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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS: CIVIL TERM: PART 14  
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MTA BUS COMPANY,

PLAINTIFF,

INDEX NO.  
37468/05

-against-

TRANSPORT WORKERS UNION OF AMERICA, AFL-CIO  
("International"), an unincorporated voluntary  
association; MICHAEL O'BRIEN, individually and as  
International President, JOHN J. KERRIGAN,  
individually and as International  
Secretary-Treasurer, JAMES LITTLE, individually  
and as International Executive Vice  
President; LOCAL 100 of TRANSPORT WORKERS UNION  
OF AMERICA, AFL-CIO, an unincorporated voluntary  
association otherwise known as TRANSPORT WORKERS  
UNION OF GREATER NEW YORK ("Local 100");  
ROGER TOUSSAINT, individually and as President  
Of Local 100, ED WATT, individually and as  
Secretary-Treasurer of Local 100, DARLYNE  
LAWSON, individually and as Recording Secretary  
Of Local 100, NEIL WINBERRY, individually  
and as a Vice President of Local 100,  
MARY COOPER, JASON MCSHANE, HARRY C.  
PAULING, individually and as Executive  
Board Members of Local 100, RODERICK BAILEY,  
SEAN CONNOLLY, ROBERT ELZNIC, LAWRENCE ENGLEBERT,  
RONALD FITTS, CHARLES GIBLIN, NEFTALI GONZALEZ,  
DONALD KAMPING, HENRY KELLY, KENNETH MOEN,  
THOMAS MONACO, JAMES O'CONNOR, KEVIN PRENDERGAST,  
SULTAN PREGJONI, MICHAEL TANON, FELIX TORO,  
individually and as Officers of Local 100;  
JOHN DOE and MARY ROE (said names of "JOHN  
DOE" and "MARY ROE" being fictitious, their  
true names being unknown to plaintiff), being  
persons employed in the operation and maintenance  
of the transit facilities operated by the  
plaintiff; and all other persons acting in  
concert with them,

DEFENDANTS.

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NEW YORK CITY TRANSIT AUTHORITY and MANHATTAN,  
and BRONX SURFACE TRANSIT OPERATING AUTHORITY,

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PLAINTIFFS,

INDEX NO.  
37469/05

-against-

TRANSPORT WORKERS UNION OF AMERICA, AFL-CIO ("International"), an unincorporated voluntary association; MICHAEL O'BRIEN, individually and as International President, JOHN J. KERRIGAN, individually and as International Secretary-Treasurer, JAMES LITTLE, individually and as International Executive Vice President; LOCAL 100 of TRANSPORT WORKERS UNION OF AMERICA, AFL-CIO, an unincorporated voluntary association otherwise known as TRANSPORT WORKERS UNION OF GREATER NEW YORK ("Local 100"); ROGER TOUSSAINT, individually and as President of Local 100, ED WATT, individually and as Secretary-Treasurer of Local 100, DARLYNE LAWSON, individually and as Recording Secretary of Local 100, AINSLEY STEWART, JULIO RIVERA, JOHN MOONEY RANDY NEVELS, BARRY ROBERTS, BILL PELLETIER, individually and as Vice Presidents of Local 100, CARLOS ALBERT, DENNIS BOYD, ROSLYN CARR, RONALD CARTER, ANITA CLINTON, ANNELLE CRUZ, GREGORY DAVIS, ELADIO DIAZ, GRIGORIY DUNICHEV, CARLOS GALAN, MARTIN GOODMAN, DEBORAH HARDWICK, MARVIN HOLLAND, MITCHELL HOLMES, THOMAS LENANE, CHRIS MAGWOOD, MICHAEL MORALES, DESMOND MUIR, GEORGE PERLSTEIN, NORMAN POU, MILTON RAMOS, DAVID ROSZKOWSKI, CAROL SARAUW, KATHRYN TAYLOR-DAVIDSON, HERMAN THOMAS, DAVID THROWER, MARIETTA THROWER, MARIO TRISCHITTA, ANTHONY VAGLICA, RICARDO VICTORIA, HENRY WILLIAMS, AGNES WOOLFORD-BARRETT, individually and as Executive Board Members of Local 100, MARC ALBRITTON, LLOYD ARCHER, FRANK AUSTIN, CHARLES AYALA, RICHARD BERMUDEZ, JACK BLAZEJEWICZ, GILBERT BOBE, NICHOLAS BRANCO, JOSEPH CAMPBELL, PHILIP CARUANA, BRIAN CLARKE, EDWARD DE CAMILLIS, JOSEPH DE PROSSINO, ROY DOLCH, EDWARD DOS SANTOS, RENEE ENGLISH, JOHN FARRINGTON, RICARDO FIGUEROA, DAVID FRANCIS, THOMAS GOODWIN, MICHAEL HALL, JOSEPH JAMES, CHARLES JENKINS, JOHN JIMISON, JEFFREY LEE, PATRICK LYNCH, CLAUDE MARSHALL, SHIRLEY MARTIN, KEVIN MCCAWLEY, GREGORY MCDONALD, DANIEL O'BRIEN, JOHN O'FARRELL, GLENN O'SULLIVAN, KENNETH ONUNKWO, LAWRENCE PALADINO, CHRISTOPHER PETERSEN, ANDREEVA PINDER, ANTHONY PREDDIE,

1 THE COURT: Gentlemen, this is a very, very sad  
2 day in the history of labor relations for New York City,  
3 because this situation represents what I think to be the  
4 ultimate breakdown of the collective bargaining process  
5 with regard to public sector employees.

6 And it's very unfortunate and disappointing when  
7 a union as such feels it necessary to violate the law in  
8 furtherance of the collective bargaining process.

9 Nevertheless, the decision and order of the Court  
10 is as follows:

11 I have considered in connection with this  
12 application for contempt against Local 100 the following  
13 papers:

14 1. Order to show cause and temporary restraining  
15 order dated December 20, 2005.

16 2. The affirmation of urgency of James Henly  
17 dated December 20th, 2005.

18 3. Preliminary injunction of this Court dated  
19 December 13, 2005.

20 4. The affidavit of Gary Dellaverson dated  
21 December 20, 2005.

22 5. The affirmation of Daniel Altchek, Esquire  
23 dated December 19, 2005.

24 6. The affirmation of Michael J. Lebowich, dated  
25 December 19, 2005, together with exhibits designated A, B

1 and C.

2 7. The memorandum of law in support of the  
3 plaintiff's application for adjournment -- excuse me, for  
4 a judgment of criminal contempt pursuant to the Judiciary  
5 Law Sections 750 and 751 dated December 20th, 2005.

6 8. The Defendant's A, proposal to the TWU Local  
7 100, by the MTA, New York City Transit dated December 7,  
8 2005.

9 9. Defendant's Exhibit B, a letter dated  
10 December 18, 2005 from Kent Y. Hirowzawa to William L.  
11 Busley.

12 10. Plaintiff's Exhibit 1, and memorandum of law  
13 in opposition to request for injunctive relief.

14 11. Plaintiff's Exhibit 2, affidavit of Gary  
15 Dellaverson.

16 12. Plaintiff's Exhibit 3, TWU Local 100,  
17 website statement of defendant Roger Toussaint.

18 13. Plaintiff's Exhibit 4, TWU website  
19 statement.

20 And lastly, Exhibit 14, the affirmation of  
21 Commissioner Joseph Bruno dated December 11, 2005.

22 Now, after examining those documents, and upon  
23 the testimony heard in this matter, it is

24 HEREBY ORDERED, ADJUDGED AND DECREED, that Local 100  
25 of the Transit Workers Union is in contempt of this Court's

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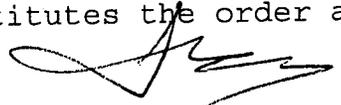
preliminary injunction order dated December 13, 2005.

And it is

FURTHER ORDERED, ADJUDGED AND DECREED, that pursuant to Judiciary Law Sections 750 and 751, and the Court having considered the factors set forth in connection there with very carefully, it is

FURTHER ORDERED ADJUDGED AND DECREED, that by reason of and in punishment for such criminal contempt the defendant, Local 100 is hereby fined \$1 million per day beginning today, the 20th of December, 2005.

The foregoing constitutes the order and judgment of the Court.



Thank you, gentlemen.

ENTER JSC  
HON. THEODORE T. JONES

We will adjourn now and we will resume these proceedings tomorrow morning at 9:30 in this room.

(Continued on next page.)

CLERK OF COURT

DEC 20 PM 5:04

OFFICE

1 (Matter adjourned for the evening.)

2 MR. HENLY: Your Honor, may we request a service  
3 extension for the order to show cause with respect to the  
4 individual defendants. We are still working on service.  
5 This relates not to the locals but to the individual-named  
6 defendants, and we would ask that we be permitted to  
7 continue to make service efforts beyond the time that was  
8 set forth in the order to show cause in the event that we  
9 wish to make applications or need to make applications  
10 should this situation not abate.

11 THE COURT: How much of an extension are you  
12 looking for, counselor?

13 MR. HENLY: May I confer?

14 We would like until 10 p.m. this evening.

15 THE COURT: All right.

16 Granted.

17 MR. HENLY: Thank you.

18 (Whereupon, the matter was adjourned to  
19 Wednesday, December 21, 2005 at 9:30 a.m.)  
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FILED  
CLERK OF DISTRICT COURT  
2005 DEC 20 PM 5:06  
DEPT. OF JUSTICE