

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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| MARK DIMONDSTEIN, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 13-1228 |
| |) | |
| AMERICAN POSTAL WORKERS UNION, AFL-CIO |) | |
| |) | |
| Defendant. |) | |

CONSENT ORDER

Pursuant to the agreement of the parties in resolution of the merits of the action, it is hereby ordered as follows:

1. A candidate in an American Postal Workers Union, AFL-CIO (“APWU”) officer election may use the APWU’s initials in his or her campaign literature to identify the union about which he or she is speaking, so long as the use does not imply that the APWU supports or endorses the candidate’s views or candidacy.

2. The APWU shall treat email addresses the same as physical addresses for the purpose of distributing candidate campaign literature in a union election in accordance with 29 U.S.C. §401 (c).

3. Except as required by law, the APWU shall treat all parts of union election campaign emails, including the subject and “from” lines, as the content of campaign literature in accordance with 29 C.F.R. §452.70, except that the APWU may require all campaign emails to contain an unsubscribe function.

4. The APWU shall convene a task force to review and make recommendations with regard to (a) the compilation of a complete list of union-member email addresses and (b) email vendors for campaign literature, including use of multiple vendors and candidate-selected email vendors.

(N)

5. The APWU shall rescind the National Election Appeal Committee's August 19, 2013, decision and order on appeal 13-NO-24 to re-run the 2013 National Officer Election based on the use of the APWU's initials in campaign literature (Exhibit 5 to the Amended Complaint). The National Election Appeal Committee shall apply the terms of this Order in deciding any pending candidate election appeals.

6. By issuing this proposed order, the Court is not indicating its approval of the terms of this agreement. Rather it is indicating that this matter has been resolved on the merits pursuant to the terms agreed to by the parties. The Court retains jurisdiction to enforce this order.

O'DONNELL, SCHWARTZ &
ANDERSON, P.C.

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October 25, 2013

IT IS SO ORDERED this 28th day of October, 2013.

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United States District Judge