

# TEAMSTERS

## National Freight Industry Negotiating Committee



### MEMORANDUM

To: ABF Local Unions and Members

From: Tyson Johnson, Co-Chairman, TNFINC

Re: ABF Decision of the 8<sup>th</sup> Circuit Court of Appeals

Date: July 12, 2011

On July 6, 2011, the U.S. Court of Appeals for the 8<sup>th</sup> Circuit in St. Louis, MO issued its decision on the appeal filed by ABF in its lawsuit against the union and the YRCW companies, regarding the financial relief that was given to the YRCW companies to help them survive the worst economic recession since the Great Depression. As you may recall, the U.S. District Court in Little Rock, AR in December 2010 dismissed ABF's suit on a technical basis stating that ABF did not have standing or the legal right to bring its lawsuit.

Without deciding whether there is merit to ABF's allegations in its suit, the Appeals Court merely said that ABF could process its case so that the district court can determine whether or not there is evidence to support ABF's claim that the union and YRCW did not have the right under the NMFA to negotiate the wage, benefit, and work-rule relief in the memoranda of agreement. While the case is being processed, the union, YRCW, and ABF will, through the discovery process, be able to present evidence and obtain the evidence relied on by all parties to support their positions. The discovery process should take about six months.

**The Appeals Court decision does not mean that ABF has the right to the same economic relief as provided YRCW.** Also, the decision does not require the union to go back to the bargaining table with ABF. As mentioned above, the decision only requires that ABF's lawsuit be processed before the district court. We will keep you informed of all developments in this matter.

**Please post this MEMORANDUM on bulletin boards at ABF terminals.**