

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MARK DIMONDSTEIN, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 13-1288
	)	
AMERICAN POSTAL WORKERS UNION,	)	
	)	
Defendant.	)	

**AFFIDAVIT OF MARK DIMONDSTEIN**

1. My name is Mark Dimondstein. I am one of the plaintiffs in this action. This affidavit is made in support of our motion for a preliminary injunction.

2. I attach as Exhibit C (the lettering is sequential to the verified complaint, for ease of reference) the May/June and July/August issues of the American Postal Worker, our union’s bi-monthly magazine. Several incumbent officers have regular columns in the magazine, featuring color photographs of their faces, and in addition, many of the articles mention and praise their activities. For example, in the July/August issue, which is typical except for the battle pages at the end, out of thirty-one pages before the battle pages, pages 4-5, 8-21, 24 and 26-31 are by the incumbents (some unopposed), and page 6 is an article about named incumbent officers.

3. I attach as Exhibit D several issues of the APWU e-Team News Update, which also feature the activities of the incumbent offices, particularly including Cliff Guffey, against whom I am running for office. In addition to being sent to members by email, the update appears on the APWU web site, and includes a place where members are urged to sign up for the e-Team.

4. I attach as Exhibit E a print-out of the home page of the APWU web site, which encourages members to sign up for the e-Team and also encourages members to follow the union on Facebook, Twitter and YouTube, and to sign-up for the union’s RSS feed.

5. I attach as Exhibit F a copy of the APWU's membership application form, which demands the member's email address. Access to the form is also provided by the "Click here to join the APWU" button on the home page of the APWU web site.

6. I attach as Exhibit G the APWU's election rules. Rule VI(C) provides a link to a web site where candidates supposedly can obtain information about the pricing for postal mailing of campaign literature. That web site, however, is not functional, as shown by Exhibit H.

7. Consequently, I corresponded with the APWU's official mailing house for campaign mailings to obtain information about the price and availability of the mailing list. Exhibit I shows the prices I was quoted as well as revealing that, at least as of today, they did not yet have the mailing list by which literature could be sent to the membership. Because the mailing list will not be available until some time in the future, as a practical matter there would be a danger that campaign mailings sent by bulk rate would not reach the membership before the ballots do; thus, as a practical matter, candidates have to use the more expensive first-class mail. Email, by contrast, will reach them immediately, even if sent shortly before the balloting begins next month.

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that the foregoing is true and correct. Executed on August 8, 2013.

  
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Mark Dimondstein