

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

HILDA L. SOLIS, ¹ Secretary of Labor,)	Case No. 08 C 5557
United States Department of Labor,)	
)	Judge Virginia M. Kendall
Plaintiff,)	Magistrate Judge Mason
)	
v.)	
)	STIPULATION OF
)	SETTLEMENT AND ORDER
LOCAL UNION 150, INTERNATIONAL)	
UNION OF OPERATING ENGINEERS)	
)	
Defendant.)	

STIPULATION OF SETTLEMENT AND ORDER

Plaintiff, Hilda L. Solis, Secretary of Labor, United States Department of Labor ("Secretary" or "Plaintiff"), and Defendant, Local 150, International Union of Operating Engineers ("Local 150" or "Defendant") by and through their undersigned counsel, hereby stipulate and agree to settlement of this dispute as follows, and respectfully request that the court so order:

1. This action was brought by the Secretary pursuant to Title IV of the Labor-Management Reporting and Disclosure Act of 1959 as amended, 29 U.S.C. § 401, et seq.), ("Act" or "LMRDA"), for the purpose of voiding the results of the August 25, 2007 election for the offices of President-Business Manager, Vice-

¹ This action was originally brought by Elaine L. Chao, former Secretary of Labor. Successor Hilda L. Solis the current Secretary of Labor is automatically substituted as party in accordance with Rule 25(d) of the Federal Rules of Civil Procedure.

President, Recording-Corresponding Secretary, Financial Secretary, Treasurer, and Executive Board, District 1, which were conducted by Local 150, International Union of Operating Engineers and requesting a remedial election under the supervision of the Secretary.

2. The parties in settlement of this action stipulate and agree that Local 150 will conduct its next regularly scheduled officer election for all offices under the supervision of the Secretary. Such election is to be completed as a new election no later than September 30, 2010.

3. The supervised election shall be conducted in accordance with Title IV of the Act (29 U.S.C. § 481 et seq.) and, insofar as lawful and practicable, in accordance with the International Union of Operating Engineers Constitution and Local 150 Bylaws.

4. All decisions as to the interpretation or application of Title IV of the Act, the International Union of Operating Engineers Constitution and the Local 150 Bylaws relating to the supervised election are to be determined by the Secretary and her decision shall be final, subject to review by this Court.

5. The Court shall retain jurisdiction of this action, and after completion of the supervised election plaintiff shall certify to the Court the name of the persons so elected, and that such election was conducted in accordance with Title IV of the Act, and insofar as lawful and practicable, in accordance with the provisions of the International Union of Operating Engineers Constitution and Local 150

Bylaws. Upon approval of such certification, the Court shall enter a Judgment declaring that such persons have been elected as shown by such certification.

6. Each party shall bear its own fees including attorney's fees, costs, and other expenses incurred by such party in connection with any stage of this proceeding.

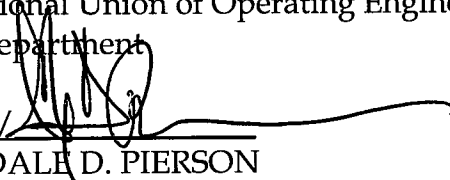
Entry Stipulated and Consented to:

For the Defendant:

Dated:

Attorneys for Local 150,
International Union of Operating Engineers,
Legal Department

By:



DALE D. PIERSON
ELIZABETH A. LAROSE
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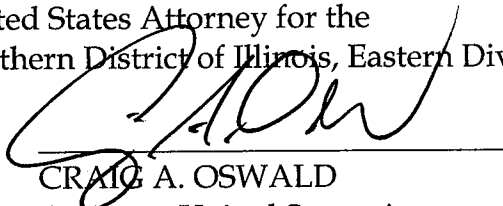
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For the Plaintiff:

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SO ORDERED.

United States District Judge
Virginia M. Kendall