusers and/or accused to strike two (2) names. In the absence of agreement among a group of accusers and/or accused, the appointing officer shall strike two names by lot.

If charges are preferred by an International officer or officers against an officer or member of a subordinate union, the trial shall be conducted by members of the Executive Board of the Association who shall be designated as provided in Section 2 of this Article.

In all cases where the appointing officer selects the names of seven (7) members to be submitted to the accuser and the accused, such members shall be chosen by a random, computerized process established and carried out, upon request of the appointing officer, by the General Secretary-Treasurer's office.

- B. The General President, at the request of the charging or charged party, or the local that is responsible for conducting the trial board, may appoint Representatives to preside over and assist local trial boards by ruling on procedural matters but not making a decision on the merits. The cost of these Representatives including travel, lodging, meals, and per diem shall be paid by the local where the case arose or as determined by the General President.

Section 2. Trials Before International Trial Board

Whenever charges are preferred by or against an International officer of the Association, the accused shall be tried within one hundred twenty (120) days before a trial board of three (3) members of the Executive Board to be selected and appointed in the following manner by the General President unless he/she is directly or indirectly involved in the conduct giving rise to the charges in which case the General Secretary-Treasurer shall act as the appointing officer; provided, however, that in the event both

the General President and the General Secretary-Treasurer are so involved in the conduct giving rise to the charges, the remaining members of the Executive Board not so involved by majority vote shall designate one of its members not so involved as the appointing officer. (If the charged party requests a Review Board pursuant to Article XVI, Section 5, then the 120 day period shall run from the date of the decision by the Review Board.) The appointing officer shall submit the names of seven (7) members of the Executive Board to the accused of which the accused shall reject four (4), the remaining three (3) to constitute the International Trial Board.

The accused shall make his selection no later than seven (7) days following said submission at the expiration of which time in the absence of election by the accused the appointing officer shall designate the members of the International Trial Board.

In the event that charges preferred against an International officer are of such a nature as to require immediate summary action to safeguard the interests of the Association, such as those involving larceny, embezzlement, unlawful conversion of Association funds or property of the like, the International Trial Board shall immediately refer the matter to the Executive Board. If the majority of the Executive Board (less any member or members disqualified because he/she or they are involved in the charges) decide, after review of the charges and any investigation it considers necessary, that the charges are not frivolous or lacking in substance and are of such a nature as to require immediate summary action to protect the funds or property of the Association, it is empowered to and shall immediately suspend the accused officer or officers from any further duties or authority on behalf of the International pending completion of the trial by the International Trial Board. Thereafter, the trial shall proceed as hereafter provided in this Article, and the vacancy in the office of the suspended officer shall be filled temporarily as provided in Section 5 of Article V. If the accused is acquitted of the charges, he/she shall be immediately reinstated in office upon such acquittal.

Section 3. Disqualification for Cause and Procedure for Replacing Trial Board Member Unable to Serve

No name submitted for selection as a member of a trial board shall be that of anyone directly or indirectly involved as a party, witness, or otherwise, in the conduct giving rise to the charges, and in the event any of the members are so involved they shall be disqualified to sit as a member of the trial board, and the appointing officer shall submit three (3) additional names to the accuser, who shall strike one (1), and shall submit the remaining two (2) to the accused, who shall strike one (1), and the remaining member shall sit as a substitute member. The accused and accuser shall in all cases each have seven (7) days to make their respective strikes after said submission failing which the appointing officer will designate the substitute member. The procedure described herein shall also apply to replace an individual selected by the accused to serve on a trial board who is unable or unwilling to serve on the trial board for any reason.

Section 4. Chairperson of Trial Board

Prior to proceeding with the trial, the members of the trial board shall elect one of their group as chairperson. The Chairperson shall preside at the trial and rule upon all questions and points of order.

Section 5. Absence of Trial Board Member from Session

It shall be the duty of each member of a trial board to attend all sessions of the trial. In the event that a member is unavoidably absent from a session of the trial, it may proceed provided a majority of the trial board members are present.

Thereafter, the absent member shall remove himself/herself from the trial board and may not participate in any further proceedings or in the findings or decision of the trial board.

Section 6. Rules for the Conduct of the Trial

Except as otherwise provided herein, trial boards may promulgate their own set of rules for the conduct of the trial formulated in consultation with both the accused and charging party or parties and distributed to them in writing at least fifteen (15) days prior to the commencement of the trial. Additional rules of procedure may be determined by a trial board during the course of a trial if situations not covered by the rules adopted should occur.

A simple manual of trial procedure will be prepared by the International and made available to each of its affiliates for assistance and guidance in conducting the trial. The trial board shall have the authority prior to receiving testimony and other evidence to entertain a motion to dismiss the charges in a case without further trial on the ground that such charges are patently frivolous or lacking in substance or otherwise subject to dismissal without the necessity of testimony or other evidence. If the trial board is satisfied after hearing argument for and against motion to dismiss that the motion is well taken, it shall dismiss the charges and the trial shall be concluded.

Unless otherwise agreed by the accused, the trial shall be held at the city or town in which the accused is employed or in an adjacent city or town if the trial board chairperson determines that it is more appropriate for the proper functioning of the trial. It shall be held within one hundred twenty (120) days after the receipt of charges by the accused and not less than two (2) weeks after notification to the accused of the composition of the trial board and the date and place of trial. If the charged party requests a Review Board pursuant to Article XVI, Section 5, then the 120 day period shall run from the date of the decision by the Review Board. If a trial board should fail for any reason to convene within the time period prescribed in this Section for the commencement of the trial, it shall be dissolved and a new trial board constituted by the appointing officer and convened within the time limits herein required.

Each party to the case shall have the privilege of designating any person, including any member in good standing of the Association except a member of the trial board or other member involved in the proceedings to act as his counsel in the trial proceedings.

It is the intention of the Association to discourage the appearance of lawyers in these hearings, and legal formalities shall not control the proceedings.

For good cause shown the accused or party preferring charges may request a postponement of the date set for trial. Such motion shall be addressed to the Chairperson of the trial board and shall be subject to approval or rejection within the discretion of the members of the trial board.

Either party may be granted a postponement, for a reasonable period of time, of a trial at the discretion of the trial board if a showing is made that there is a concurrent court or administrative agency case involving substantially the same issues and parties and that continuation of the trial board may prejudice the rights of either party. The trial board may postpone the trial either on request or on its own motion. A party may appeal a denial or grant of such a motion within ten (10) days to the General President. Such appeal shall be sent to the General President by certified mail with return receipt where available, and if not available, then by registered mail. The General President shall issue a decision no later than ten (10) days after receipt of the appeal. Such decision shall be final and binding on all parties.

Upon request by the accused, the trial shall be open to such members of the Association who desire to attend and the trial board shall so provide in its rules for the conduct of the trial.

Each trial board shall have the option either to select a qualified stenographer to take the official verbatim transcript of the trial proceedings or record such proceedings electronically. In the event electronic recordings are utilized, the trial board shall also designate one of its members to take official minutes of the proceedings. All documents or other items offered as exhibits shall also be preserved by the trial board as a part of the record. If an electronic recording is used, either the accused or charging party shall be permitted to listen to it subsequent to the trial under the supervision of a member of the trial board and if either of such parties decides to take an appeal from the decision of the trial board, a transcription of the electronic recording shall be made. A copy of the official minutes and transcripts shall be furnished upon request to either party to the case without charge.

Should the accused fail to appear for trial after due notice, or should he/she appear but refuse to comply with the rules for the conduct of the trial prescribed in this Constitution and By-Laws or formulated by the trial board, or should he/she engage in conduct designed to obstruct his/her trial, then in that event the trial board shall proceed to conduct the trial in his/her absence. The accused, the party preferring charges, counsel for either party, or any witnesses or spectators who are guilty of misconduct before the trial board, at the discretion of the Chairperson of the trial board, shall be excluded thereafter from the trial proceedings and the trial shall continue in their absence.

After all evidence has been presented and arguments made by all parties or their counsel, the trial board shall conclude the trial and, as soon as may be practicable, assemble for consideration of its decision.

Section 7. Decision of Trial Board

The decision of the trial board shall be by majority vote of its members, shall be reduced to writing, and shall contain a statement of the pertinent facts involved, the violations charged, reference to all relevant Articles and Sections of this Constitution and By-Laws or other governing laws involved, a pronouncement of the guilt or innocence of the party charged, and the penalty to be imposed in the event the verdict is one of guilt which shall be reprimand, fine, suspension from office, or suspension or expulsion from membership.

When the charges are deemed frivolous, de minimis, or retaliatory by a decision of the trial board, all costs associated with the trial board, including attorney expenses, shall be borne by the charging party. Failure of the charging party to pay the costs and expenses of a convened trial board, within sixty (60) days from the date of the decision and any decision on appeal, shall result in suspension of the charging party until such time that all costs are paid in full.

All decisions of trial boards shall be rendered within sixty (60) days from the commencement of the trial; provided, however, that this time may be extended by the Board for good cause shown with the consent of both the accused and the charging party or parties.

Section 8. Disposition of Decision of Local and Other Subordinate Union Trial Boards

- A. Local Unions. Decisions of local union trial boards shall be submitted to the secretary of the local union and shall be read at the next regular meeting. Decisions of the trial board shall be final and binding unless reversed or modified upon appeal as provided for in Article XVIII, Sections 2, 3, 4, 5, 6, and 7 of this Constitution and By-Laws. The chairperson of the trial board shall transmit a copy of the trial board's decision to the General President's office and the District Vice President as soon as is reasonably possible.
- B. State and Provincial Associations and Joint Councils. Decisions of trial boards of state and provincial associations and joint councils shall be final and binding unless reversed or modified upon appeal as provided in Article XVIII. The chairperson of the trial board shall transmit a copy of the trial board's decision to the General President's office and the District Vice President as soon as is reasonably possible.

Section 9. Disposition of International Trial Board Decision

The decision of an International Trial Board shall be final and binding unless reversed or modified on appeal as provided in Article XVIII. All decisions of International Trial Boards shall be submitted to the General Secretary-Treasurer.

Section 10. Service of Decisions

Copies of the decisions of all trial boards shall be sent by certified mail with return receipt where available, and if not available, then by registered mail to the parties involved by the secretary of the local or subordinate union or by the General Secretary-Treasurer as the case may be.

Section 11. Further Proceedings

Either party to a case may appeal from the decision of any subordinate union trial board or International Trial Board in accordance with the provisions of Article XVIII.

Section 12. Trial Board Costs

In the case of charges between members of different locals, and in the absence of an agreement, the General President may impose costs for the conduct of the trial upon any local whose members are involved in the proceedings. To the extent possible, the General President will divide the costs equally between all locals involved unless he determines that fairness and equity warrant higher costs being imposed upon one or more locals or on the non-prevailing party or parties or local. The reasons for the cost allocations shall be discussed in a written decision by the General President. Appeal of the General President's decision may be made to the Executive Board.

ARTICLE XVIII – APPEALS

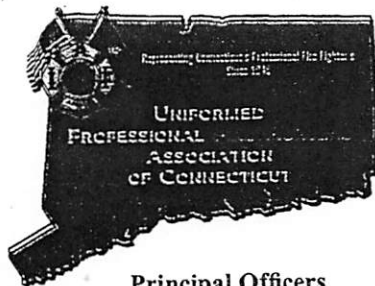
Section 1. Matters Appealable

Except as otherwise provided by this Constitution and By-Laws such as in the case of automatic suspension of members for failure to pay dues or automatic forfeiture of subordinate union charters for failure to pay per capita taxes, any final order or decision of a local union or other subordinate union or of a legally constituted tribunal thereof or any decision or order of any International officer or officers or of the Executive Board or any legally constituted tribunal of the Association shall be appealable.

Section 2. Who May Appeal

Any member in good standing or any local union or other subordinate union of this Association adversely affected by any order or decision as aforesaid may take an appeal as hereinafter provided.

EXHIBIT B



UNIFORMED PROFESSIONAL FIRE FIGHTERS ASSOCIATION OF CONNECTICUT

AFFILIATED WITH INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

30 Sherman Street, West Hartford, CT 06110

Office: (860) 953-3200 • Office Fax: (860) 953-3334 • www.upffa.org

Principal Officers

Peter S. Carozza, Jr., *President*

Louis P. DeMici, *Secretary*

Robert P. Anthony, *Treasurer*

May 7, 2018

SENT VIA CERTIFIED MAIL - RETURN RECEIPT

Mr. Frank Ricci, President
Local 825
300 Ferry Street
New Haven, Connecticut 06513

Mr. Mark Vendetto, Vice President
Local 825
300 Ferry Street
New Haven, Connecticut 06513

Dear President Ricci & Vice President Vendetto:

In conformance with the Constitution and By-Laws of the International Association of Fire Fighters, the Uniformed Professional Fire Fighters Association of Connecticut, IAFF, by its Executive Board listed below, hereby confer the following charges pursuant to Article XVI, Section 1 against President Frank Ricci and Vice President Mark Vendetto of Local 825, IAFF as specifically delineated below.

1. Ricci and Vendetto violated Article XIV, Section 11 and Article XV, Section 1(A) by failing to conduct a referendum vote of Local 825 membership as authorized in the IAFF Constitution & By-Laws.
2. Ricci and Vendetto violated Article XV, Section 1(C) by libeling or slandering or causing to be libel or slander Officers and Executive Board members of the UPFFA by filing a complaint against UPFFA in Connecticut Superior Court on March 20, 2018 which contains false allegations that are reckless or in bad faith, without substance, foundation or reasonable basis of support. Additionally, Ricci and Vendetto have engaged in a course of conduct in various publications and in press announcements slandering and libeling the Uniformed Professional Fire Fighters Association of Connecticut, and its affiliated locals.
3. Ricci and Vendetto violated Article XV, Section 1(H), (J) and (L) and have engaged in conduct detrimental to the best interests of the Association by testifying at the Connecticut Legislature in opposition to the PTSD bill brought forth by the Uniformed Professional Fire Fighters Association of Connecticut and its affiliated locals and identifying themselves as IAFF members. Ricci and Vendetto also engaged in conduct detrimental and unbecoming a member by engaging a national right to work law foundation and an anti-Union Attorney, to bring the March 20th lawsuit against the UPFFA.

Walter M. O'Conner
President Emeritus

Raymond D. Shea
President Emeritus

Santo J. Alleano, Jr.
Vice President Emeritus

Patrick J. Shevlin III
Treasurer Emeritus

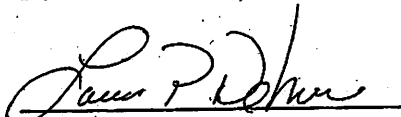


The Uniformed Professional Fire Fighters Association of Connecticut seeks the following remedies:

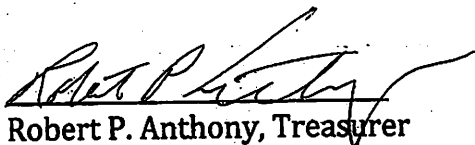
- 1) The trial board acknowledge that Ricci and Vendetto violated the IAFF Constitution & By-Laws;
- 2) Ricci and Vendetto be ordered to comply with the IAFF Constitution & By-Laws;
- 3) Ricci and Vendetto be ordered to issue a press release recanting their liable and slanderers remarks made toward the Officers, Executive Board and affiliated locals of the Uniformed Professional Fire Fighters Association of Connecticut;
- 4) Uniformed Professional Fire Fighters Association of Connecticut and its affiliated locals be made whole;
- 5) And whatever remedy the trial board deems appropriate, including fines, suspension, and removal from office;
- 6) Attorney Fees & Costs.



Peter S. Carozza, President

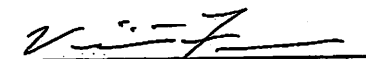


Louis P. DeMici, Secretary

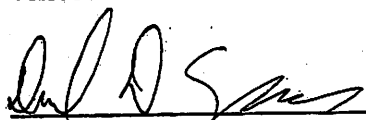


Robert P. Anthony, Treasurer

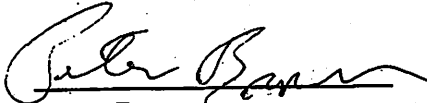


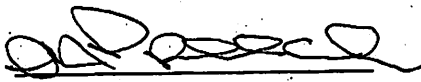
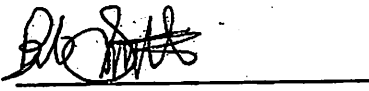
Executive Board:



Vincent Fusco



Dan Tompkins


Peter Brown
Steve Michalovic
Kurt Vogt, Sr.
Ed Preece
Bob Smith

cc: **Harold Schaitberger, IAFF General President**
Jay Colbert, IAFF 3rd District Vice President

EXHIBIT C



RECEIVED

6/4/18

May 31, 2018

Via USPS Certified Mail

Harold A. Schaitberger, General President
International Association of Fire Fighters
1750 New York Avenue, N.W.
Washington, D.C. 20006

Jay Colbert, 3rd District Vice President
International Association of Fire Fighters
2 Center Plaza, Suite 4M
Boston, Massachusetts 02108

RE: Request for Pre-Trial Review Board to be Convened to Review Charges

Dear President Schaitberger and Vice President Colbert:

Pursuant to Article XVI, Section 5, of the International Association of Fire Fighters ("IAFF") Constitution and By-Laws, please accept this letter as our official request for a pre-trial review board to be convened at the next meeting of the IAFF Executive Board in order to review the charges of the Uniformed Professional Fire Fighters Association of Connecticut ("UPFFA") filed against us in our official capacities as officers of IAFF, Local 825. We've enclosed a copy of the relevant charges with this correspondence for your reference.

Please notify us as to the date when the pre-trial review board will consider our statement, so that we can timely submit our statement the requisite thirty (30) days in advance of the convening of the pre-trial review board.

Should there be anything else that we need to do in order to have a pre-trial review board convened to review the charges we mention above, please inform us of that in a timely manner, so that we can ensure that we have complied with all related obligations and deadlines. Thank you.

Fraternally yours,

Frank Ricci
IAFF, Local 825, President

Mark Vendetto
IAFF, Local 825, Vice President

Enclosure

DECLARATION OF FRANK RICCI AND MARK VENDETTO

We, the undersigned, declare and affirm that a true and correct copy of our May 31, 2018 request for a pre-trial review board to be convened by the IAFF Executive Board was or will be mailed via USPS Certified Mail, on May 31, 2018, to the following:

Peter S. Corozza, President
UPFFA
30 Sherman Street
West Hartford, CT 06110

Peter Brown, Exec. Board Member
UPFFA
30 Sherman Street
West Hartford, CT 06110

Louis P. DeMici, Secretary
UPFFA
30 Sherman Street
West Hartford, CT 06110

Steve Michalovic, Exec. Board Member
UPFFA
30 Sherman Street
West Hartford, CT 06110

Robert P. Anthony, Treasurer
UPFFA
30 Sherman Street
West Hartford, CT 06110

Kurt Vogt, Sr., Exec. Board Member
UPFFA
30 Sherman Street
West Hartford, CT 06110


Vincent Fusco, Exec. Board Member
UPFFA
30 Sherman Street
West Hartford, CT 06110

Ed Preece, Exec. Board Member
UPFFA
30 Sherman Street
West Hartford, CT 06110

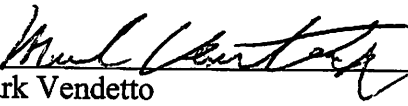
Dan Tompkins, Exec. Board Member
UPFFA
30 Sherman Street
West Hartford, CT 06110

Bob Smith, Exec. Board Member
UPFFA
30 Sherman Street
West Hartford, CT 06110

Dated: May 31, 2018



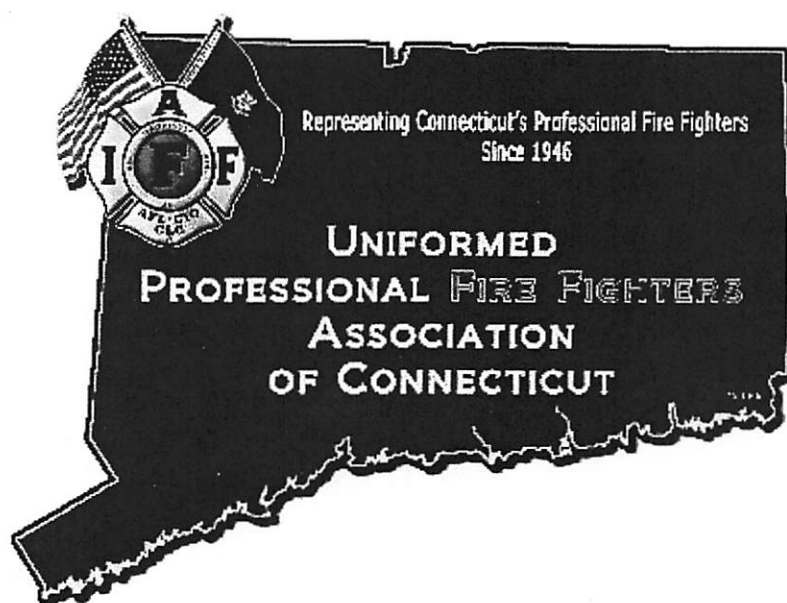
Frank Ricci
IAFF, Local 825, President



Mark Vendetto
IAFF, Local 825, Vice President

EXHIBIT D

***Uniformed
Professional Fire Fighters Association
of Connecticut***



POLICY MANUAL

*Revised: November 2016
Executive Board Meeting*

3. In addition to all "Full-Service" Locals, all Legislative Affiliated Locals shall be entitled to delegates who shall be permitted to vote only on legislative issues, political endorsements and PAC fund budget and distribution of PAC fund money. Both "Full-Service" and "Legislative" affiliated locals shall be entitled to two (2) delegates for its first 100 members or any fraction thereof, and one (1) delegate for each additional 100 members or majority fraction thereof, for which per capita has been paid, based on the average of the last twelve (12) months.
4. Legislative Local's who provide to the UPFFA a hard copy and electronic copy of their current contract shall be permitted to obtain copies of Contracts both hard copy and electronic if requested.

ADMINISTRATIVE

1. The President, Secretary, and Treasurer may develop a newsletter either written or digital for the UPFFA, which will be distributed to all affiliate members on a regular basis. All efforts shall be made to defray the cost of this publication through the solicitation of advertising.
2. The Principal Officers shall develop, plan, analyze, and execute all organizational activities of the UPFFA.
3. The UPFFA of Ct. has established monthly Principal Officers & Staff Representatives Conference Calls which will take place on the first Monday of every month starting at 9:00 a.m.

In addition, Officers & Staff are required to attend the monthly executive board meetings and the quarterly delegates meetings, members unable to attend shall submit a written report of their activities to the Secretary.

UPFFA OFFICE

1. All UPFFA Officers, Executive Board Members, and Staff Representatives every January shall submit in writing to the Treasurer a list of equipment in their possession.

MISCELLANEOUS

1. The Association shall only sell items that are Union made. If the Association cannot find Union made items than it can sell items made in the USA. At no time, shall the Association

purchase for resale or endorse for sale any product that is not either Union made or made in the USA.

2. Legislative affiliated delegates with the exception of the Executive Board's Legislative position, cannot hold elective office, nor can they vote in elections involving candidates for elective office with the exception of the Executive Board's Legislative position,
3. Legislative affiliated delegates shall have a voice on all issues at meetings; however, they shall only be permitted to vote on matters involving Legislative or Political Action, and the operating budget.
4. Because the Uniformed Professional Fire Fighters Association has established two membership categories: (1) Full-Service Affiliation and (2) Legislative Affiliation, as a condition of affiliation with and membership in the Uniformed Professional Fire Fighters Association, each Local agrees to comply with the following policy:
 - a. The Fiscal Year for the Uniformed Professional Fire Fighters Association begins on January 1st and concludes on December 31st.
 - b. Membership in the Association is concurrent with the Fiscal Year of the Uniformed Professional Fire Fighters Association.
 - c. Each year in the month of October, the Executive Board meets to discuss the operating budget for the following Fiscal Year.
 - d. Each year in the month of November, the Executive Board meets to vote on and establish the proposed operating budget for the following Fiscal Year, which is presented to the membership at the December meeting for approval.
 - e. If a Local would like to change its affiliation status with the UPFFA then the Local must send a letter to the Secretary of the UPFFA, informing the UPFFA of the Locals intent to change its affiliation status effective the end of the UPFFA fiscal year. Said letter shall be sent by Certified Mail; return receipt requested and must be mailed to the postmarked no later than the 1st of September.
 - f. In the event that Local fails to inform the Secretary in a timely fashion, the Executive Board shall assume that the affiliation of the Local shall remain unchanged for the following Fiscal Year.
 - g. Each Local shall be responsible for the per capita dues based on its affiliation for the entire Fiscal Year.
 - h. A Local cannot change its affiliation from Full-Service Affiliation to Legislative Affiliation during the current Fiscal Year.
 - i. If a Local seeks to change its affiliation from Legislative to Full-Service during a Fiscal Year, as a condition of such change, the Local shall, prior to receiving Full-Service benefits, pay the UPFFA an amount equal to the per capita dues that would have been assessed had the Local been a Full-Service Affiliate for the current Fiscal Year.