



SHERRARD, GERMAN & KELLY, P.C.  
— ATTORNEYS AT LAW —

Samuel J. Pasquarelli  
email: [sjp@sgkpc.com](mailto:sjp@sgkpc.com)

July 29, 2016

Mr. Craig Bradford, President  
United Gas Workers Union, Local 69  
P. O. Box 599  
Dellslow, WV 26561

Dear Craig:

I am writing this letter to you to correct the erroneous statements in Brian Sheppard's letter of July 27, 2016 to the Union members. Referring to the company labor charge against the Union, he stated that "at least one Union representative/agent was confused about whom was charged." I assume that he means either you or I were confused. However, there was no confusion about this. In his July 20, 2016 letter, he stated that "We have also filed an unfair labor practice charge against Local 69 and its attorney. . . ." This statement was false in its reference to me. The National Labor Relations Board does not permit labor charges to be filed against individuals in cases like this-in fact, a few years ago, when the Union wanted to name a company individual (who presently is a member of the Company negotiation committee) in a labor charge, the National Labor Relations Board would not permit it. In the labor charge that the company filed against the Union two weeks ago, it filed only against the Union-it stated in the charge that you and I misrepresented things but it did not file anything against me or you. When I saw Mr. Sheppard's July 20 letter, I immediately contacted the company's attorney. He was on vacation so I sent him a copy of Mr. Sheppard's July 20 letter and I then spoke to him on Monday, July 25 when he returned from vacation. I told him that I was quite disturbed that Mr. Sheppard stated that a labor charge against me, because that was totally wrong. The company attorney told me that he never saw Mr. Sheppard's letter until I sent a copy of it to him and he also told me that if he would have seen it, he would have told Mr. Sheppard not to make the statement that he did about filing a labor charge against me.

Mr. Sheppard also states in his July 27 letter that "in an e-mail forwarded to the Company's lawyer by Union Attorney Pasquarelli, Mr. Pasquarelli informed the mediator that he was offended by the request." That is clearly untrue. When I saw Mr. Sheppard's July 20 letter, I noted that it stated that "we have called in a Federal Mediator to help get the Union officials to re-think their position." When I read that sentence, I concluded that the company wanted a Federal Mediator to set up and attend future negotiations. I also concluded that Mr. Sheppard thought that he could use the mediator to make the Union change its position and that statement is what offended me. When I saw Mr. Sheppard's letter, I immediately contacted the mediator by e-mail on July 22 and what I told him was this:

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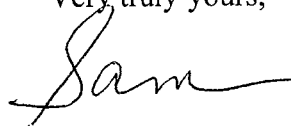
“ . . . The union received a letter dated yesterday from the company which stated that the company has “called in a Federal Mediator to help get the Union officials to re-think their position”. The union is fine with your participation. While I am offended that the company thinks that it can use you to make the union re-think its position when, as far as I am concerned, it is the company that needs help in re-thinking its position, that does not mean that the union does not welcome your participation. We are hopeful that your participation can help resolve this matter. However, if the company does call you, please keep in mind that when you make your contacts to set up meeting dates, I will have to be at all of the meetings along with the rest of the union committee, so please be sure to co-ordinate the meeting schedule with me as well as with the union officials and the company. . . . For your information, I am not available to meet at all in July. For August, I can meet on the following dates: August 4, 8, 9, 10, 11, 17, 18 and 19. If we end up going into September, I can give you dates at that time.”

The mediator called me on July 26, 2016 to let me know that he got my e-mail but that he did not know what I was referring to. Based on Mr. Sheppard’s July 20 letter, I understood that the company had called him to participate in negotiations. He told me that he has never gotten a call from the company to participate in negotiations and that he has never seen Mr. Sheppard’s July 20 letter. I e-mailed him a copy of it that same day. I also told him that Pat Branch was leading the company negotiation team. He told me that he would review the letter and he would see what the company wanted to do and would call me back. He called me back that same day and told me that he called Pat Branch to see if the company wanted him to attend negotiations and that Pat Branch told him that his attendance was not necessary. As a result, the mediator stated that since the company did not want him to attend, he would not schedule any negotiation sessions, and the company and the union could schedule negotiations themselves if they wanted to. I cannot attend negotiations in July because my wife will be on vacation until August 2.

Since the company has filed a labor charge against the Union, I have advised the Union committee not to meet with the company committee unless I am present. Out of the first 15 business days in August, I am available on 8 of them. As I see it, Mr. Sheppard, who has never shown his face at any negotiation sessions, seems to like to play fast and loose with the facts.

Please feel free to share this letter with your members as you see fit.

Very truly yours,



Samuel J. Pasquarelli

SJP/pms