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DISCIPLINARY HEARING

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BEFORE THE APPOINTED PANEL

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FOR TRUSTEED LOCAL TEAMSTERS UNION 2118

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VIDEO-RECORDED IN-PERSON AND REMOTE HEARING

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TRANSCRIPT OF PROCEEDINGS

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TRUSTEESHIP HEARING APA LOCAL 2118

15

RE: ANDREW ROBLES

16

VOLUME I (Pages 1 - 287)

17

Tuesday, October 29, 2024, 9:13 a.m. PST

18

At Hampton Inn Tropicana and Event Center

19

4975 Dean Martin Drive

Las Vegas, Nevada

20

By a Certified Court Reporter and Legal Videographer

21

22

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25

Reported by: Sarah Safier, CCR No. 808

Job No. 57912, Firm No. 116F

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Former Vice President Local 2118

14

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MICHAEL CAWLEY  
Former Trustee Local 2118

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JOSHUA ROCKWOOD  
Former Recording Secretary Local 2118

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18

KURT HANSON (Via Zoom)  
Former Trustee Local 2118

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KENNETH SEIDEN (Via Zoom)  
Former Trustee Local 2118

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VIDEOGRAPHER AND VIDEOCONFERENCE MONITOR TECHS:

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VINCENT LANDIN

22

23

IN ATTENDANCE NOT TESTIFYING:

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RANDY SINGLETON  
KAREN VANNOSTRAND  
JASON VAZQUEZ, ESQ.

25

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1 P R O C E E D I N G S

2 MR. HARDENBROOK: It's 9:13 -- and we have  
3 an echo -- so let's get started.

4 Just a few things before we get started.  
5 This is going to be via Zoom, so it's going to be a  
6 little bit difficult to manage just who's speaking  
7 and how, so let's do it orderly.

8 And then before you speak, if you'd say your  
9 name, I think it would help Madam Court Reporter.

10 I'm just going to read these hearing rules  
11 and procedures into the record and we will get  
12 started.

13 "Pursuant to the provisions of Article 6,  
14 Section 5 of the International Constitution, and as  
15 set forth in the notice issued on September 13, 2024,  
16 a hearing will occur on October 29 and 30, 2024, at  
17 the Hampton Inn Tropicana and Event Center,  
18 Conference Room Bora Bora, in Las Vegas, Nevada,  
19 located at 4975 Dean Martin Drive, Las Vegas, Nevada  
20 89118, to consider disciplinary charges brought by  
21 Teamsters Local Union No. 2118 Trustee Greg  
22 Unterseher -- did I say that right -- against Andrew  
23 Robles, Ryan Fogelsanger, Joshua Rockwood, Kurt  
24 Hanson, Michael Cawley, and Kenneth Seiden.

25 "The following procedures will be in effect

1 for this hearing. The hearing panel, duly appointed  
2 by General President O'Brien pursuant to Article 6,  
3 Section 5 of the IBT Constitution, shall preside over  
4 the hearing."

5 I'm just going to introduce us real quick.  
6 To my right is Willie Burden, counsel for the panel.

7 My name is Darel Hardenbrook, I'm the  
8 secretary-treasurer of the Teamsters Local 483 based  
9 in Boise, Idaho.

10 To my left is James DeWeese, out of Local  
11 89; he will be a panelist as well.

12 And Tim Vera from Local 986 is to his left  
13 at the end.

14 "The panel may set reasonable time limits on  
15 the presentation of evidence and make other rulings  
16 it deems appropriate to ensure an orderly and fair  
17 hearing.

18 "The hearing panel has permitted charged  
19 parties Kurt Hanson and Ken Seiden to participate in  
20 the hearing remotely via Zoom. Mr. Hanson and  
21 Mr. Seiden will do so from Teamsters local offices in  
22 Billings, Montana and Pomona, California respectively  
23 where Teamsters staff will ensure that no counsel or  
24 other unauthorized persons are present and that the  
25 charged parties do not receive any clandestine

1 assistance.

2 "The panel will not grant any extensions or  
3 continuances in the event Mr. Hanson or Mr. Seiden  
4 experience any technological issues associated with  
5 remote participation. They were free to appear in  
6 person at the appointed time and location and  
7 participate remotely at their own risk.

8 "Only members of Local 2118, the trustee and  
9 the panel may attend and participate in this  
10 hearing."

11 If there's anyone else in the room, I'm  
12 going to ask you to leave now unless you work here or  
13 are a part of the IT staff -- or the court reporter.

14 "Counsel for the hearing panel may also be  
15 present. A nonmember may testify on specific issues  
16 only if called as a witness by a party to the  
17 proceeding.

18 "Recording the audio or video of the hearing  
19 in any form is strictly prohibited. The IBT does not  
20 consent to any recording of this hearing.

21 "Pursuant to Article 19, Section 1(c) of the  
22 IBT Constitution, the trustee may select a member in  
23 good standing of Local 2118 to assist in the  
24 presentation of evidence in support of the charges.

25 "The charged parties may be presented by a

1 member of Local 2118 in good standing at the  
2 presentation of the defense.

3 "The trustee shall present its witness and  
4 evidence in support of the charges first. The  
5 charged parties shall then present their witnesses  
6 and evidence in defense. Reasonable opportunity for  
7 rebuttal shall be allowed at the discretion of the  
8 hearing panel. After each witness has spoken, he or  
9 she may be questioned by the other party. Members of  
10 the hearing panel may also question any of the  
11 witnesses and may allow the parties additional  
12 opportunities for questioning the witness.

13 "Each party shall be afforded an opportunity  
14 to give an opening statement at the commencement of  
15 the hearing and a summation of their presentation at  
16 the conclusion of the hearing. Both parties shall be  
17 afforded the same amount of time for these opening  
18 statements and submissions. These time allotments  
19 shall be determined by the panel at the hearing," and  
20 it's going to be whatever your opening statements  
21 are. If you filibuster, we will address it then --  
22 both parties.

23 "In the event that either party intends to  
24 offer written materials, sufficient copies shall be  
25 presented to each panel member and the opposing

1 party. A transcript of the proceeding shall be  
2 prepared."

3 Are there any questions?

4 ALL: No.

5 MR. HARDENBROOK: Just to minimize the  
6 number of interruptions, if everybody would please  
7 silence their cell phones and we will take breaks as  
8 needed, but somebody might have to remind me if we  
9 need a bathroom break or something.

10 Having said all of that, Mr. Unterseher, are  
11 you ready to provide your opening statement?

12 MR. UNTERSEHER: I am.

13 MR. HARDENBROOK: Okay. Please do so.

14 MR. UNTERSEHER: Good morning, panel. I  
15 want to thank the members of the panel for taking the  
16 time to conduct this important hearing which involves  
17 financial mismanagement, fraud, embezzlement, and  
18 retaliation at Teamsters Local Union 2118.

19 My name is Greg Unterseher. I am temporary  
20 trustee of the local. My capacity as a Local 2118  
21 temporary trustee and in accordance with Article 19  
22 of the International Constitution, I brought  
23 disciplinary charges against six former officers of  
24 Local 2118. These individuals are: Andrew Robles,  
25 Ryan Fogelsanger, Joshua Rockwood, Kurt Hanson,

1 Michael Cawley, and Ken Seiden.

2 These six charged parties were all members  
3 of Local 2118 and served on the local executive  
4 board. They were removed from their positions when I  
5 was appointed temporary trustee. I am here today to  
6 present evidence in support of these charges.

7 I ask the panel to uphold the charges in  
8 their entirety and grant the relief requested  
9 therein. Thank you.

10 MR. HARDENBROOK: Is that it?

11 MR. UNTERSEHER: Yes, sir.

12 MR. HARDENBROOK: Okay. Charged parties, do  
13 you have an opening statement?

14 MR. ROBLES: This is Andrew Robles. I think  
15 I speak on behalf of all of our party here. I wish  
16 to defer making an opening statement until after the  
17 charging party has presented its case.

18 MR. HARDENBROOK: Okay. Very well.

19 MR. ROBLES: I believe I speak for the rest  
20 of the panel.

21 MR. HARDENBROOK: Affirmative?

22 ALL: Aye.

23 MR. HARDENBROOK: If you will, just proceed  
24 with your case.

25 MR. UNTERSEHER: The evidence in this

1 hearing will demonstrate that Andrew Robles  
2 orchestrated a scheme to pay himself ever increasing  
3 and unapproved compensation from union funds. This  
4 compensation was never authorized by the union's  
5 executive board, in violation of the union's bylaws.

6 Mr. Robles' scheme and his intention to  
7 enrich himself began long before he was president of  
8 Local 2118. It continued through the day he was  
9 removed as president of 2118.

10 Robles' racket was not his alone. He was  
11 assisted by others. Some of his accomplices were  
12 personally benefiting from Robles. When Robles'  
13 scheme was exposed, he and the other charged parties  
14 then planned to retaliate against the person who  
15 exposed Robles.

16 Before discussing the preliminary -- excuse  
17 me -- before discussing the substance of the charges,  
18 however, I would like to address a few procedural  
19 items.

20 First, I believe I provided each of the  
21 panel members and the charged parties and the court  
22 reporter with a binder of exhibits.

23 Did you all receive those?

24 MR. HARDENBROOK: I did. Did you?

25 The court reporter does not have that.



1           MR. UNTERSEHER: Apologies. They should  
2     have been distributed before we started.

3           MR. HARDENBROOK: Kurt Hanson, can you  
4     restate your question, please?

5           MR. HANSON: Yes, sir. This is Kurt Hanson  
6     speaking. For those of us appearing remotely, will  
7     those documents in that packet be distributed to us  
8     electronically? We don't have the benefit of seeing  
9     or having possession of any of those.

10          MR. HARDENBROOK: Hold tight for a second,  
11     Kurt. We're having a hard time hearing you.

12          MR. HANSON: It's somewhat quiet on my end,  
13     too, hearing you guys. I'm sitting pretty close to  
14     the computer.

15          MR. UNTERSEHER: Chair Hardenbrook, I  
16     believe they were asking for an electronic version of  
17     the exhibits, and if they haven't been provided, it  
18     will be sent to them at this moment.

19          MR. HARDENBROOK: So they have not received  
20     these binders of exhibits?

21          MR. UNTERSEHER: I believe that's what he  
22     said.

23          MR. HARDENBROOK: And that's Kenneth Seiden  
24     and Kurt Hanson have not.

25          MR. HANSON: That's correct. We have not

1     been provided with the exhibits.

2                 MR. HARDENBROOK: Before you speak online,  
3     please state your name. I believe that was Kurt.

4                 MR. HANSON: My apologies. Yes, that was  
5     Kurt Hanson.

6                 MR. HARDENBROOK: Okay. So these will be  
7     e-mailed to them?

8                 MR. UNTERSEHER: As electronic versions,  
9     yes, sir.

10                MR. HARDENBROOK: Okay. And when will that  
11    be?

12                Those will be coming shortly, Kurt. Do we  
13    need to take a minute so they can get these  
14    electronically?

15                MR. UNTERSEHER: Yes, I want to ensure they  
16    have them.

17                MR. HARDENBROOK: Let's go off the record  
18    for a minute and this would be a good time to get  
19    coffee and go to the restroom, if you have to.

20                (Whereupon, a recess was taken.)

21                MR. HARDENBROOK: We will go back on the  
22    record and we will continue with the charging party's  
23    evidence.

24                MR. UNTERSEHER: Thank you, Mr. Chairman. I  
25    would like to enter all of the exhibits presented

1 into the record at this time and now therefore  
2 request that you enter these exhibits as part of the  
3 record.

4 MR. HARDENBROOK: And you're going to  
5 explain the exhibits on Page 2?

6 MR. UNTERSEHER: I will. On Page 2 --

7 MR. HARDENBROOK: You don't have to right  
8 now, just -- these are not numbered on the back. On  
9 the front they're numbered, on the back they're not.

10 MR. UNTERSEHER: I believe that just goes to  
11 15. I believe that may have been a printer piece of  
12 paper.

13 MR. HARDENBROOK: So just to explain this  
14 real quick -- does your case in chief explain then  
15 exhibits on Page 2?

16 MR. UNTERSEHER: Yes.

17 MR. HARDENBROOK: Okay. Then we will admit  
18 these as evidence now. I will be checking them off  
19 as we go through them, so make sure you address every  
20 one of them or we will have to talk about it then,  
21 okay?

22 MR. UNTERSEHER: Thank you, Mr. Chairman.  
23 (Thereupon, Charging Party's Exhibits  
24 1-21 Admitted into Evidence.)

25 MR. UNTERSEHER: The second is, due to

1 personal reasons -- I'm sorry, back on the record?

2 MR. HARDENBROOK: Hold on one second. You  
3 have to have the opportunity to object at this point.

4 MR. ROBLES: No objection.

5 MR. HARDENBROOK: Okay. Carry on.

6 MR. UNTERSEHER: Thank you, Mr. Chairman.

7 And as we know here, due to personal  
8 reasons, charged parties Hanson and Seiden requested  
9 to participate via Zoom. I did not object to the  
10 request. The International Union granted their  
11 requests. Both of them are participating via Zoom in  
12 two different local union halls.

13 Third, Mr. Robles hired a law firm to  
14 represent him. His attorney wrote a letter to Judge  
15 Barbara Jones, the IBT independent review officer,  
16 and requested she assume jurisdiction over these  
17 charges.

18 In an e-mail Judge Jones denied the request.  
19 I have included the request and Judge Jones' denial  
20 as Exhibits 2 and 3.

21 Fourth, the airline industry has its own  
22 peculiar terms and acronyms. Commercial pilots are  
23 prone to overuse these terms and acronyms. To assist  
24 the panel members in this proceeding, I have also  
25 included a glossary of terms and acronyms along with

1 brief descriptions and definitions. This glossary is  
2 included as Exhibit 4.

3 Fifth, the charges in the proceeding are  
4 long and detailed. They were brought against six  
5 individuals and they name several other individuals  
6 who will likely be referenced numerous times  
7 throughout the proceeding.

8 Next, I direct your attention to Exhibit 1,  
9 which is a copy of the charges I filed against the  
10 charged parties. There are five charges against the  
11 six former officers of Local 2118. I will briefly  
12 summarize the contents of these charges before giving  
13 a factual overview.

14 Charge 1 is against Local -- former Local  
15 2118 President Andrew Robles. I would like to  
16 acknowledge an error on this page. On Page 2 of the  
17 charges the description states, "Robles defrauded and  
18 embezzled approximately \$175,000."

19 That amount is only a portion of the total  
20 that Mr. Robles embezzled. As accurately stated in  
21 Pages 6 and 7 of the document, Charge 1 fully alleges  
22 Mr. Robles embezzled \$982,000 -- \$982,437.70.

23 Charge 1 alleges Mr. Robles developed and  
24 implemented an illegal scheme to use Local 2118  
25 assets to pay himself a salary and benefits that were

1 not authorized by the local. His scheme circumvented  
2 the executive board's authority to approve his  
3 salary. He falsely claimed contractual Flight Pay  
4 Loss.

5 Allegiant Air directly paid Robles his  
6 claimed Flight Pay Loss and then Robles personally  
7 and solely approved Local 2118's reimbursement to  
8 Allegiant Air of the full amount of his own so-called  
9 Flight Pay Loss, plus a 23 percent override to cover  
10 his benefits from the company.

11 He personally approved every month's  
12 reimbursement payment knowing that he was not  
13 entitled to Flight Pay Loss because he was not an  
14 active pilot and the executive board had not approved  
15 payment of his salary.

16 Charge 2 is also against Andrew Robles.  
17 This charge alleges Robles, as a principal officer of  
18 2118, willfully refused to develop and implement the  
19 financial, administrative, and governance policies  
20 and procedures required by the International  
21 Constitution. Mr. Robles deprived local members of  
22 the right to faithful and honest services.

23 His refusal to develop these policies  
24 enabled him to enrich himself at the expense of the  
25 membership through his improperly claimed Flight Loss

1 Pay [sic].

2 Mr. Robles' wrongdoing also resulted in the  
3 loss of \$157,000 in Local 2118 funds through numerous  
4 missing receipts, unapproved expenditures, and  
5 inappropriate credit card charges. These included  
6 high-priced items like union meetings and parties at  
7 nightclubs and casinos, hotel room upgrades, and  
8 alcohol. It also included advanced computing, audio,  
9 and visual equipment used solely by Mr. Robles at his  
10 home in Arizona. The improper expenses included a  
11 professional photographer for headshots of Mr. Robles  
12 that he then used in his campaign materials as a  
13 candidate for union office.

14 Beyond the high-priced items, Mr. Robles  
15 refused to develop policies and procedures allowing  
16 for trivial and everyday personal items to be charged  
17 to the local. Mr. Robles' failure to implement  
18 policies included his own insistence on using a union  
19 credit card to enhance his personal credit rating.

20 He made purchases on behalf of Local 2118,  
21 then caused the local to pay the balance of that  
22 credit card. Mr. Robles deliberately engaged in  
23 these actions despite having been directed by the  
24 Office of the International Secretary-Treasurer to  
25 cease doing so.

1           As a result of these actions, Robles  
2 personally accumulated over one million credit card  
3 points, which he exclusively controlled and he  
4 subsequently used to purchase unnecessary extravagant  
5 items for the union.

6           All of these items were kept in his personal  
7 home and no other union members could access them.  
8 He used this credit card to enhance his personal  
9 credit rating and his Social Security number was tied  
10 to that credit card.

11           Charge 3 is also brought against Andrew  
12 Robles. It alleges Robles improperly spent tens of  
13 thousands of dollars from the local's treasury to  
14 conceal and paper over his embezzlement scheme after  
15 the International audit began in 2024.

16           Charge 4 is brought against former local  
17 officers Ryan Folgelsanger, Joshua Rockwood, Kurt  
18 Hanson, Mike Cawley, and Ken Seiden. These five  
19 aided and abetted Mr. Robles in his scheme in Charges  
20 1, 2 and 3.

21           Charge 5 is brought against all of the  
22 charged parties. Charge 5 alleges that the six  
23 charged parties as officers of 2118 retaliated  
24 against Local 2118 Secretary-Treasurer Ryan Joseph  
25 because Mr. Joseph had exposed the misconduct, fraud



1 and embezzlement.

2 Before calling my first witness, I would  
3 like to begin by presenting an overview of the  
4 relevant facts to the panel.

5 Local 2118 represents the pilots of  
6 Allegiant Air. The IBT was certified as the  
7 collective bargaining representative for Allegiant  
8 pilots on August 24, 2012.

9 The IBT initially assigned Teamsters Local  
10 1224 to represent the Allegiant pilots. In 2012,  
11 Local 1224 represented multiple pilot bargaining  
12 units.

13 Each of these pilots' groups was governed by  
14 Local 1224's executive board, but each group had  
15 their own executive council. The chairman of each  
16 ExCo, council, was also a member of Local 1224's  
17 executive board.

18 Andrew Robles was appointed chairman of the  
19 Allegiant pilots' ExCo at 1224. Mr. Robles was  
20 frequently at odds with 1224's executive board. He  
21 was at odds with the board because he consistently  
22 sought greater compensation for himself than what was  
23 allowed by 1224's bylaws and the collective  
24 bargaining agreement. He also resisted Local 1224 --  
25 the board's oversight.

1           After repeatedly arguing with 1224's  
2     executive board over his pay and his hatred for their  
3     oversight, Robles threatened to take his pilots to  
4     the Air Line Pilots Association, a rival pilot union,  
5     unless he was granted his own local.

6           Mr. Robles worked in concert with David  
7     Bourne, who was the IBT Airline Division director to  
8     obtain his own IBT local. In May 2020, they  
9     successfully removed the Allegiant pilots from Local  
10    1224 and formed a new local, 2118.

11          The IBT immediately placed the new local  
12    into administration trusteeship. This was supposed  
13    to allow the new local to develop and implement new  
14    bylaws and financial, administrative, and governance  
15    policies and procedures. These were required for it  
16    to complete in compliance with federal law and the  
17    IBT Constitution.

18          Local 2118 was under administrative  
19    trusteeship from May 29, 2020, until January 1, 2022.  
20    Scott Hegland was appointed to the local as the  
21    local's temporary trustee.

22          Airline Division Director Bourne, Hegland's  
23    boss, was an assistant trustee and Robles, at his  
24    insistence, was also appointed as an assistant  
25    trustee. The governance structure of the local law

1 under administrative trusteeship was odd. Hegland  
2 was a subordinate Airline Division employee of Bourne  
3 and an assistant trustee also.

4 Robles, who worked closely with Director  
5 Bourne to obtain the local's charter, became an  
6 assistant trustee working under Bourne's subordinate,  
7 Hegland.

8 Hindsight makes it clear that during the  
9 administrative trusteeship, Hegland, Bourne, and  
10 Robles did not focus on creating the policies and  
11 procedures necessary for the local to function.

12 Instead, they focused on positioning Robles  
13 to become the first principal officer of the local.  
14 Their purpose was to enable Robles to fulfill his  
15 goal of running the local with as little oversight  
16 and as much compensation paid to him as possible.

17 During that 18-month administrative  
18 trusteeship, Hegland and Bourne, following Robles'  
19 lead, developed bylaws that gave Robles significant  
20 power.

21 On November 19, 2021, the new IBT  
22 administration was elected to office and the  
23 president's handpicked and endorsed candidate lost  
24 the election. The writing was on the wall and the  
25 realization by many Hoffa administration department

1 and division directors was that they would be  
2 replaced in the new administration.

3 Bourne and several of his key staff knew  
4 they would be among the people to be replaced. They  
5 set out to secure what they had planned: Employment  
6 for themselves in anticipation of being removed from  
7 the IBT in March of 2022.

8 With that in mind, Hegland, Bourne and  
9 Robles rushed to end the trusteeship and hold an  
10 election for Local 2118 officers. Those officers  
11 would take control on the effective date of the  
12 local's release from the administrative trusteeship.

13 In December 2021, Hegland wrote a letter to  
14 Hoffa recommending he release Local 2118 from  
15 trusteeship. That letter was sent to Hoffa on  
16 December 22, 2021, and signed by Trustee Hegland.  
17 The letter is Exhibit 5.

18 Hegland's letter to Hoffa was filled with  
19 purposeful fabrications concerning Local 2118 and its  
20 ability to stand on its own as an IBT affiliate.

21 As the evidence will show, the majority of  
22 Hegland's statements were untrue. There were no  
23 policies or financial processes or procedures ever  
24 fully developed. Local 2118 would turn out to be a  
25 façade of a Teamsters Local union. The real purpose

1 of Hegland's letter to Hoffa was to install Robles as  
2 an officer free from oversight of others and in turn  
3 secure lucrative consulting contracts for Bourne,  
4 Hegland, Rick Dubinski and Jack Albertine.

5 We will discuss them later on.

6 Unsurprisingly, Robles and his slate of  
7 candidates, including the five individuals who are  
8 charged parties in this case, were elected and became  
9 officers in waiting. Hoffa released Local 2118 from  
10 trusteeship effective retroactively to January 1,  
11 2022, by a January 31, '22 letter.

12 Upon receiving the release letter from Hoffa  
13 and the day the new IBT administration assumed  
14 office, Bourne and Hegland had negotiated consulting  
15 contracts with the local, ready to slide right into  
16 their new roles. Robles personally signed those  
17 contracts as the local's president. Bourne and  
18 Hegland did not lose a day's work as a result of  
19 their departures from the IBT.

20 I would direct your attention to Exhibits 6  
21 through 9, which are the consulting contracts of  
22 Bourne and Hegland and associates.

23 Airline Division International  
24 representative Rick Dubinski was terminated from the  
25 IBT and also had a landing spot waiting for him just

1 days later. Jack Albertine, Bourne's lobbyist  
2 associate, who had worked with the Airline Division  
3 for many years, also had ready work a short time  
4 later after the International ceased its contract.

5 As you can see, they were seeking and  
6 securing employment with Local 2118 through  
7 Mr. Robles while still employed or on their way out  
8 of the IBT.

9 Bourne ensured that Hoffa granted a charter  
10 to Local 2118 and he positioned Robles to take  
11 control of that local. Bourne and his close  
12 associates were then hired as paid consultants to  
13 Local 2118. They then failed to provide services to  
14 the local and simply provided cover to Robles.

15 It is clear -- it was a clear  
16 you-scratch-my-back-and-I-will-scratch-yours  
17 arrangement.

18 What's more, testimony will show Bourne  
19 reportedly repeatedly received a 10 percent kickback  
20 of the monthly value of other consultants' contracts  
21 with the local union.

22 Trustees Hegland, Bourne and Robles did not  
23 develop and implement financial, accounting, and  
24 oversight policies and procedures during the 18-month  
25 trusteeship period, but they did spend significant

1 time during the trusteeship enabling Mr. Robles to  
2 find a way to secure his desired compensation.

3 I am now going to provide some overview and  
4 background to help the panel understand Mr. Robles'  
5 compensation scheme, which is at the heart of these  
6 charges. Later testimony will support this  
7 description.

8 In 2018, when the Allegiant pilots were  
9 still part of Local 1224, Mr. Robles was appointed  
10 chairman of the Allegiant pilots ExCo. At the time,  
11 he was still a flying pilot for Allegiant.

12 In the pilot world, lost time wages are  
13 referred to as Flight Pay Loss. When he was  
14 appointed as ExCo chairman, Mr. Robles began trying  
15 to secure greater compensation for himself than was  
16 allowed under 1224's bylaws or the Allegiant CBA.

17 Historically, Flight Pay Loss, lost wages,  
18 if you will, is paid to pilots who lose flight pay  
19 when performing union business. When a pilot drops  
20 one or more scheduled flights or work days to perform  
21 union business, his employer will directly pay the  
22 pilot for the time he lost for the dropped work.

23 The employer then invoices the union and the  
24 union invoices -- excuse me, and the union reimburses  
25 the employer for the lost wage payment plus an

1 additional override amount of 23 percent for the lost  
2 benefit -- to pay for the benefits.

3 Local 1224's bylaws limited Flight Pay Loss  
4 to a situation where a pilot actually loses work as a  
5 pilot because he is performing union business. This  
6 means a pilot who volunteers to perform union  
7 business during their off time is ineligible for  
8 Flight Pay Loss because he did not lose any work  
9 hours. A copy of the relevant portions of Local 1224  
10 bylaws are at Exhibit A.

11 This does not mean that a pilot who  
12 volunteers his time for union service can't receive  
13 compensation for the local for his services, but this  
14 compensation would not be Flight Pay Loss and it  
15 would require approval from the executive board of  
16 the local union.

17 Mr. Robles hated 1224's restrictive Flight  
18 Pay Loss rules. He wanted Flight Pay Loss whenever  
19 he performed anything he considered union business,  
20 including on his days off, even though he didn't lose  
21 pay from flying an aircraft on those days.

22 On April 21, '18, Local 1224 bylaws were  
23 amended to say if the CBA had Flight Pay Loss  
24 provisions different from Local 1224's default rule,  
25 then the CBA's rules would govern union business for



1 any pilot working under that collective bargaining  
2 agreement.

3 In other words, under the local's amended  
4 bylaws, a CBA's specific flight loss rules trumped  
5 the local's default rules.

6 Conveniently enough, on September 7, 2018,  
7 Mr. Robles negotiated and signed a memorandum of  
8 understanding on behalf of 1224 with Allegiant Air's  
9 director of labor relations that purported to clarify  
10 the Allegiant pilots' CBA Flight Pay Loss rules.

11 The MOU is at Exhibit No. 7.

12 The effect of this MOU is to enable a pilot  
13 to receive Flight Pay Loss on his days off, as  
14 Mr. Robles wanted all along. The only benefactor of  
15 this MOU was Mr. Robles. He didn't really want to  
16 work on days off -- you will see this -- he just  
17 wanted more money. Mr. Robles didn't immediately  
18 disclose this new MOU to Local 1224 and he did not  
19 submit it to the Allegiant pilots for ratification.

20 Local 1224 considered this MOU invalid  
21 because it was an amendment, not a clarification of  
22 the collective bargaining agreement, which meant it  
23 had to be ratified by the Allegiant pilots before it  
24 could go into effect.

25 Eventually Local 1224 sought guidance from

1 the International concerning whether the MOU was  
2 effective because the Allegiant pilots had not voted  
3 on the memorandum of understanding.

4 Conveniently, on February 5, 2020, Director  
5 Bourne informed Local 1224 that, in his opinion, the  
6 MOU did not require ratification. Director Bourne  
7 made this decision, not General President Hoffa, and  
8 it contradicted the IBT Constitution. This MOU  
9 significantly expanded the amount of Flight Pay Loss  
10 Mr. Robles received from Allegiant Air which was then  
11 reimbursed by Local 1224.

12 The Allegiant pilots' CBA as falsely  
13 clarified by this MOU does not in any way alter the  
14 purpose of Flight Pay Loss, which is for active  
15 pilots performing union business. The Allegiant  
16 pilots' CBA limits Flight Pay Loss and benefits to  
17 active pilots.

18 This is in Section 24 of the collective  
19 bargaining agreement. This defines an active pilot  
20 as: A current and qualified pilot, not on a leave of  
21 absence or furlough, performing in the service of the  
22 company. A current and qualified pilot is one who is  
23 legally eligible to operate an aircraft for his  
24 employer. To be current and qualified, a pilot has  
25 to meet all of the regulatory, company, and training

1 requirements to perform flight duties and be actively  
2 authorized to operate the aircraft without  
3 restrictions. If the pilot is not current, he or she  
4 is not qualified.

5 Furthermore, to maintain his qualifications,  
6 a pilot has to do more than maintain currency. He  
7 has to also complete periodic FAA-approved training  
8 courses. If a pilot is not current and qualified, he  
9 is not an active pilot and is thus not entitled to  
10 receive Flight Pay Loss under the Allegiant  
11 collective bargaining agreement.

12 Mr. Robles himself knew a nonactive pilot is  
13 ineligible for a Flight Pay Loss. On November 14,  
14 2018, Mr. Robles contacted Allegiant's flight  
15 operations department and requested a flight for  
16 currency.

17 This e-mail is Exhibit No. 9. In his e-mail  
18 he said he was on, quote, "full Flight Pay Loss with  
19 the union," end quote.

20 Allegiant Air's director of operations, Eric  
21 Gust, denied Mr. Robles' request. In an e-mail dated  
22 November 16, 2018, Mr. Gust wrote that, "You have  
23 dequalified effective October 7th and may not operate  
24 as a required pilot crew member until you reestablish  
25 landing currency under the supervision of a check

1 pilot. Until you requalify, you are a  
2 non-pay/inactive status and your bidding rights have  
3 been suspended. With respect to your claim that you  
4 are on full-time Flight Pay Loss, there is no such  
5 status in the collective bargaining agreement.

6 "We assume you may mean that you are on  
7 long-term union business. However, it is our  
8 understanding that you have not accepted a full-time  
9 elected position with Local 1224 or the International  
10 and would not fall under the long-term union business  
11 provision in the collective bargaining agreement."

12 Later that day, on November 16, 2018,  
13 Mr. Robles responded to Mr. Gust and stated, "You are  
14 correct. After talking with Melanie, I have  
15 dequalified." Melanie was a crew scheduler.

16 These e-mails demonstrate Robles knew that  
17 to be eligible for Flight Pay Loss, you had to be an  
18 active pilot. Gust's e-mail makes clear that because  
19 he is not current and qualified, Robles is in a  
20 non-pay/inactive status.

21 Mr. Robles also understood that union  
22 business status did not apply to his situation  
23 because that status is not recognized as a leave of  
24 absence under the collective bargaining agreement.  
25 This is at Exhibit 21, Article 8. Article 8, which

1 covers leaves of absence, states, "There shall be no  
2 pay for time off during a leave except as  
3 specifically provided in Section 8."

4 Union business is not specifically provided  
5 in Article 8 as a recognized leave of absence. And  
6 union business is not even referenced in Article 8 as  
7 a contractually recognized leave of absence.

8 Furthermore, Robles' actions acknowledge  
9 that reimbursable Flight Pay Loss under the  
10 collective bargaining agreement applies only to  
11 active pilots. He also knew that the collective  
12 bargaining agreement did not provide for payment to a  
13 pilot on long-term union business.

14 Let me explain. In the summer of 2021, the  
15 Allegiant pilots were engaged in collective  
16 bargaining to amend their current contract. Robles  
17 led the negotiations team for the local. During  
18 these negotiations, Mr. Robles sent all director of  
19 flight operations, excuse me -- Allegiant's managing  
20 director of labor, Bill Fishburn, an e-mail on  
21 June 8, 2021.

22 These communications and Robles' related  
23 communications with other executive board members are  
24 contained in the exhibits. In the e-mail, Fishburn,  
25 Robles -- in the e-mail to Fishburn, Robles said he

1 wanted to clarify the union business provision in the  
2 contract. He stated, quote, "These provisions are  
3 already in the contract but is very vague on how it  
4 will be accomplished. My intent is to go on  
5 long-term union business, but I want to clarify the  
6 way that it works prior to doing -- prior. Please  
7 take a look at what I've drafted here and let's have  
8 a discussion when you have some time," end quote.

9 The proposal, as Mr. Robles prepared states,  
10 "Whereas, the collective bargaining agreement  
11 currently allows for only one individual who has  
12 accepted a full-time elected position with the local  
13 or International Union to be granted time off for the  
14 purpose of long-term union business whereas the  
15 parties recognize that while Section 24(b) of the  
16 collective bargaining agreement allows for full-time  
17 union business, it does not specify to any degree how  
18 a pilot on long-term union business shall remain  
19 current or how the pilot should be paid."

20 Mr. Robles' draft proposal goes on to  
21 provide a mechanism for a pilot on long-term union  
22 business to maintain its currency and therefore  
23 eligibility for Flight Pay Loss by letting a pilot  
24 bump another pilot off his or her flight to maintain  
25 currency and therefore be eligible for long-term

1 union business pay.

2 Despite the proposal not being accepted and  
3 the CBA never being amended, Robles continued to take  
4 Flight Pay Loss from the company. He continued to be  
5 reimbursed by the local, plus an additional  
6 23 percent for his benefits. He did this all the way  
7 until he was removed from office.

8 Robles' scheme began to unravel in late  
9 2023. He did not call officer elections as required  
10 under the International Constitution. After he was  
11 reminded by the IBT of the election requirements, he  
12 tried to lobby the International to avoid holding  
13 one. Ultimately the local had to conduct a  
14 fast-track election in order to comply with the IBT  
15 Constitution.

16 His slate won the election but it caused  
17 internal complaints concerning the election and  
18 Mr. Robles' conduct. In January 2024, after  
19 receiving complaints, the International Union  
20 dispatched an audit team to investigate Local 2118.

21 The team uncovered a pattern of systemic  
22 errors, omissions, and oversights in the local's  
23 financial, accounting, and governance practices. The  
24 audit team concluded that the local officers failed  
25 to conduct the affairs of the local in accordance

1 with the International's Constitution and the local's  
2 bylaws. Based on these findings, General President  
3 O'Brien imposed an emergency trusteeship in March  
4 of 2024.

5 I was appointed the local's temporary  
6 trustee. A hearing was held in April 2024, and the  
7 panel unanimously ratified the trusteeship and  
8 recommended that it continue.

9 The panel found, and I quote from their  
10 report, that, "The evidence presented at the hearing  
11 overwhelmingly confirmed that the trusteeship was  
12 fully justified. They found that Local 2118's  
13 officers were dishonest and incompetent and the  
14 trusteeship was necessary to correct corruption and  
15 financial malpractice."

16 The panel further found that Robles  
17 exorbitantly increased his own salary and in doing  
18 so, bypassed the authority of the local's executive  
19 board. The General President fully adopted the  
20 findings and continued the trusteeship in June  
21 of 2024.

22 Over the last several months, my team and I  
23 continued to uncover the local's financial and  
24 administrative problems and set out to correct them.

25 In doing that work, we unearthed a mountain



1 of problems that resulted from the local's almost  
2 complete lack of financial controls and  
3 accountability mechanisms. This ultimately resulted  
4 in embezzlement of more than \$1 million. The money  
5 flowed primarily to Mr. Robles.

6 In addition, we learned the local's officers  
7 spent tens of thousands of dollars in assets in an  
8 attempt to retroactively remove and paper over their  
9 improper actions. This included a consulting  
10 contract to John Owens at \$39,000 per month. Owens  
11 is another one of Bourne's associates who was  
12 reportedly kicking back 10 percent of his contract  
13 value to David Bourne.

14 Most of the embezzled money flowed to one  
15 person, Andrew Robles. Mr. Robles deliberately  
16 orchestrated a scheme to embezzle the union's assets  
17 and pay himself an exorbitant salary without the  
18 executive board's approval.

19 Mr. Robles manipulated the CBA's Flight Pay  
20 Loss mechanism to enrich himself. He designated  
21 himself as the sole full-time elected officer who  
22 would receive long-term union business under the  
23 agreement. He falsely claimed he was entitled to  
24 Flight Pay Loss for the hours of work he performed as  
25 president of the local. And he received all this pay

1 from Allegiant and then reimbursed it back to  
2 Allegiant from the local.

3 The important point is that Mr. Robles  
4 wasn't entitled to any Flight Pay Loss for the  
5 entirety of the time he served as the local's  
6 president. This is because he let his regulatory  
7 certifications, his currency, and qualification  
8 lapse, disqualified him from legally performing his  
9 duties as a pilot for Allegiant Air. Robles was no  
10 longer qualified to work for the employer because he  
11 wasn't an active pilot.

12 Mr. Robles was not satisfied and he wanted  
13 more, so shortly after the local was released from  
14 trusteeship and without any approval from the  
15 executive board, Robles inflated the numbers of hours  
16 of which he claimed he worked from 96 to 120 hours  
17 per month. This amounts to a difference of  
18 approximately \$87,000 a year without the 23 percent  
19 benefit override.

20 Even though he wasn't qualified, Mr. Robles  
21 used the Flight Pay Loss mechanism as a fraudulent  
22 means to secure his salary that, as testimony will  
23 show, he knew the local's executive board would never  
24 approve. In fact, after it was released from  
25 trusteeship, the local never established, approved,

1 or authorized Mr. Robles' salary whatsoever.

2 Mr. Robles filed his own application for Flight Pay  
3 Loss with the company and approved -- was the sole  
4 approver for his salary.

5 This year, shortly after the IBT auditors  
6 started their audit, Robles caused the local to  
7 retain consultants and lawyers and scrambled to adopt  
8 policies and procedures that should have been adopted  
9 and implemented soon after Local 2118 was released  
10 from trusteeship.

11 One important document that these  
12 last-minute consultants and lawyers developed in 2024  
13 was policies -- was a policies and procedures manual.  
14 Conveniently for Mr. Robles and likely drafted at his  
15 direction, the manual contains a provision  
16 captured -- captioned "Long-Term Flight Loss."

17 It states that, "The president of the local  
18 will receive 120 pay credit hours per month if on  
19 long-term Flight Pay Loss." This section also  
20 provides for the payment of 110 pay credit hours per  
21 month for other members of the local who are on  
22 long-term Flight Pay Loss; again, a term defined  
23 nowhere else except for this new slapdash policy they  
24 implemented.

25 This policy expressly covers Flight Pay Loss

1 for every day in a month, including off days, in  
2 which the pilot does not lose time. The Flight Pay  
3 Loss policy and its applicability to Robles and  
4 others while on long-term Flight Pay Loss is  
5 significant because Robles was attempting to secure  
6 Flight Pay Loss that is not recognized in the  
7 collective bargaining agreement. Robles was told as  
8 much in the 2018 e-mail from Eric Gust.

9 Remarkably, almost immediately after he and  
10 his fellow executive board members voted six to one  
11 to adopt and implement the policies and procedures  
12 manual, Robles decided to cure what he had thought  
13 was a defect in the Flight Pay Loss scheme that he  
14 had developed. This error was a 30-day calendar  
15 month in which he took vacation days, he had to  
16 deduct the pay credit hours from his 120-hour monthly  
17 claim for Flight Pay Loss. This is because vacation  
18 time is paid directly by the company and it is not  
19 reimbursed by the union.

20 That's because the CBA required vacations to  
21 be taken in seven-day blocks and based on other CBA  
22 provisions that treat the first three months of the  
23 calendar year as 30 days, basically normalizing those  
24 days to 30, Robles would lose 32 PCH that would be  
25 payable at a 130 percent premium rate in each

1 calendar year under his new scheme.

2 As a result, rather than receiving the full  
3 benefit of his 120 paid credit hours per month, which  
4 would be, 1,440 PCH in a calendar year, he would only  
5 receive 1,408 PCH in the calendar year. So he would  
6 be short 32 PCH at the premium rate.

7 When he secured the amendment of the policy  
8 and procedures manual in February of 2024, Mr. Robles  
9 applied for the full 120 hours of PCH under the guise  
10 of Flight Pay Loss through a mechanism that he had  
11 negotiated with the contractor of the union software  
12 we used, Union Impact.

13 The company didn't recognize this new  
14 software and the way it implemented the pay request  
15 and he was awarded nothing for his vacation month in  
16 March. The chief pilot sent him a letter asking him  
17 what he wanted to do days into March. He later  
18 replied that he had a new system that was fully  
19 compliant with the collective bargaining agreement  
20 apparently for the first time.

21 He resubmitted his pay for 100 hours after  
22 his vacation had been taken. That paid him 120 hours  
23 for the month. You have to understand the way it was  
24 paid before was eight hours short of that. He was  
25 now paying himself not like other crew members,

1 2.86 hours a day for vacation, he now was paid four  
2 hours per day for vacation because the new policy  
3 said 120 hours is what he is due. He now was  
4 bypassing what he had consistently done in the past,  
5 was take eight hours less in a vacation month where  
6 he took every other day.

7 Again, he had to push a button for every day  
8 he had Flight Pay Loss and was reimbursed by the  
9 local union. He never had a day off.

10 Mr. Robles' February 2024 scheme resulted in  
11 him receiving nearly \$400,000 in annual salary, not  
12 counting the value of his benefits. His grab for the  
13 additional nearly \$11,000 to the extra 32 PCH that he  
14 advised while scrambling to create policies and  
15 procedures approximately two years after they should  
16 have been adopted in the first place.

17 In total, during the time Robles was not  
18 qualified to work as a pilot for Allegiant, he sought  
19 and received pay -- Flight Pay Loss in the amount of  
20 approximately \$982,000. He solely and personally  
21 ensured that local reimburse the company for those  
22 payments. The payments were made from the Local 2118  
23 treasury. The payment of those funds to the company  
24 were orchestrated by Robles. They are embezzlement.

25 At this point, may I ask the question that

1 if the compensation Mr. Robles received through  
2 Flight Pay Loss scheme was unlawful, what should have  
3 been paid? And if we accept Robles should have been  
4 paid as his Local 2118's full-time principal officer,  
5 what was the harm of 2118 that he received his  
6 compensation through this Flight Pay Loss scheme?

7 The answer is Robles should have been paid  
8 directly by Local 2118 through an executive board  
9 approval process as per the bylaws and constitution.  
10 Section 14(a)2 of Local 2118's bylaws required the  
11 local executive board to establish salaries for its  
12 officers.

13 The bylaws also require changes in officer  
14 salaries to be specifically set forth in the minutes  
15 of the executive board meeting at which time the  
16 changes were approved. The bylaws require that  
17 policies establishing benefits, including sick leave,  
18 vacation, travel, car allowance must be written and  
19 compiled in the policy and procedures manual and  
20 updated by the executive board.

21 Mr. Robles deliberately bypassed the  
22 executive board in setting his salary and benefits  
23 from Local 2118. Mr. Robles anticipated the  
24 executive board would not approve his desired salary  
25 and benefits. Mr. Robles did not want a risk of the

1 possibility that the executive board would establish  
2 a lesser salary for him. To avoid that risk, he  
3 devised this Flight Pay Loss scheme. He set and  
4 approved his own compensation, he illegally filtered  
5 the gross compensation paid to him through Allegiant  
6 Air, and then ensured Local 2118 fully reimburse  
7 Allegiant Air for that amount plus a 23 percent  
8 override.

9 Mr. Robles' Flight Pay Loss scheme violates  
10 multiple provisions in the IBT Constitution and the  
11 local's bylaws. Mr. Robles did not anticipate that a  
12 member of his executive board would stand up and  
13 expose his misconduct. One of them did.

14 Brian Joseph, who was appointed  
15 secretary-treasurer in 2023, following the  
16 resignation of Local 2118's original  
17 secretary-treasurer, Mr. Valenzuela. Mr. Valenzuela  
18 took a job with American Airlines, is no longer  
19 represented by the Teamsters, and for that reason, he  
20 has not been charged.

21 In late 2023, Mr. Joseph contacted the  
22 International and complained about Robles' operation  
23 of the local. This prompted the International audit  
24 in early of 2024.

25 The International's audit team and



1 investigators questioned Joseph. Among other things,  
2 he informed them of Robles' Flight Pay Loss scheme  
3 and Robles' unilateral increases in the number of PCH  
4 credit hours he claimed as Flight Pay Loss from 96 to  
5 120 per month.

6 Joseph also informed the investigators of  
7 the complete lack of financial accounting and  
8 governance policies at the local. In particular, the  
9 union kept no minutes of its meetings and kept no  
10 records of votes taken.

11 The investigators also questioned Robles.  
12 He then began scrambling over his tracks. He spent  
13 thousands of dollars from the union's treasury to  
14 hire lawyers and consultants to paper over his  
15 excesses. This included the drafting of those  
16 policies and procedures reporting to retroactively  
17 approve his pay scheme and unauthorized actions.

18 There is no doubt Robles was the architect  
19 and benefactor of this embezzlement scheme, but  
20 importantly, he had allies who enabled and defended  
21 him till the very end. Some of them were consultants  
22 and other professionals he hired to cover his tracks  
23 and some of them were on the take.

24 Robles' allies also included several of his  
25 fellow executive board members. These officers made

1 no effort to prevent Robles from defrauding the  
2 local. To the extent they did not know or recognize  
3 the extent of Mr. Robles' misdeeds previously, they  
4 certainly knew it after the IBT audit began in early  
5 2024.

6 Rather than cooperate with the audit, they  
7 chose to circle the wagons around Mr. Robles and  
8 defend his actions. In doing so, they fully aided  
9 and abetted Mr. Robles' misconduct. As such, they  
10 should be held accountable for his misconduct, just  
11 as if they'd engaged in it themselves.

12 Unfortunately, the charged parties did more  
13 than simply try to cover up their misdeeds; they also  
14 threatened to retaliate against Mr. Joseph, the one  
15 person who had the courage to stand up and blow the  
16 whistle.

17 After Mr. Joseph assented, the rest of the  
18 executive board hatched a new scheme to get  
19 Mr. Joseph terminated from membership and employment  
20 at the airline. This type of behavior is the  
21 hallmark of rackets, threatening the person of good  
22 conscience who reports the crimes for the purpose of  
23 allowing the racket to continue. This is explained  
24 in Charge 5 and we will have further explanations  
25 through witness testimony.

1           That is what I have, Mr. Chair. I would  
2   like to call my first witness when I have the  
3   opportunity.

4           MR. HARDENBROOK: Before we call a witness,  
5   I've already seen one. It's probably time for a  
6   bathroom break. Let's take 10 minutes and come back  
7   in at -- well, 10:25. It's 10:17 right now. Off the  
8   record.

9           (Whereupon, a recess was taken.)

10          MR. HARDENBROOK: We took a short break.  
11   We're going to go back on the record and I believe  
12   you were calling your first witness.

13          MR. UNTERSEHER: Yes, Mr. Chairman. I would  
14   like to call my first witness, Tim Jewell. Are we  
15   going to do a swearing in?

16          MR. HARDENBROOK: No. I just assume you're  
17   going to tell the truth. I'm not swearing anybody  
18   in.

19          MR. UNTERSEHER: Do we need to?

20          (Off-the-record discussion.)

21                           TIMOTHY JEWELL

22           having been first duly sworn, was  
23           examined and testified as follows:

24          MR. HARDENBROOK: Go ahead.

25          MR. UNTERSEHER: Thank you, Mr. Chairman.

1 DIRECT EXAMINATION

2 BY MR. UNTERSEHER:

3 Q Please state your name for the record.

4 A It's Timothy Jewell.

5 Q What is your current occupation?

6 A I'm a pilot for ABX Air.

7 Q And how long have you been a pilot, Tim?

8 A Well, I've been a pilot for about 40 years.

9 I've been at ABX Air for 31.

10 Q Are the ABX pilots represented by the  
11 Teamsters?

12 A That's correct.

13 Q What local?

14 A Teamster Local 1224.

15 Q Do you currently hold any elected or  
16 appointed positions with Local 1224?

17 A Not currently.

18 Q Have you ever?

19 A Yes. I was secretary-treasurer for about 10  
20 and a half years starting in 2009; and I was  
21 president for the last year and a half of that,  
22 terminating at the end of 2020.

23 Q What were your responsibilities as  
24 secretary-treasurer for 1224?

25 A As secretary-treasurer, I was basically

1 responsible for all the financial and -- conduct of  
2 the union as far as overseeing how that was done and  
3 also did they follow the rules, regulations, the  
4 bylaws, and the directives of the local and the  
5 Teamsters constitution. I was also responsible for  
6 doing the financial reports to the executive board  
7 and membership during that time frame.

8 Q Thank you. And you said you were also the  
9 president at one time?

10 A That's correct. Like I said, for the last  
11 year and a half of my term.

12 Q And 1224, Local 1224 exclusively represents  
13 airline pilots; is that correct?

14 A That's correct.

15 Q Can you describe the governance structure of  
16 Local 1224?

17 A Okay. Local 1224 is a multi-employer local  
18 of pilots. Our structure is set up -- we have a  
19 regular EBoard with the president, vice president,  
20 secretary-treasurer and trustees, recording  
21 secretary, but we also have at each airline what we  
22 call an executive council, which is made up of an  
23 ex -- known as ExCo, and we use that term for  
24 executive council -- with an ExCo chairman and two  
25 members. So a three-person board is responsible for

1     their airline. They're voted on only by their  
2     airline members and they're voted into those  
3     positions.

4             The executive council chairman also holds a  
5     spot on our executive board. So they are  
6     full-fledged voting members, any other executive  
7     board member on the executive board. So you have the  
8     regular seven members, plus one executive council  
9     chairman from each of the airlines that comprise the  
10    executive board of 1224.

11         Q     Do you know, is that the case with all  
12    Teamsters locals?

13         A     No, I don't believe so. None that I know of  
14    anyway.

15         Q     At the current time, how many positions are  
16    on the EBoard at 1224?

17         A     I think currently there are 12 because there  
18    are five airlines.

19         Q     Do you remember back when Allegiant was on  
20    the EBoard, how many members were on it?

21         A     I believe back, you know, in the 2016, 2018  
22    time frame there were 10 airlines, so the board would  
23    be seven plus 10, 17 members on the executive board.

24         Q     A large executive board. Did you know  
25    Andrew Robles?

1           A     Yes.

2           Q     And was he ever a member of 1224's executive  
3     board?

4           A     Yes, he was, as the executive council  
5     chairman for Allegiant Air.

6           Q     And he had equal access and voting power as  
7     every other member on 1224's executive board; is that  
8     correct?

9           A     That is correct. Every member had the same  
10    voting power.

11          Q     And, again, can you explain executive  
12    councils a little further?

13          A     The executive council's purpose was  
14    basically to represent the pilot group at their  
15    particular airline and on a day-to-day operation  
16    or -- when I say day-to-day, administrating the union  
17    part of the airline on a day-to-day basis for that  
18    airline.

19                They were given a lot of autonomy by the  
20    executive board because we have people all over the  
21    country. There's no way that we can be there and,  
22    you know, it's a seven-member board, so the executive  
23    council was there to run their portion of it and  
24    follow the bylaws and so forth and the constitution  
25    as set forth by the local EBoard.

1           And the EBoard, which they were -- the  
2 chairman is a part of, oversaw that operation in a  
3 broader sense. But the executive council was there  
4 to operate the day-to-day operation of their airline.

5           Q     As an executive board member of 1224,  
6 Mr. Robles would have been familiar with the  
7 governing bylaws and policies of the local union  
8 including the ExCos, correct?

9           A     That's correct.

10          Q     Would the bylaws and policies have included  
11 policies and procedures regarding financial  
12 accounting and governance of both the local and  
13 executive council?

14          A     Yes.

15          Q     Teamster local union -- Teamsters local  
16 union affiliates are subordinated by the International  
17 Union; is that correct?

18          A     That's correct.

19          Q     Do you know whether the International Union  
20 requires of its local union affiliates to maintain  
21 financial and accounting policies and procedures  
22 manuals?

23          A     Yes, they do.

24          Q     And with respect to the governance, such as  
25 minutes, resolutions?



1           A     That is correct.

2           Q     Did 1224 maintain such policy manuals as  
3     well as other financial and accounting and governance  
4     binders?

5           A     Yes, they did. And it contained -- let  
6     me -- they contained the binders. They also  
7     contained individual motions that the local put out  
8     to handle various situations and how those would be  
9     handled as well as the overall manuals.

10          Q     When you were secretary-treasurer and  
11     president of 1224, were you familiar with the  
12     collective bargaining agreement of the different  
13     carriers?

14          A     Yes.

15          Q     What parts were you most familiar with?

16          A     The part that I -- as secretary-treasurer,  
17     the part I was most familiar with would have been the  
18     union business Flight Pay Loss sections because  
19     that's the financial piece that falls under that,  
20     that I would have to abide by or know. And each  
21     airline had their own little twist to it.

22          Q     What is the purpose of Flight Pay Loss?

23          A     The purpose of Flight Pay Loss is exactly as  
24     it describes. It is to -- if a member is doing union  
25     work on a day he was scheduled to work for the

1 company where the company would dock his pay because  
2 he didn't perform that work, then the company would  
3 go ahead and pay him as if he had done it and the  
4 union would reimburse the company for whatever those  
5 wages were. Very similar to lost time wages in other  
6 segments. So it was only to make the person whole  
7 for the work they missed.

8 Q So the Flight Pay Loss mechanism would let a  
9 pilot take time off work as a pilot to do union work  
10 and not lose pay and benefits?

11 A That is correct.

12 Q So kind of a make-whole mechanism that  
13 allows pilots to do that work. It would otherwise be  
14 a workday. Would it be appropriate for a pilot who  
15 does union work on a day off from work from his  
16 employer to be paid Flight Pay Loss?

17 A Not through Flight Pay Loss.

18 Q Why?

19 A Because the words speak for themselves.  
20 It's when you lost -- would have lost flight pay,  
21 then you -- then we reimburse you to make sure the  
22 company pays your normal paycheck as if you had  
23 performed that work. If you were not performing any  
24 work, if it was a day off, the company is not paying  
25 you to do that and, therefore, there is no loss of

1 pay; therefore, there's nothing to reimburse.

2 Q Could you walk me through the steps of the  
3 mechanics of receiving Flight Pay Loss?

4 A Okay. I can do it for Local 1224?

5 Q Sure, that's fine.

6 A Local 1224, because we were all over the  
7 country -- since we were all over the country, we  
8 would have a -- on our website or through SharePoint,  
9 actually, a person would request a day or multiple  
10 days of Flight Pay Loss and they would state the  
11 dates and the reason for the Flight Pay Loss.

12 That would go to the -- in the case of  
13 anybody at an airline, that would go to their  
14 executive council chairman for approval. If it was  
15 one of the EBoard members, that would go to either  
16 the president or the secretary-treasurer to approve.

17 When I say EBoard member, one of the seven,  
18 not the executive council chairman. The executive  
19 council chairman approves their Flight Pay Loss  
20 because it was for their airline and they were the  
21 ones who knew or would know whether or not that was a  
22 legitimate reason to take union business.

23 So an individual puts in a request online,  
24 it gets approved, and then it either -- it goes  
25 either -- either goes to the company directly or then

1 that individual needs to go to the company after it's  
2 approved to tell them. And that depended on airline  
3 to airline.

4 Once that happens, then the person is given  
5 a union business through the company and then the  
6 company would bill us for whatever work would have  
7 been performed on that day. So they continue to pay  
8 him. They would bill us for what they paid for that  
9 union business. And then they would get their normal  
10 paycheck and then the union would then reimburse the  
11 company.

12 And that would come out usually month by  
13 month by the airlines and I would take that sheet  
14 that the airline gave us and compare it to what was  
15 in the computer as approved Flight Pay Loss. If  
16 there was a discrepancy, then I would go to the ExCo  
17 chairman and say, hey, this wasn't -- these days were  
18 not approved beforehand or whatever the discrepancy  
19 was and we'd reconcile that and then handle it  
20 accordingly.

21 Q Would you turn to the Allegiant contract.  
22 It should be sitting in front of you. And turn to  
23 the section titled -- or Section 24 of union  
24 business.

25 What does this section deal with?

1           A     It says "Union Business." That's what the  
2     title of the section is.

3           Q     Can you look at the Flight Pay Loss  
4     revisions in Section 24, please? It should be C.

5           A     Okay.

6           Q     Does that subsection have different ways to  
7     calculate Flight Pay Loss?

8           A     Yes, it does.

9           Q     Can you explain this, please?

10          A     Okay. I'm assuming you're talking C2 there?

11          Q     Yes.

12          A     There's basically two ways -- and like I  
13     said, each airline has slightly different ways they  
14     do Flight Pay Loss through the CBAs.

15                 At Allegiant, there was two ways that they  
16     could do it. If, prior to the bids going out, a crew  
17     member knew that they were going to have some kind of  
18     union business, usually it would be a scheduled  
19     meeting, scheduling meeting, safety meeting, the  
20     monthly things that they do, they could request from  
21     the company that they needed union business on those  
22     two days, those three days, whatever it is. And then  
23     the company would block out those days on their  
24     schedule as union business days.

25                 The usual amount of days that an Allegiant

1 crew member would work -- if you had a contract, they  
2 get 12 days off in a 30-day month, so that means  
3 you're working 18 days. So as the company would  
4 count three work days towards their 18 and then  
5 they'd have to bid for 15 other days.

6 That's when it advanced -- the first section  
7 there talking about where they get four credit hours.  
8 That's where you know you're going to be off prior to  
9 the bids coming out.

10 Now, if, after the bids come out, you need  
11 union -- you need to be off on a day where you're  
12 working to do union work, then the second provision  
13 would be there. So if you had a -- two days' worth  
14 of negotiations that you needed off for and you had  
15 trips that totaled seven hours a day, instead of  
16 docking the seven hours of pay to do the union work,  
17 the company would pay that person the seven hours and  
18 then the union would reimburse them the seven hours  
19 plus the override.

20 So that's the two ways. Either in advance  
21 where it's blocked and you get four hours of credit;  
22 or if it's after the bids come out, you get credit  
23 for whatever was dropped off your line.

24 Now, if you're doing union business and it  
25 was an off day, there is no Flight Pay Loss. So

1    there has to be work that you were scheduled with the  
2    company because you had to lose flight pay in order  
3    to have a Flight Pay Loss. That's the Flight Pay  
4    Loss provision.

5           Q     Thank you. Allegiant's contract was  
6    ratified and became effective in 2016. In that  
7    2016/'17 time period, the local -- well, the Local  
8    1224 considered that there were any limitations on  
9    the number of union business days in a month that  
10   would be subject to Flight Pay Loss reimbursement?

11          A     Initially, that never came up. But as more  
12   and more days were taken, we did discuss with the  
13   negotiators what their take was on it and their take  
14   was that you had to get the minimum days off, which  
15   via their contract is 12 days, except for three times  
16   a year it was 11 days. So the most you could  
17   theoretically do would be those 18 or 19 days because  
18   the rest are off days. That was the position that we  
19   were told. And I did not negotiate the contract, so  
20   I relied on that.

21          Q     If more was applied for or asked for, would  
22   the union have agreed to it at that time, at that  
23   point in time at least?

24          A     Well, I would say there would be questions  
25   that come up since, to my knowledge, it didn't happen

1 prior to 2018. I can't say what the final answer  
2 would be because that would be hypothetical.

3 Q I understand. At what point did you know  
4 whether or not Andrew Robles disagreed with the  
5 position of needing a minimum number of days off for  
6 preplanned Flight Pay Loss?

7 A I know in the -- sometime after the fall of  
8 '18 or in the fall of '18 where days past 18 were  
9 being taken, there was some disagreement there on how  
10 that was to be done. And there were discussions that  
11 I had with the president. There was discussions --  
12 there were some discussions with Andrew.

13 And that's how we came across -- I'll finish  
14 this -- we might as well do it now, that's how we  
15 came across this MOU in talking with Paul Rutter and  
16 legal counsel there and him doing some investigation  
17 that came across the MOU that had been signed that  
18 the local was not aware of that basically said that  
19 there was no -- minimum days off did not apply to  
20 union business.

21 Q And that was negotiated between who?

22 A Andrew Robles and the company.

23 Q And the company. And the executive board of  
24 Local 1224, which has a sole ability to approve  
25 amendments to the agreement, did not know about it or



1 was notified by Mr. Robles?

2 A No, the executive board never had a chance  
3 to weigh in on that before it was signed.

4 Q I understand. And how long after it was  
5 signed did you find out about it?

6 A I would say it was a few months. I don't  
7 remember the exact time frame.

8 Q I want to make sure I have the right  
9 citation here. I'm going to get an exhibit to you.  
10 It should appear as Exhibit 12 in your books. It's  
11 Gust to Robles.

12 A Would you like me to look at that exhibit  
13 book?

14 Q Yeah.

15 MR. HARDENBROOK: Before we continue, what  
16 are we looking at?

17 MR. UNTERSEHER: It should be cited as  
18 Charging Party's Exhibit 12. It is a three-page  
19 e-mail trail.

20 MR. HARDENBROOK: Thank you.

21 BY MR. UNTERSEHER:

22 Q As in most e-mail trails, you've got to read  
23 them backwards to get the timeline right. This  
24 starts with Andrew asking on November 14, 2108, he is  
25 requesting currency stating he is on full-time Flight

1 Pay Loss with the union and is asking for a sequence  
2 of flights and that his block as a union business day  
3 was preplanned and he is not entitled to any  
4 additional pay.

5 It's responded to by Eric Gust. Eric Gust  
6 was the management pilot by the time. I don't know  
7 off the top of my head his position, possibly  
8 director of operations or vice president of flight  
9 operations.

10 Could you focus in on Mr. Gust's reply to  
11 that request? It should be on the bottom of the  
12 third, leading up to the second page.

13 A Okay. Give me one second.

14 Q Yeah, please. Take your time.

15 A Okay.

16 Q So can you characterize -- I mean, it's  
17 written for the board to see here in black and white,  
18 but we can see he disagreed with Mr. Robles that he  
19 was on a full-time Flight Pay Loss, stating there's  
20 no such status in the CBA.

21 Can you focus in a little bit, is this how  
22 it would normally have worked if somebody went off  
23 status at Allegiant?

24 A Well, it wouldn't anywhere, but at Allegiant  
25 in particular, if a -- again, we go back to what

1 Flight Pay Loss is. Flight Pay Loss is to make you  
2 whole when you were to perform work for the company  
3 and you were not able to perform that work because  
4 you were doing union business on the day you were to  
5 perform it and therefore it's for the company to pay  
6 you as if you did it and the company would be  
7 reimbursed.

8 The key is to perform work for the company.  
9 If you aren't qualified, you cannot do work for the  
10 company. Therefore, Flight Pay Loss would never  
11 apply to you if you are not current and qualified.

12 Q Can you see on the first page of this trail,  
13 which would be towards the end of it, Mr. Robles  
14 responds to Mr. Gust after having spoken to the  
15 company and --

16 A You're talking the bottom of -- Page 1.

17 Q Between Andrew and Eric Gust on November 16,  
18 2018, at 11:27 a.m. It should be on the first page  
19 of the exhibit if it's entered correctly.

20 A Here, yeah.

21 Q In this e-mail, did Mr. Robles acquiesce and  
22 agree with Mr. Gust eventually?

23 A He agreed with the fact that he was  
24 dequalified, yes.

25 Q And off pay status?

1           A     That I'm not sure of based on this.

2           Q     He doesn't say it specifically there. So  
3 did he dequalify because he was not current; is that  
4 correct?

5           A     That is correct.

6           Q     How would you know if Andrew was noncurrent?

7           A     We would not know. At the local, we did not  
8 get any information from the companies of who was  
9 current, not current, those kind of statuses unless  
10 they went on some kind of leave of absence or  
11 something like that or they request a withdrawal card  
12 of which case we would know.

13                   On a day-to-day basis, the local would not  
14 know that. The only way we would know that on a  
15 Flight Pay Loss status is the executive council  
16 chairman who is responsible for approving Flight Pay  
17 Loss for their airlines, including for themselves,  
18 and if someone goes into a non-pay status, they  
19 should immediately disapprove any Flight Pay Loss for  
20 any crew member because they have no flight pay to  
21 lose at that point.

22           Q     Thank you. Are you aware of any other  
23 instances while you were an officer at 1224 where  
24 pilots became inactive?

25           A     Actually, yes, several times, but one of

1     probably the most prominent was in 2009. Our  
2     executive board at that time, we were -- ABX went  
3     through a huge downsizing due to the DHL debacle. At  
4     that time, three of our crew members or EBoard  
5     members were furloughed, which meant they went into a  
6     non-pay status. They're still with the company, but  
7     they're not getting paid, they're not currently  
8     qualified.

9             The board at that point, the remaining board  
10    members took a vote to go ahead and outline pay and  
11    salary and benefits for them in order to keep them on  
12    in their status as executive board members and to  
13    become full-time employees of the local. That's how  
14    we paid them since Flight Pay Loss does not apply to  
15    anybody who's in a non-flying status, not able to  
16    perform work for the company. And in their case,  
17    they couldn't, so we, in order to keep them on in  
18    their status, we came up with pay and benefits for  
19    them.

20            Q     Do you think that's an appropriate way to  
21    handle a situation where a pilot becomes inactive?

22            A     Yes, and we've actually done that on a  
23    temporary basis for pilots in the past to come up  
24    with a -- when they are no longer able to perform  
25    their duties with the airline to short-term

1 contracts. Again, that was approved by the executive  
2 board.

3 Q In the September '18 MOU that we talked  
4 about where a pilot could now receive Flight Pay Loss  
5 on days off, essentially reducing their minimum  
6 requirement for days off to be replaced with pay,  
7 does that change anything regarding whether a pilot  
8 is active or inactive?

9 A No. Regardless of the number of union  
10 business days -- and I think that's something that  
11 also gets forgotten -- is union, to take union  
12 business, you have a day which is how you got Flight  
13 Pay Loss because you took a union business day to do  
14 union business. You had to do that first. You  
15 actually had to be performing union business, which  
16 is more than just a phone call or whatever, for the  
17 company.

18 But anyway, to answer your question, it  
19 doesn't matter how many days union, whether it's one  
20 or it's more than one, you have to be an active pilot  
21 because you have to have the company paying you for  
22 work you would have done with them.

23 If you're not getting paid by the company,  
24 Flight Pay Loss is not the mechanism for which you  
25 should get paid. That becomes a salary situation and

1     should be handled in that way.

2           Q     And paid directly by the local union?

3           A     And paid directly by the local union. In  
4     the case I spoke of before, the benefits, healthcare  
5     and 401(k) and all that was paid as any other local  
6     employee, not by the airlines. Because at that  
7     point, they were an employee of the local.

8           Q     Do you know of any instances where you work  
9     with where a pilot would accrue company vacation, for  
10    instance, on inactive long-term status?

11          A     I'm not really sure what inactive long-term  
12    status is.

13          Q     Well, an inactive pilot, if you will,  
14    somebody who was not an employee of the company,  
15    like, for instance, let's just assume -- we talked  
16    about your members who were on furlough. I mean, is  
17    it conceivable that they could have collected a  
18    vacation allotment from the company?

19          A     No. Actually, they did not, and that was  
20    part of the package put together by -- because they  
21    were in that status for two or three years and part  
22    of the package put together by the local was their  
23    vacation that they got, which was through the local,  
24    not through the company.

25          Q     So I want you to kind of accept as true,

1 Andrew was dequalified and no longer legally able to  
2 operate an Allegiant aircraft, in at least the  
3 beginning of his term as president in 2022. And  
4 assuming he is not re-qualified -- assuming he was  
5 also put on 120 hours of Flight Pay Loss consistently  
6 while he was not qualified and current, he approved  
7 his own flight pay request, the company paid him.  
8 And assume that Andrew also ensured that the union  
9 reimbursed the company and he had the union also pay  
10 the additional 23 percent override.

11 Do you think that such a transaction is  
12 appropriately treated as Flight Pay Loss that the  
13 union should have reimbursed?

14 A Okay. Just to clarify, I'm not a -- I'm not  
15 with Allegiant, but as far as 1224 would go?

16 Q Yes, sir.

17 A No, that would be a salary situation if  
18 you're not current and qualified.

19 Q A disguised salary?

20 A A disguised salary, yes. And it actually  
21 has a couple of ramifications with that. One is an  
22 EBoard, I assume, at least at 1224 and I believe it's  
23 the same there, but anyway, a 1224-paid salary has to  
24 be approved by the executive board, whereas Flight  
25 Pay Loss is approved either by the ExCo chair or the



1 president or secretary-treasurer. It's a much more  
2 lenient process.

3 It also can have ramifications on the LM-2,  
4 at least according to our accountant, because the  
5 salaries directly need to be placed on the LM-2  
6 whereas since it's a reimbursement for Flight Pay  
7 Loss, it is handled differently. So it has some  
8 differences.

9 Now, I'm sure different accountants have  
10 different -- potentially different things, but I know  
11 with 1224 that has been -- so it could have LM-2  
12 ramifications.

13 MR. UNTERSEHER: Thank you, Mr. Jewell.

14 I turn the witness to the board.

15 MR. HARDENBROOK: Thank you.

16 Before you all cross-examine, are you going  
17 to ask questions individually? Do you have a lead  
18 person?

19 MR. ROBLES: I think we can do it  
20 individually. We haven't coordinated and we're not  
21 in the same room. So I'll begin, if that's okay.

22 MR. HARDENBROOK: Just let me speak to  
23 Mr. Hanson and Mr. Seiden having an opportunity.

24 If you have questions for this witness, just  
25 to keep it orderly, if you'll wait to the end and

1 then I can focus on you to make sure you get your  
2 questions asked and everybody can hear. So having  
3 said that, it's your witness.

4 CROSS-EXAMINATION

5 BY MR. ROBLES:

6 Q Hello, Tim. How you doing, sir?

7 A Doing great. Yourself?

8 Q Thank you. So is it your understanding that  
9 this pay dispute began at 1224, when I was at 1224?

10 A The pay dispute, no, I do not necessarily  
11 believe that.

12 Q Okay. So if I was taking, say, 96 PCH and I  
13 was no longer bidding any flights, based off your  
14 description, would that need to be a salary?

15 A If you were -- can you speak your question  
16 again, please?

17 Q Sure. If I was taking 96 PCH in the line  
18 credit window -- I know you folks aren't familiar  
19 with the line credit window, but I'll get to it. If  
20 the line credit window was between 80 and, say, 90  
21 and I took 96 hours of preplanned Flight Pay Loss,  
22 would I still bid, are you aware?

23 A What's your status? What's your status?

24 Q What do you mean by status?

25 A Are you an active pilot or are you an

1 inactive pilot?

2 Q Okay. Well, we don't have an active,  
3 nonactive in our --

4 A I'm asking you -- to fully understand that  
5 question --

6 MR. HARDENBROOK: Hold on just a second.  
7 Let the court reporter catch up. You asked a  
8 question, let's let him answer.

9 Do you need it read back?

10 MR. ROBLES: My apologies. I'll move this a  
11 little bit closer as well. Is that helpful?

12 BY MR. ROBLES:

13 Q So the question was, if I was taking  
14 96 hours of Flight Pay Loss, I would not be bidding  
15 for any flights; is that correct?

16 A I'm not sure. Well, let me answer it this  
17 way: You don't take Flight Pay Loss as a number.  
18 You take it as union business days, so that's --

19 Q So let's say the total amount was 96 PCH --

20 A Okay, but --

21 Q -- and the line credit window was between 80  
22 and 90.

23 A How many days did you take?

24 Q That would be 96 divided by four, what is  
25 that? Let me do the math on that.

1           A     Because that's how Flight Pay Loss is done,  
2     by union business days.

3           Q     Okay. So I took 24 union business days.

4           A     Okay. And your question is?

5           Q     And the line credit window, for that  
6     particular base, the pilots' line credit window was  
7     between 80 and 90 hours, so I was putting in more  
8     Flight Pay Loss than was -- than the line credit  
9     allowed, meaning that I wouldn't bid for that month.

10          A     Okay.

11          Q     Is that a situation where you are describing  
12     here as "a disguised salary"?

13          A     What I'm describing as a disguised salary is  
14     taking union business days when you are not current  
15     and qualified.

16          Q     Okay. Very good. So let's assume that I  
17     was not current or qualified on numerous events. For  
18     that particular month, I was no longer current, and I  
19     took 96 PCH; are you describing that as "a disguised  
20     salary?"

21          A     First of all, I am not saying anything about  
22     PCH, because that has nothing to do with the Flight  
23     Pay Loss. It has to do with union business days. So  
24     you're saying you're taking 24 union business days of  
25     which you are saying that you would have done company

1 work except for those 24 days.

2 Q I'm saying they were preplanned, so I was  
3 only doing union business. Take out the fact --

4 A But you --

5 Q -- whether I would have been flying or not.  
6 Let's say I was not current. I didn't do my landings  
7 in 90 days.

8 A Then you should not have taken any union  
9 business on those days. Because you didn't do -- you  
10 weren't scheduled to work for the company and you're  
11 taking union business to drop company work days.

12 Q Okay. So based off of our contract, you  
13 stated that there's two ways that you can take Flight  
14 Pay Loss. There was preplanned, right, and then  
15 there was union business that would get dropped or a  
16 flight or an assignment that would get dropped; is  
17 that correct?

18 A That is not correct in the way you're  
19 stating it. I said that first you have to have work  
20 days that you could have done that month for the  
21 company; and then on those work days, you can take it  
22 two different ways. But if you don't have work days,  
23 union business never, ever applies.

24 Q Okay. Are you aware of any times while I  
25 was at 1224 that I should not have received Flight

1 Pay Loss? Was there any dispute on the amount of  
2 Flight Pay Loss that I was taking or the method in  
3 which I was taking Flight Pay Loss at 1224?

4 A Well, I will first state that had I known  
5 what happened in Mr. Gust's thing, that would have  
6 been an issue. I did not know that, that you were  
7 not current and qualified. Therefore, that never  
8 came up.

9 And, yes, there were some discrepancies when  
10 we went with beyond the 18 days and that's what  
11 generated us to ask the other negotiators, can you do  
12 that? They said it was not in their opinion. And  
13 then this MOU showed up that said you could do that.  
14 We contested that and said it should go out for  
15 ratification, but while that was waiting for that to  
16 be done, we went ahead and accepted it -- kind of  
17 like you would with a temporary restraining order  
18 because we didn't want to say no.

19 We went ahead and paid the Flight Pay Loss  
20 beyond the union -- the union business days, beyond  
21 18, and then that whole process which went down with  
22 the MOU.

23 And then at that point, once we were told by  
24 Airline Division Director Bourne that we had to  
25 accept that and that we would not contest it, and at

1     that point we went beyond 18 days of union business.

2           Q     Okay.

3           A     So there was no contesting after that  
4     because why contest?

5           Q     Okay. So let me ask you --

6           A     Sure.

7           Q     -- a follow-up question. You're stating  
8     that active means that I had to be FAA qualified to  
9     fly the aircraft?

10          A     You have to be qualified to perform work for  
11     the company.

12          Q     Okay. Let's say that I had flown -- can I  
13     fly -- can you fly seven days in a row? Is that  
14     possible, is that legal?

15          A     You actually can. You need -- for 24 and  
16     seven.

17          Q     So let's make it easy for the panel. Let's  
18     say there was 10 days in a row. Could I fly 10 days  
19     each day in a row?

20          A     That, I don't know.

21          Q     You're not aware of what the FAR is? Isn't  
22     that your job, to understand what the FARs state, the  
23     Federal Aviation Regulations state?

24          A     Actually, what it says for me is that it  
25     says you have to have 24 off and seven, which means

1 if I'm off at noon on one day and I work till noon on  
2 Day 6 and I'm off 24 hours, because I'm not under  
3 the -- because I'm in the cargo cutout -- so I go  
4 back to work at noon on the following day, I had my  
5 24 and seven and I still worked all seven days.

6 Q Okay. So for a Part 121 pilot. Actually,  
7 let's go back to yours. I mean, you have 30 and what  
8 is it, 165 -- 168? 30 and 168?

9 A I have no idea what you're talking about.

10 Q Rest requirements, duty requirements,  
11 maximum you can fly. Are you familiar with that,  
12 FAR?

13 A I have no idea what you're talking about.

14 Q Okay. I guess what I'm referring to here is  
15 you're stating that I'm not active because I wasn't  
16 in compliance with FARs, federal aviation  
17 regulations; is that correct?

18 A I'm saying you are unable -- according to  
19 your guy here, you were in a non-pay status.

20 Q Okay. So based off of that, though, I would  
21 not be able to fly an aircraft, I wouldn't be able to  
22 take a duty at Allegiant on a seventh day either,  
23 right? Is that correct?

24 A I don't know, but I'll make the assumption  
25 you're correct.



1           Q     So Eric Gust sends me an e-mail saying, hey,  
2     you can't do a flight seven days in a row, which,  
3     that is what the FARs stipulate. To be more correct,  
4     it's an hour requirement. Would I be able to take  
5     union business on that day? I'm not legal to fly an  
6     aircraft; am I legal to do union business on that  
7     day?

8           A     You could be because -- I'll tell you  
9     exactly how you work that.

10          Q     Okay.

11          A     If you took a union business -- if you had a  
12     seven-day schedule and you took a union business day  
13     on the first day, that means you're now good for six  
14     days. You take union business on the seventh day,  
15     that six days continues to roll.

16                 Theoretically, you can take union business  
17     for 17 days in a row and never violate the seven days  
18     because once you took the union business day, that  
19     resets your clock so that you can continue on.

20          Q     Okay. Because it sounds like you're trying  
21     to conflate FARs and active; is that not what you're  
22     doing here?

23          A     No, what I am saying is union business and  
24     Flight Pay Loss are only when you lose money when the  
25     company would have paid you to do something and

1     you're taking union business on that day, so the  
2     company pays you what they would have paid you had  
3     you done the work for the company. What you're  
4     trying to say is I just do union business and they  
5     owe me payment.

6           Q     I'm not trying to say anything yet.

7           A     That's a salary.

8           Q     I'm just trying to get your understanding.

9           A     My point is, in order to get Flight Pay  
10    Loss, you have to have been owed flight pay by the  
11    company. And if the company didn't owe you flight  
12    pay, there is no Flight Pay Loss to reimburse. That  
13    is not the mechanism.

14          Q     Okay. How is preplanned -- how is a  
15    preplanned absence handled, then?

16          A     Because a preplanned absence is now one of  
17    your work days. If you take one preplanned, you only  
18    have to bid 17 other days.

19          Q     So you're saying --

20          A     A day is eight hours --

21                MR. HARDENBROOK: Hold on a sec. Please, we  
22    can't both be speaking. The record will not be clear  
23    and we can't understand. So please wait until the  
24    question is asked and once you've asked a question,  
25    please stop and let him fully answer his question,

1     okay?

2     BY MR. ROBLES:

3           Q     Okay. Let's go back to the e-mail. Are you  
4     aware of how the disagreement between myself and Eric  
5     Gust was resolved?

6           A     No, I only know what's in the e-mail.

7           Q     Okay. Would you be surprised to know that  
8     the decision by Gust was reversed by their legal  
9     counsel and I was indeed paid?

10          A     I have no idea.

11               MR. ROBLES: Okay. No further questions.

12               MR. UNTERSEHER: Can I redirect?

13               MR. HARDENBROOK: Not yet. We have other  
14     witnesses, right?

15               MR. CAWLEY: Michael Cawley, I have no  
16     questions for this witness.

17               THE WITNESS: Sorry, I --

18               MR. CAWLEY: This is Michael Cawley, I have  
19     no questions for this witness.

20               MR. HARDENBROOK: Thank you, Mr. Cawley.

21               MR. FOGELSANGER: (Shook head.)

22               MR. ROCKWOOD: (Shook head.)

23               MR. HARDENBROOK: Mr. Hanson, do you have  
24     any questions for the witness?

25               MR. HANSON: Sorry. I was just unmuting

1 myself. Yes, I have just one question for  
2 Mr. Jewell.

3 CROSS-EXAMINATION

4 BY MR. HANSON:

5 Q Mr. Jewell, you stated in 2018, in the fall  
6 of around September, within a few months of the MOU  
7 being signed, that that is when you became aware of  
8 what Mr. Unterseher has stated was the beginning of  
9 Mr. Robles' scheme; is that correct?

10 A Either in the fall of '18 or the very  
11 beginning of '19.

12 Q Okay. So in or around the end of 2018 or  
13 the beginning of 2019, correct?

14 A Yes, sir.

15 MR. HANSON: No further questions.

16 MR. HARDENBROOK: Thank you.

17 Mr. Seiden, do you have any questions?

18 MR. SEIDEN: No questions. Thank you.

19 MR. HARDENBROOK: Thank you. Do you want  
20 to redirect?

21 MR. UNTERSEHER: Please.

22 MR. HARDENBROOK: Go ahead.

23 MR. UNTERSEHER: Thank you, Mr. Chairman.

24 ///

25 ///

1 REDIRECT EXAMINATION

2 BY MR. UNTERSEHER:

3 Q Tim, could you refer to the collective  
4 bargaining agreement, Section 2. "Definitions,"  
5 please.

6 A What page are we on?

7 Q 2-1.

8 A All right. I'm on 2-1.

9 Q I believe Mr. Robles stated that we don't  
10 have a definition of active pilot in the contract.  
11 Could you read the very first definition at the top  
12 of Section 2, "Definitions."

13 A Yes. "Active pilot: A current and  
14 qualified pilot not on a leave of absence or furlough  
15 performing in the service of the company."

16 Q Thank you. Now, can you turn to Section  
17 24-2, C1C? It's in the mid part of 24-2.

18 A Okay, I'm there.

19 Q You there?

20 A Yes, sir.

21 Q Do you see that it says, "To be eligible to  
22 continue to receive all of the other benefits covered  
23 by this agreement on the same basis as other active  
24 pilots"?

25 A Yes, I see that.

1           Q     Thank you. Are you familiar with Part 91 of  
2     the Federal Aviation Regulations?

3           A     I'm familiar with what that is, yes.

4           Q     Is there a flight and duty time  
5     seven-hour -- seven -- 24 and seven break in Part 91?

6           A     No.

7           Q     Are you familiar if --

8           A     I should say -- let me answer that more  
9     properly, I don't believe so.

10          Q     Thank you. Does the Allegiant contract  
11     and -- well, you wouldn't know their GOM like I do  
12     now, unfortunately -- does it allow for Part 91  
13     flying, the contract itself?

14          A     I'm not familiar with that, sorry.

15          Q     But under that rule, it would not be  
16     consistent with the 121, 117 rest rules or the cargo  
17     carve-out or any of the other ones; it's just a basic  
18     rule that is allowed under the regulations?

19          A     I know many airlines have the ability to  
20     dovetail 121 and Part 91 flying together in order to  
21     exceed Part 121 rules.

22                 MR. UNTERSEHER: Thank you. That's all I  
23     have.

24                 MR. HARDENBROOK: Do you have any  
25     recross-examination, Mr. Robles?

1 MR. ROBLES: Nothing further.

2 MR. HARDENBROOK: Mr. Cawley, Mr. Hanson,  
3 Mr. Seiden?

4 MR. SEIDEN: Yes, I have one question.

5 MR. HARDENBROOK: Go ahead.

6 CROSS-EXAMINATION

7 BY MR. SEIDEN:

8 Q Are you aware --

9 MR. HARDENBROOK: Hold on one second. This  
10 is Mr. Seiden.

11 MR. SEIDEN: This is Kenneth Seiden  
12 speaking.

13 BY MR. SEIDEN:

14 Q Are you aware if Allegiant Airlines allows  
15 for Part 91 flights that do not meet 121 regulations  
16 to currently operate at the airline?

17 A No, I do not know.

18 MR. SEIDEN: Thank you.

19 MR. HARDENBROOK: Is that it? Nothing else?

20 MR. SEIDEN: No further questions. Thank  
21 you.

22 MR. UNTERSEHER: No redirect.

23 MR. HARDENBROOK: Okay.

24 THE WITNESS: Thank you.

25 MR. UNTERSEHER: Ready for the next witness?

1 MR. HARDENBROOK: Next witness.

2 MR. UNTERSEHER: I would like to call Ryan  
3 Joseph as a witness.

4 RYAN PAUL JOSEPH  
5 having been first duly sworn, was  
6 examined and testified as follows:

7 MR. HARDENBROOK: Go ahead.

8 MR. UNTERSEHER: Just one minute, please.  
9 Pardon me for a minute.

10 DIRECT EXAMINATION

11 BY MR. UNTERSEHER:

12 Q As I find this, can I ask you to state your  
13 name for the record.

14 A Ryan Paul Joseph.

15 Q And where do you work?

16 A Allegiant Air.

17 Q And tell us a little bit about your position  
18 and your history with Allegiant.

19 A I'm a captain for Allegiant on the Airbus  
20 aircraft. Been with them for approximately eight and  
21 a half years.

22 Q Are you a member of the Teamsters?

23 A I am, yes.

24 Q And a member of Local 2118?

25 A Correct.



1           Q     Have you ever served an elected or appointed  
2     role with 2118?

3           A     Yes. I served as an appointed  
4     secretary-treasurer. Previous to that, an elected  
5     trustee on the EBoard. Previous to that, an elected  
6     steward under Local 1224.

7           Q     All right. And tell me about your time  
8     frames for being a steward and a trustee and then the  
9     secretary-treasurer role, please.

10          A     So for steward, approximately October 2019  
11     to January of 2022, which then I stepped into the  
12     position of elected trustee. And then that was from  
13     January '22 to April of 2023, after Erick Valenzuela,  
14     who was the standing secretary-treasurer, left to a  
15     different airline.

16                 That's when Andrew Robles appointed me to  
17     secretary-treasurer position and I was the  
18     secretary-treasurer from April of '23 up until  
19     emergency trusteeship, which was March of '24.

20          Q     During your time as the secretary-treasurer  
21     portion of your tenure at 2118, how would you  
22     describe the environment among the executive board at  
23     2118?

24          A     I would say it was -- it was very much like  
25     a cultish environment, even akin to a dictatorship,

1 if you will. There was an air of it was Andrew's way  
2 or the highway for almost all important issues --  
3 even non-important issues that had to be decided  
4 upon. He purposely had his hands in every minute  
5 detail of every committee and of every piece of work  
6 to the point to control -- to have ultimate control  
7 of everything. So much to the point that, you know,  
8 it was -- he isolated us from ever contacting IBT  
9 International or the Airline Division or any other  
10 locals if we needed assistance, advice, any type of  
11 communication.

12 For the most part as an EBoard, we did not  
13 go to conferences which were normal, neither did most  
14 of the committee members.

15 You know, I remembered an example that  
16 stands out in my mind that our local secretary,  
17 Karen, contacted Local 2750, another airline, for  
18 advice on something to do with Titan and Andrew found  
19 out about that and essentially threatened her job,  
20 her, and at the time, Erick Valenzuela.

21 Q Why do you think that was? What was -- what  
22 was going on?

23 A At that time, there was a narrative that  
24 Andrew told all of us -- projected -- that 1224,  
25 specifically you, Greg, and Ed Gleason, had a higher

1 agenda to essentially take over Local 2118 and to do  
2 a cash grab, take the money.

3 Q Take the money. How would I, or how would  
4 anybody, quote/unquote "take the money"? I mean,  
5 what was the foundation of even that kind of concept?

6 A You know, looking back at it now, it's  
7 silly, but -- and clearly not true -- but, you know,  
8 he would make the connection using the mechanism of  
9 trusteeship.

10 Q And --

11 A And there was times I did speak with Erick  
12 Valenzuela regarding negotiations as well, where that  
13 could be an avenue that the Teamsters or  
14 International could come in and seize control.

15 Q Can I direct you to the letter that you  
16 wrote to a host of people, including the General  
17 President of the Teamsters in January of 2024.

18 MR. HARDENBROOK: Which exhibit is it?

19 MR. UNTERSEHER: Apologies, one moment,  
20 please. Mr. Chairman, it seems that my index -- can  
21 I take 10 minutes of the board's indulgence here to  
22 make sure that I have consistently inserted these  
23 exhibits?

24 MR. HARDENBROOK: Yes. We will go off the  
25 record. We will reconvene at 11:41, 10 minutes from

1 now.

2 MR. UNTERSEHER: Thank you, Mr. Chairman.

3 (Whereupon, a recess was taken.)

4 MR. HARDENBROOK: Let's go back on the  
5 record.

6 Mr. Unterseher, you were going to ask  
7 questions. I asked which exhibit you were referring  
8 to and you needed a minute to just recalibrate, I  
9 guess, your exhibits. So we're back on the record.

10 Go ahead.

11 MR. UNTERSEHER: Yeah. Yes, Mr. Chairman.

12 It appears when we took time out to scan documents  
13 for the remote witnesses, we had a clerical error and  
14 we had some misplacement of some documents. And,  
15 again, this is where I think we had an inconsistent  
16 citation of the individual documents.

17 This, it should stop at 21 and the one  
18 exhibit I was just going to call, it was a letter  
19 from Secretary-Treasurer Joseph at the time to the  
20 general president and secretary-treasurer and others  
21 at the Teamsters was omitted from this package.

22 MR. HARDENBROOK: So it is not in this  
23 package?

24 MR. UNTERSEHER: It is not in here, no, sir.

25 MR. HARDENBROOK: Okay. Do you have it?

1           MR. UNTERSEHER: We do have it. I think I  
2 would need to produce it either electronically or  
3 have it printed off for you. It's foundational in  
4 the sense that --

5           MR. HARDENBROOK: Well, before you present  
6 or even speak to it, we need to have it, both  
7 parties.

8           MR. UNTERSEHER: I understand.

9           MR. HARDENBROOK: So if you plan to use it,  
10 we need to produce it. You need to produce it for  
11 all of them, you need to produce it for Mr. Hanson,  
12 Mr. Seiden and you need to produce it for the panel.

13          MR. UNTERSEHER: Yes, I understand.

14          MR. HARDENBROOK: So if you are not ready,  
15 you'd have to move forward and then produce it at the  
16 next break if you're going to be speaking to it or  
17 having the witness testify to it.

18          MR. UNTERSEHER: Yeah, it will be in the  
19 sense of reaching out.

20          MR. HARDENBROOK: Do you have the copy?

21          MR. UNTERSEHER: The physical copy or the  
22 electronic copy?

23          MR. HARDENBROOK: I don't care, either one.  
24 Do you have a copy of the exhibit that you intended  
25 to speak to?

1           MR. UNTERSEHER: I have the electronic  
2 version. I do not have the physical.

3           MR. HARDENBROOK: How long would it take you  
4 to print it? Okay. This is what I'm going to do --  
5 and I'll just apologize in advance.

6           How long do you all need for lunch?

7           MR. ROBLES: We were hoping to skip lunch.

8           MR. HARDENBROOK: Well, you're going to be  
9 given the same leniency to produce your evidence.

10          Can you do this in a half hour?

11          MR. UNTERSEHER: Yes, sir.

12          MR. HARDENBROOK: I would like to take a  
13 break for a half hour. And I apologize in advance,  
14 but I want the panel to consider all the evidence. I  
15 don't want this to seem or even -- I don't want it to  
16 be sneaky in any way, shape, or form. I want them to  
17 have the evidence before you speak to it.

18          So what we're going to do is we're going to  
19 break for a half hour, but what I would ask is the  
20 witness -- I don't want anyone speaking to the  
21 witness on either side. If you'll come back in and  
22 take the stand in a half hour from now.

23          Are there objections?

24          MR. ROBLES: My only objection would be that  
25 the charging party gather their own documents and

1     them not use other resources to put their work  
2     together for them and we weren't afforded the same  
3     opportunity.

4             MR. HARDENBROOK: Gotcha. Thank you.

5             Mr. Hanson, Mr. Seiden, do you have any  
6     objections to what we just said?

7             MR. SEIDEN: No, sir.

8             MR. HANSON: I have no objection to a break.  
9     Kurt Hanson.

10            MR. UNTERSEHER: The first one was  
11     Mr. Seiden, the second one was Mr. Hanson.

12            Okay. We're going to break for a half hour  
13     beginning now. See you at 12:14.

14            (Whereupon, a lunch recess was taken.)

15            MR. HARDENBROOK: It's 12:24. We're late.  
16     You'll be given the same deference. Let's go back on  
17     the record at 12:24.

18            You were examining your witness and referred  
19     to a document that was not in the exhibits. I assume  
20     that is the document we have now?

21            MR. UNTERSEHER: Yes, Mr. Chairman.

22            MR. HARDENBROOK: And what number are we  
23     going to list this exhibit as?

24            MR. UNTERSEHER: If we can, let's list it as  
25     Exhibit 22. We can mark that.

1           MR. HARDENBROOK: Charging Party Exhibit 22  
2 is in the record.

3           (Charging Party Exhibit 22 was marked  
4 for identification.)

5           MR. CAWLEY: Are we able to object to this  
6 exhibit?

7           MR. HARDENBROOK: You can object to  
8 anything.

9           MR. CAWLEY: This is a complaint that was  
10 investigated by both the Teamsters as well as Council  
11 42 and it was found to have no merit, so it's simply  
12 inflammatory and I don't know why we would admit it  
13 in this case.

14          MR. HARDENBROOK: Gotcha. You will have the  
15 opportunity to rebut this document and explain that  
16 in its entirety.

17          MR. CAWLEY: Okay, thank you.

18          MR. HARDENBROOK: Go on.

19          MR. UNTERSEHER: Thank you, Mr. Chairman.

20 BY MR. UNTERSEHER:

21       Q     Can you turn your attention, Mr. Joseph, to  
22 Exhibit No. 22 that was just marked.

23       A     Yes, I see it.

24       Q     Can you describe what it is?

25       A     It's a letter that I wrote the general



1 executive board approximately on December 30th of  
2 '23.

3 Q Can you confirm that everything in this  
4 e-mail is true and accurate to the best of your  
5 knowledge?

6 A Yes, it is.

7 Q Please describe the background that led to  
8 this e-mail exchange or this e-mail.

9 A I received a -- we had our election. It  
10 closed, if I remember correctly, September 27th of  
11 '23, and at that time quite a bit of ballots  
12 weren't -- didn't arrive with the -- for the  
13 tabulation day.

14 And at the end of tabulation day, we  
15 received a list from GES Services, Global Election  
16 Services, who conducted the election, and that was a  
17 list that showed everyone's ballots that were  
18 received and counted.

19 And after that, Andrew instructed Karen, our  
20 executive assistant -- because we were receiving a  
21 lot of inquiry from the members, hey, was my ballot  
22 counted, was it received -- - and so Andrew  
23 instructed the executive assistant to respond back to  
24 check the ballot -- or excuse me, the list and  
25 respond back and say yea or nay. And I believe that

1 Andrew, either whole or in part, actually drafted the  
2 responses as well that was going to be sent to the  
3 members.

4 She was doing this and then I got a call.  
5 It was either that Friday or Saturday that I sent  
6 this letter and she said, hey, Ryan, I have to talk  
7 to you. I think I did something wrong, I was asked  
8 to do something unethical.

9 I said, okay, what's going on? Talk to me.  
10 And she then explained in great detail that because  
11 of the amount of nos that were being e-mailed to the  
12 members -- it was quite a bit, it was, you know, a  
13 lot -- Andrew instructed her to stop responding  
14 immediately, destroy the copy of the GES list and to  
15 save a copy, retain a copy for later and also refer  
16 the people that are inquiring, the members that are  
17 inquiring after this point to Global Election  
18 Services.

19 And I then contacted -- I then thought about  
20 it and I believe, you know, our members have a right  
21 to file post-election protests and to me, this was a  
22 clear mechanism -- because the election was highly,  
23 you know, contested -- a mechanism to stifle that  
24 process, the post-election protests.

25 And, you know, I made a phone call at this

1 point to someone that I trusted at the time, very  
2 much so, because I was on the negotiating committee  
3 and he was in there as well. His name is Scott  
4 Hegland. And, you know, I wanted to see his opinion  
5 on it and he had the same opinion I did, that this,  
6 on its face, appears to be election tampering and  
7 to -- and to essentially blow the whistle. And I  
8 agreed with that.

9 That was the conclusion I came to before I  
10 placed the phone call, and then I went back and asked  
11 Karen to write a statement stipulating exactly what  
12 happened and then I drafted this letter, which you  
13 see as Exhibit 22, along with the written statement  
14 from Karen and it was delivered via e-mail to the --  
15 it was the whole GEB and there were some other  
16 members, I believe JC42 that was involved. I think  
17 Chris Griswold was.

18 Q After sending that e-mail, did you meet with  
19 any IBT investigators?

20 A I did, very promptly. January 1st -- so I  
21 sent it on Saturday, December 30th, I believe, and  
22 January 1st was that Monday. It was the holiday.  
23 And that Tuesday -- I mean, investigators were sent  
24 out. It was three individuals. It was Sean Hughes  
25 and Frank Hughes, which were investigators, and then

1 it was also an individual by the name of Robert  
2 Colone, who I believe he is the counsel to the GST.

3 Q Could you, to the best of your recollection,  
4 recall the meeting with those individuals, what was  
5 discussed? Take your time.

6 A Yes. So they wanted -- they informed --  
7 they wanted Karen and I to come in a day prior.

8 They sent a letter to the charged parties  
9 saying, hey, we want you to come in on January 5th,  
10 which was that Friday, to come in and to ask  
11 questions, to investigate.

12 The investigators told us they purposely  
13 made that date. They wanted to interview us on the  
14 4th, and so Karen and I came in the day prior. They  
15 interviewed us individually.

16 Mine lasted approximately three hours and it  
17 was all three of the individuals I mentioned before.  
18 And at that point, approximately 45 minutes of that,  
19 maybe an hour, was regarding my -- the election  
20 issues that I described and then I also told them at  
21 that point everything that I thought was suspicious  
22 about how this local was ran and some of what I  
23 believed was malfeasance that was going on as well.  
24 And that was the latter part of the two hours. It  
25 was the bulk of this meeting.

1           Q     Can you go through those issues as you  
2     recollect them?

3           A     I do. As I said, it was the election issue,  
4     the post-election issue or -- and then there was  
5     also -- it was how Andrew gave himself an unapproved  
6     or unauthorized unilateral raise in PCH value from  
7     approximately 95ish hours to the 120, and that  
8     happened simultaneously as he wasn't current and  
9     qualified to fly an airplane for the company at all.

10           I also went on to talk about how we have  
11     absolutely no policy/procedures manual, ever, and how  
12     the recording secretary, Joshua Rockwood, was  
13     derelict in his duties and never -- essentially we  
14     had no minutes at all.

15           Q     So to be clear, Ryan, the complaints during  
16     the meeting you had with the investigators were not  
17     limited to the election protests; is that correct?

18           A     Very much so.

19           Q     You also complained about Robles'  
20     self-enrichment?

21           A     Yes.

22           Q     Did you raise your concerns directly with  
23     Mr. Robles at any time regarding his, at least,  
24     unilateral pay raise that he gave himself?

25           A     The unilateral pay portion. So in -- we

1 took office in January of '22, so approximately a  
2 month, perhaps maybe two months prior, that November,  
3 December of '21, I spoke with the incoming  
4 secretary-treasurer, Erick Valenzuela. We were both  
5 stewards prior to this and we had a very good working  
6 relationship.

7 And he called me -- and he was the one who  
8 initiated. He told me that, amongst other things,  
9 that Andrew was looking at giving himself a raise.  
10 And this raise, you know, I asked him about it and he  
11 told me that, you know, I was like, well -- because  
12 this was around the same time period that he told me  
13 that also -- it was the same phone call -- that he  
14 lost his currency, Andrew did, his qualification to  
15 fly an aircraft.

16 So at this point, I was asking, well, what  
17 else did he tell you? And, you know, regarding this,  
18 and Erick was, you know, he is like, you know, he  
19 would be an instructor, that's what he was saying.

20 I was like, what, wasn't he an instructor  
21 previously? He was like, no. I said, how is that?  
22 He said, I know. It was something to the effect of,  
23 I know, I know, have you tried giving him a call?

24 I was like, I was like, I hung up with him  
25 and then I placed a phone call to Andrew. This is

1 next, literally, 15 minutes later. And at that  
2 point, Andrew in that conversation, he did disclose  
3 to me that, he was like, yeah, you know, I'm giving  
4 myself a raise to be more on par, to be commensurate  
5 with other airline presidents, local presidents. And  
6 then he brought up the APA, American Airlines, APA,  
7 their president. You know, he's like, all the work I  
8 do, you know, all this work I'm doing and I'm  
9 getting -- I'm woefully underpaid. These guys are  
10 making 500-plus thousand a year and I'm stuck at  
11 making -- I think at the time around 250,000 a year.  
12 And he says, you know, it's just not, no, it's not --  
13 the work I'm doing isn't commensurate to it.

14 So I then said -- I questioned him on that  
15 because I knew the LM-2 for that, for American  
16 Airlines, it doesn't show the president making that  
17 much money. And I questioned him on that and he said  
18 something to the effect of, well, you've got to  
19 understand the LM-2 doesn't capture all the income  
20 that these guys are getting. And he said something,  
21 it was -- it's how it's categorized and that's how it  
22 would be displayed on the LM-2.

23 And then he voluntarily said that it was,  
24 you know, if I wasn't doing union, I'd essentially be  
25 an instructor or a PC check airman or an APD at the

1 company.

2 Q Do you know if Mr. Robles ever held any of  
3 those positions at Allegiant Air?

4 A He has not.

5 Q Real quick, just to track back so the board  
6 is clear, you mentioned an Erick Valenzuela. Who is  
7 Erick Valenzuela that you had that conversation with  
8 again?

9 A He was the elected incoming  
10 secretary-treasurer.

11 Q The incoming secretary-treasurer at that  
12 time?

13 A Yes, he had taken office in January of '22.

14 Q Was Mr. Robles' pay ever discussed at any  
15 executive board meetings?

16 A The unilateral pay raise?

17 Q Yes.

18 A No, not to my knowledge, none at all.  
19 There's no board poll -- there was nothing that I can  
20 remember.

21 Q Do you recall Mr. Robles ever mentioning the  
22 bylaws in any of the board meetings?

23 A Not until quite a bit after. This is  
24 when -- I want to say January-ish of '24, and this is  
25 regarding the members -- a lot of members were



1 becoming outraged with how the locals were being ran  
2 and they were trying to propose amendments to bylaws.  
3 And all of them were under the umbrella of trying to  
4 afford more transparency to the operation.

5 Q So to be clear, do you remember any of the  
6 proposals that were made or discussed during those  
7 meetings that may have actually had the kind of  
8 reverse effect?

9 A Yes. After these -- after these amendments  
10 came in to us, we had an executive board meeting  
11 which was on Zoom -- this was 95 percent of all the  
12 meetings and it was all seven of us in attendance on  
13 this, if I remember right. No minutes were taken.  
14 And during this time, it came up regarding the  
15 amendments and the validity of them and, you know,  
16 each of us had a, you know, a portion to speak about  
17 it.

18 And, you know, I remember saying to them --  
19 because they were very -- it was off the heels of  
20 this contested election. You have to understand the  
21 context here. And so they had this -- it was very  
22 much an air that I got from them on their part, that  
23 they were trying to kind of fortify their positions.

24 And at one point I remember very clearly  
25 saying, what are you guys afraid of? What is the

1 problem here? This is their local. What are you  
2 guys afraid of? What was on the table for amendments  
3 was making it clear that the members could come in to  
4 the local at any time and have the whole finances  
5 displayed to them so they could see it, so they  
6 could, you know, research it themselves. You know,  
7 the six of them, the charged parties, didn't want to  
8 have any part in that.

9 There was also the suggestion from the  
10 charged parties to stifle getting a quorum -- because  
11 we had all of our GMMs, general membership meetings,  
12 on Zoom, because we're spread across the country.  
13 And they wanted to stop doing that and make it local  
14 on -- in Vegas. And on top of that, make it on a  
15 high-fly day. Because Allegiant Airlines is a very  
16 peaky -- seasonal. So on Tuesdays, Wednesdays, we  
17 barely fly, but, you know, on a Sunday, Monday, we're  
18 almost all flying -- or a Friday.

19 So they wanted to make it on a high-fly day  
20 and -- to limit the amount of members that could show  
21 up, to possibly not get a quorum. And at that point,  
22 that's when I said, what are we doing here? What is  
23 going on?

24 Q Were you -- when you were a member of Local  
25 2118's executive board, were you aware of any

1 policies or procedures that had been established to  
2 govern the local's financial affairs?

3 A No, not -- there's no policy/procedures at  
4 all until after I blew the whistle and it was, I  
5 think, late January where they were already icing me  
6 out of everything and they cobbled together some  
7 hastily, I think, six-page document, policy/procedure  
8 manual and they -- the way that we would conduct  
9 board polls, we have a software called Union Impact  
10 for the local and you'd put up a motion on this. And  
11 once you put up a motion and it was seconded, it  
12 automatically distributes an e-mail to all seven of  
13 us. It says, hey, Mr. Joseph, you have a board poll  
14 to vote on, go ahead and vote.

15 I remember this. I was driving and I got a  
16 ding. I looked at the e-mail. It said, hey, you  
17 have a -- I was like, what's this? And then maybe  
18 two, maybe three minutes later, I got another one:  
19 This has been approved.

20 And this was a -- I wrote another letter to  
21 the GEB regarding this type of practice that they  
22 were doing because they jammed through a bunch of  
23 stuff purposefully. They were having EBoard meetings  
24 without me and they were purposefully isolating me to  
25 the point where I couldn't -- it was hard for me to

1 even do my job.

2 And, you know, this was one of the  
3 rammed-through motions they did. I had no time, I  
4 mean, there was no review, it was just there,  
5 approved. But previous to that, there was absolutely  
6 nothing, zero, no policy/procedure manual.

7 Q So you came in as secretary-treasurer. You  
8 were appointed to your term after Erick -- was it  
9 Erick Valenzuela had left?

10 A That is correct. Approximately April  
11 of '23.

12 Q So in the handover, you know, formal  
13 training, you know, what were you given to tell --  
14 so, I mean, you hadn't been in union work beyond your  
15 work as a steward and a trustee, but as a trustee,  
16 certainly you knew, you know, you had to do your  
17 diligence on trustee. You were signing trustee  
18 reports, checking the mathematics on them?

19 A Yes, reconciling receipts and expenses, yes.  
20 And this goes back to the environment that was  
21 fostered and I can't emphasize this enough, is that  
22 there was -- none of us attended any formal training.  
23 In fact, we weren't -- essentially we weren't allowed  
24 to. The only training that we received was  
25 approximately, I want to say, it was the note

1 training, but due to COVID, I think it was a two-day  
2 Zoom in January of '22 or maybe slightly before we  
3 took office. I can't remember the exact time frame.

4 But other than that, there was no official  
5 training of any sort for the trustees, for the  
6 recording secretary, for Secretary-Treasurer  
7 Valenzuela. And then when I took the position  
8 appointed, zero, nothing.

9 Q So in your view as secretary-treasurer of  
10 the local, is it fair to say that Mr. Robles didn't  
11 comply with his duty as president of the local to  
12 make sure that local adopted the policies and  
13 procedures it was required to adopt under the IBT  
14 Constitution?

15 A Yes, absolutely. I inquired with Andrew  
16 regarding -- so when I was appointed to  
17 secretary-treasurer in April of '23, I would say  
18 within the first week and a half, I asked Karen --  
19 because Karen was giving me some of the documents,  
20 like, you know, secretary-treasurer's manual and  
21 International's.

22 So there's no policy/procedure manual. No  
23 minutes. I mean, I had nothing, zero. And I'm like,  
24 well, if this is the minutes, okay, this has to be an  
25 error. Called up Andrew -- and this is direct

1 conversation between him and I -- and he said, he is  
2 like, it was Erick, you know, I gave that task to  
3 Erick, Erick never did it. He is gone.

4 And I made the suggestion at that time --  
5 and he is like, don't worry about it, I'll get it.  
6 And I made the suggestion -- because we were going  
7 into mediated negotiations, mind you, a month later,  
8 our first mediated session -- and he put me on the  
9 negotiation team January of '24.

10 So we all had the task to prepare for this  
11 and it was, you know -- as you know, it's no short  
12 order. It's a tall order to do this. So he's like,  
13 I'll get it done. I said, because we're saturated  
14 with tasks, we can hire a firm to help us. He's  
15 like, no, no, I got it, don't worry, I got it.

16 So the next time I inquired about that was,  
17 I want to say, June, approximately June, a few months  
18 later, and the conversation came up again and it was  
19 met with the same -- similar response. And in that  
20 June conversation with him I brought up the minutes,  
21 like, where are the minutes? He said, Rockwood has  
22 them. He's like, you don't have them? I was like,  
23 no. He said, I'll tell Rockwood to e-mail them.  
24 Nothing. And then I asked Karen and she had received  
25 nothing.

1           Q     Can I turn your attention to Charging  
2     Party's Exhibit 18? I want to go back and talk about  
3     the policy they did implement, I believe it was in --  
4     I want to say March, approved by a board poll.

5                     Do you have 18, Local 2118 Policies and  
6     Procedures Manual?

7           A     Uh-huh. I see it, yes.

8           Q     In this, what you characterize as least as  
9     hastily put together manual, is there anything in  
10    here regarding, you know, duties of financial  
11    governance beyond the receipts and just very  
12    day-to-day issues?

13          A     I mean, no, not really. I can tell you one  
14    thing that stood out when I was able to review the  
15    document and it was on Page 3, No. 3, and I chuckled  
16    when I read this: Long-term Flight Pay Loss. And  
17    what he did was he codified -- make no doubt about  
18    this, in my mind, he codified, he ensured what he was  
19    getting now in order to cover his steps because the  
20    auditors were asking him to justify this. And --  
21    yeah.

22          Q     So keep your attention on 3 for a minute if  
23    you will. So long-term Flight Pay Loss pay, it  
24    spells out that the president of the local receive  
25    120 PCH for long-term FPL. We've -- again, we've

1 established that long-term FPL didn't exist anywhere  
2 in the collective bargaining agreement, in the bylaws  
3 themselves, International Constitution, or any MOU or  
4 agreement with the company whatsoever, correct?

5 A Yes, correct.

6 Q It doesn't exist. It's like a -- it's  
7 whatever it is. It's something that is undefined.

8 If you go to the second sentence in this  
9 new, hastily put together provision, it further  
10 states that these credit hours magically now do not  
11 correlate with days or hours worked. There's no  
12 requirement of what you would need to do for this  
13 \$400,000-plus year paycheck.

14 As a matter of fact, doesn't it say that  
15 would be varying duties, varying hours that might not  
16 be reflected in crew member's work calendar? I mean,  
17 that just sounds -- if I saw that, I mean, what would  
18 be your thought? Did you vote on this or have an  
19 opportunity to vote on this policy?

20 A It's my recollection on the board poll, no,  
21 I wasn't able to vote. Or not abstain -- not  
22 present.

23 Q Okay. Turn your attention to Exhibit No. 7,  
24 please. So we're going to backtrack a bit here to  
25 2021, '22. Can you tell me, you know, at least the



1 header, who's this from?

2 A David Bourne.

3 Q Okay. In this document, "Congratulations.  
4 I'm ready to move forward," says David Bourne. "I'll  
5 get you a one-year consulting contract. I will  
6 announce my retirement next week. I'm very humble,"  
7 Mr. Bourne says. "I don't need or want business  
8 agent pay. My mechanic BAs are making 150 to 180,  
9 too much. I was thinking 8,000 a month and I pay the  
10 taxes, which gives me about 5,200, far below FO pay,  
11 and still keeps you from having to pay payroll taxes.  
12 Let me know how you want to structure it."

13 This is at the time when you were coming in  
14 as a trustee; is that correct?

15 A I believe so, yes. What is the date on  
16 this?

17 Q It was at the beginning of his employment  
18 here, which we do have the paperwork for, so it is  
19 January -- March of '22.

20 A Yes. I was a trustee.

21 Q If you go back to the next page, can you  
22 look at this agreement -- do you have it?

23 A Oh, I do, yes.

24 Q Who's the agreement between?

25 A Teamsters Local 2118 and David Bourne under

1 his company, AOA Consulting.

2 Q So he was an independent contractor for the  
3 local. The purpose of the agreement?

4 A Technical and/or professional services,  
5 whatever that meant.

6 Q One-year term of agreement, some billing  
7 rates of \$8,000 a month. This contract also lists  
8 meal expenses, travel expenses will be covered for  
9 his meals, travel, the work he was going to perform  
10 on behalf of the local union.

11 Are you aware of, as your time as either a  
12 trustee or your time as a secretary-treasurer, did  
13 you ever see a bill, an expense, a charge, anything  
14 whatsoever in any way conferring any money other than  
15 his \$8,000 a month payment to Mr. Bourne?

16 A No, there is nothing. I don't remember ever  
17 seeing airfare or hotel. No.

18 Q If you go to the services part of this  
19 agreement, it's the next page --

20 A I see it.

21 Q -- A, under "Services," it lists, "Contract  
22 negotiations. Services to include participating  
23 actively in the negotiating room; drafting and  
24 reviewing contract language; providing feedback and  
25 alternative language proposals; providing other

1 airlines' contract examples of requested language."

2 Are you, again, aware of Mr. Bourne  
3 providing any of those services under the agreement  
4 he entered into with 2118?

5 A Not to my knowledge, and I was on the  
6 negotiating committee.

7 Q B, the B part of the services, "Providing  
8 and pursuing contract expertise on various union  
9 activity to include --" it looks here like resources  
10 and in parens in each one of these, it has contact  
11 information. So for lobbying, best practices for the  
12 national mediation board bargaining, legal expertise.  
13 Again parens in both of these is contact information.  
14 I guess that's phone numbers, people's contacts.

15 Again, in your time as a member of the board  
16 of 2118, do you know of any instance of those  
17 services being provided?

18 A Not in practice, no. But I wanted -- it's  
19 important for me to say here is that in context when  
20 this was done in March of '22, Andrew was, if you  
21 will, selling this contractor to us, Bourne, as he  
22 had high-level contacts in the NMB and the track we  
23 were going on, on negotiations, we knew it was going  
24 to end up in mediated negotiations. And he said that  
25 he, even to the effect knew the director or one of

1 the officers of the NMB. Her name is Eidre -- I  
2 remember that name specifically. And they're like  
3 best friends, so he is a great asset to have.

4 In actuality, though, looking back in  
5 hindsight, this man did nothing but collected eight  
6 grand a month. I haven't seen one body of work from  
7 this man.

8 Q Can you turn your attention to Exhibit No. 6  
9 next? Actually, that was 7. 6, please.

10 It should be right behind the tab.

11 A 6, yes, I see it.

12 Q Do you see the Hegland retirement letter?

13 A I do.

14 Q Can you characterize it? I mean, it's for  
15 everyone's reading pleasure here.

16 A Yeah, it's -- I mean, it's plainly stated  
17 it's his retirement letter and he will be ready to go  
18 on the 21st.

19 Q Okay. Again, so one of the David Bourne's  
20 associates and he is retiring from the  
21 International -- the next page is his retirement  
22 letter. And he does come to work for 2118 as a  
23 contract negotiator?

24 A That's correct.

25 Q He does. Different than Bourne, though,

1 Scott showed up, negotiator?

2 A Yes. He did work.

3 Q You became friends with Mr. Hegland over  
4 time?

5 A I did. Yes, when I was in the negotiating  
6 committee, yes.

7 Q Towards the end, when the contention of the  
8 election was going on and the audit was announced,  
9 what did Mr. Hegland do?

10 A He resigned not only from the -- he resigned  
11 not only -- he resigned from the local in its  
12 entirety.

13 Q And the negotiating committee?

14 A And the negotiating committee, yeah.

15 Q Completely?

16 A Everything.

17 Q Did he have anything to say to you about  
18 that or the members about that?

19 A He did. He said -- he said he believed --  
20 this is his words -- Andrew is corrupt, he's running  
21 this local into the ground. And that, he is like,  
22 the kid doesn't know what he is doing. He is like,  
23 I'm worried the damage is already done. He is like,  
24 for sure the damage to my reputation -- he is  
25 referring to himself -- across the industry as a

1 negotiator has occurred. He's like, all he does, the  
2 kid puts me in a corner, just has me there so he can  
3 say I have this experienced negotiator. Doesn't use  
4 him.

5 And then he complained about some of the  
6 processes of negotiation, how he wasn't being heard,  
7 wasn't being utilized correctly, how he'd present  
8 language and passes and they would be poo-pooed or  
9 just kind of dismissed similarly, so.

10 Q Can I turn your attention now to Exhibit No.  
11 8, please? Can --

12 MR. CAWLEY: Can I raise a question to you  
13 guys real quick?

14 MR. UNTERSEHER: Go ahead.

15 MR. CAWLEY: At the back of Exhibit 6,  
16 there's a bonus exhibit back here that I don't really  
17 understand. I'm not sure how relevant it is, but  
18 it's been put in the record like that.

19 MR. UNTERSEHER: It is part of Exhibit 6.  
20 If you would like, we can name them A, B -- 6A, B, C,  
21 D. I will be coming back to it.

22 MR. HARDENBROOK: Let's go back to 6.

23 MR. UNTERSEHER: Okay.

24 MR. HARDENBROOK: What is Exhibit A?

25 MR. UNTERSEHER: Hegland's retirement

1 letter.

2 MR. HARDENBROOK: Give me the page numbers,  
3 please.

4 MR. UNTERSEHER: No. 1. No. 2, David  
5 Bourne -- excuse me, Hegland's retirement letter to  
6 Bourne, No. 2.

7 3, first page, independent contractor  
8 agreement.

9 First Page, 4, independent contractor.  
10 Page 5, independent contractor signature  
11 page.

12 MR. HARDENBROOK: That's Exhibit 6A?

13 MR. UNTERSEHER: Yes.

14 MR. HARDENBROOK: So let the record show  
15 Exhibit 6, the first five pages are amended to  
16 Exhibit 6A.

17 MR. UNTERSEHER: And B is two pages. First  
18 letter, Ryan Joseph to the General  
19 Secretary-Treasurer of the Teamsters, Fred Zuckerman.

20 MR. HARDENBROOK: Is that it for 6B?

21 MR. UNTERSEHER: Second page, signature page  
22 for 6B.

23 MR. HARDENBROOK: So seven pages in total,  
24 the first five are Exhibit 6A and the next two are  
25 Exhibit 6B?

1 MR. UNTERSEHER: Yes, Mr. Chairman.

2 MR. HARDENBROOK: If you object to  
3 something, you may object, but what I would advise  
4 you to do is by all means object. However, that  
5 would be your opportunity to rebut the charging  
6 party's case in chief, when you go back through when  
7 you have your opportunity to rebut their case in  
8 chief to point that out if it's an issue.

9 But by all means, if you have an objection,  
10 raise your objection.

11 MR. CAWLEY: I would just like to put one on  
12 the record for 6B. There doesn't appear to be any  
13 way to authenticate it. It looks just like a Word  
14 document to me that has no audit trail, no signature  
15 or anything.

16 MR. HARDENBROOK: That's why the witness is  
17 on the stand.

18 MR. CAWLEY: Okay. And the other question I  
19 have is on 6A, Page 3, I believe it is, we're  
20 distributing Mr. Scott Hegland's Social Security  
21 number to everyone and I'm not sure that's something  
22 that's appropriate.

23 MR. HARDENBROOK: Why is it inappropriate?

24 MR. CAWLEY: I don't know that he would want  
25 his Social Security number distributed to just anyone



1 that has access to it.

2 MR. UNTERSEHER: If it would please the  
3 parties, we'd be happy to redact that at this point.

4 MR. CAWLEY: It's not relevant to the case.  
5 I just saw it and I was kind of caught off by it. I  
6 don't think he would want his Social Security number  
7 out for everyone.

8 MR. HARDENBROOK: I understand. The bell's  
9 been rang, right. I could ask everybody to strike  
10 through it but the bell has been rang. I would get  
11 that in rebuttal as well, but I think it would be  
12 hell in getting everything back, amending it, and  
13 getting it back out. Duly noted.

14 Did you have something?

15 MR. ROBLES: I just need a bathroom break,  
16 two minutes.

17 MR. HARDENBROOK: Okay. Let's go off the  
18 record for just a quick bathroom break.

19 (Whereupon, a recess was taken.)

20 MR. HARDENBROOK: Okay. Let's go back on  
21 the record.

22 You can continue with your examination of  
23 your witness.

24 MR. UNTERSEHER: Thank you, Mr. Chairman.  
25 Again, we're on Exhibit 8.

1 MR. HARDENBROOK: Okay.

2 BY MR. UNTERSEHER:

3 Q The headline on this?

4 A "Proposed Engagement Between AEI and Local  
5 2118."

6 Q Sir, it's a three-page document here. It  
7 appears to be an e-mail, slash, kind of cover letter,  
8 I guess, explaining this cost structure. You see on  
9 the second page, third paragraph, "In this case, we  
10 no longer represent the IBT. So we would be working  
11 for 2118 directly."

12 Note that he doesn't work for the Airline  
13 Division at this point. "We believe we can win your  
14 fight, but it will require a great deal of effort and  
15 time. We would propose a retainer considerably less  
16 than our \$25,000 a month we charged back in 2008. We  
17 would ask you to consider a retainer of 9,000 per  
18 month, which we can pare back a bit depending on your  
19 budgetary situation, so we are quite open to a  
20 discussion on that.

21 "Our arrangement, which have had since 1990  
22 with all of our clients is the engagement can be  
23 cancelled by either party unilaterally with a 30-day  
24 written notice. It keeps us on our toes," he says.  
25 That seems to be the sales job for Mr. Albertine.

1           Could you turn to the very next page. It  
2       seems to be -- well, it is, a signed agreement that  
3       Mr. Robles entered into.

4           A     I see it.

5           MR. HARDENBROOK: Which page are we on?

6           MR. UNTERSEHER: We're on Page 4. It's the  
7       agreement that attaches to that cover letter. It's  
8       all one body of exhibit.

9           THE WITNESS: I see it.

10          BY MR. UNTERSEHER:

11          Q     A paragraph, engagement agreement. What  
12       does it purport to do?

13          A     In this short agreement, it is for services  
14       of a political consultant, but it best represents  
15       Local 2118 before the Congress of the United States  
16       and the executive branch of the United States  
17       government.

18          Q     So Congress and the executive branch, which  
19       is all of the departments, labor, transportation,  
20       what have you. So he was going to be your  
21       mouthpiece, sole point of contact for all of that?

22          A     Yes.

23          Q     I would like to continue on to Exhibit 13.

24                We have covered that. I am going to scratch  
25       that for this moment and turn back to that last

1 document that we cited in 6, please. That would be  
2 2, B1 and 2.

3 MR. HARDENBROOK: Which exhibit?

4 MR. UNTERSEHER: 6, that last one that we  
5 just notated, we did the exercise and went through,  
6 so it's B.

7 THE WITNESS: It's the document that's  
8 February 25th at the top?

9 BY MR. UNTERSEHER:

10 Q Yes, sir.

11 A Yes, I see it.

12 Q So are you familiar with this document?

13 A I am.

14 Q Who wrote this document?

15 A I did. I wrote this to the GST.

16 Q It says "To whom it may concern" but the  
17 recipient of this letter was who?

18 A Fred Zuckerman.

19 Q So in February, you were, I guess, well into  
20 the audit and -- well, tell me about what drove this  
21 letter, if you will, please.

22 A It was a conversation with Scott Hegland.  
23 Scott at this time dumped a bunch of information on  
24 me through our conversation, just us on the phone.  
25 He's been -- Scott has been very -- has been very

1 close with David Bourne for, I think, decades and he  
2 has, you know, worked for David as well at times or  
3 been referred by him for work. And Scott went on to  
4 talk about how -- you know, got rid of Scott from the  
5 negotiation, Andrew did -- or I should say he wasn't  
6 being utilized in the negotiating committee which  
7 precipitated Scott resigning.

8 And then what Andrew did was hire an  
9 individual by the name of John Owens for \$39,000 a  
10 month as a professional negotiator. And Scott  
11 Hegland was telling me that he was -- David Bourne  
12 referred, absolutely referred John Owens to Andrew  
13 and with the conversation that he explained that  
14 Scott had with David, that he takes 10 percent off  
15 the top of everything. All the people that he refers  
16 for business, the fee is 10 percent.

17 And I asked him to explain it and he got  
18 into gritty detail of how they're paid, like, you  
19 know, he is like, sometimes, you know, David would  
20 tell me that, you know, sometimes I'll ask for an ACH  
21 transfer of -- and, you know, he is like, no, you cut  
22 me a check, David. Cut me a check for the 10 percent  
23 off the fees of whatever it is employed.

24 And then he went on to say, you know, David  
25 also told me that he is going to replace at the time

1 was our economist who do the costing for the  
2 negotiations, his name is Rick Dubinski, he is going  
3 to replace him with an individual named Dan Akins.  
4 Dan Akins was a part of the umbrella of AOA  
5 Consulting, which is owned by David Bourne.

6 And it was, you know, looking at this, at  
7 the trusteeship, look at all of this, it was a whole  
8 scheme, it was a whole web to refer -- for David to  
9 refer individuals, contractors to the local to  
10 receive this 10 percent cut.

11 After I heard this, you know, we also talked  
12 about something that was a conflict of interest,  
13 which is there's aviation school called Spartan  
14 School of Aviation and Allegiant was hurting for  
15 pilots and what they did was they wanted to  
16 essentially farm pilots from zero to professional  
17 pilot and then hire them.

18 And, you know, Hegland went on to tell me  
19 about how David Bourne, he was the one who  
20 facilitated the agreement between Maury Gallagher,  
21 who's the CEO of Allegiant Air, and that Bourne was  
22 so much -- he was on the board of directors for  
23 Spartan School of Aviation.

24 And at the same time, it was kind of like  
25 double-dealing, so he was cutting a deal for money

1 with the company for this deal with Spartan School of  
2 Aviation, at the same time he's supposed to be  
3 representing us dealing with the company on  
4 negotiations. So that was a clear conflict of  
5 interest.

6 Q How did the other members of your executive  
7 board feel when this Spartan School came through?  
8 Wasn't there some kind of a --

9 A There was a little bit of talk that we had.  
10 It was more of like all of us were -- what the hell?

11 Q Yeah. Did you guys seek counsel or, you  
12 know, look for a remedy to keep the company from  
13 paying the bonus -- so would they pay back the --  
14 some part of the flight training if they actually  
15 made it to Allegiant? Was there some discussion on  
16 the EBoard that you remember about that?

17 A I'm sorry, I don't.

18 Q That's fine.

19 MR. UNTERSEHER: That is all I have for this  
20 witness. Thank you.

21 MR. HARDENBROOK: How are we going to do  
22 this? Who's going to cross-examine?

23 MR. ROBLES: I'll start, but I think  
24 everyone has some questions. This is Andrew Robles  
25 speaking.

1           MR. HARDENBROOK: Okay. Before we get  
2 going, I know it might be contentious. Allow him --  
3 allow these individuals to ask their questions before  
4 you start to answer, please, and then once he starts  
5 to answer, please let him finish. You can ask  
6 follow-up questions. Please.

7           MR. ROBLES: I'll do my best.

8           MR. HARDENBROOK: Go ahead, sir.

9           MR. ROBLES: Thank you. I'll put my old man  
10 glasses on here.

11                           CROSS-EXAMINATION

12 BY MR. ROBLES:

13       Q     Ryan, did you serve as a trustee of 2118  
14 beginning in 2022?

15       A     I did, yes.

16       Q     And the trustee reports, those included my  
17 Flight Pay Loss, correct?

18       A     That is correct.

19       Q     You also attended meetings with other  
20 members of the executive board as well as membership  
21 meetings; is that correct?

22       A     Yes.

23       Q     At no point while you were trustee did you  
24 raise any objection at any of these EBoard meetings  
25 or on any of the quarterly meetings, did you?



1           A     That is correct. And it's important to have  
2     context with this. In this time as a trustee in  
3     January '22, I had no knowledge of any of this stuff  
4     behind the veil. I had no knowledge of the intimate  
5     details regarding -- which I truly believe Andrew  
6     schemed to enrich himself. I had no knowledge of the  
7     1224 issues and -- that the other witness, Tim  
8     Jewell, described.

9           So at this time, I was taking things on face  
10    value. It was an absolute process of waking up, if  
11    you will. And that only occurred when I was  
12    appointed to secretary trustee where I was, if you  
13    will, kind of inducted into Andrew's inner circle. I  
14    mean, to be honest with you, we were, at that time,  
15    April of '23, we were very -- we were close friends.

16           And so at that point, another access door  
17    opened and I saw behind the veil and then around --  
18    it took about six months for me to start opening up  
19    and seeing something is not right, this is not right.

20          Q     With all due respect, I'm trying to follow  
21    the process here. If you could just answer the  
22    question that I'm asking, we can kind of move along.

23           Okay. You were appointed and later elected  
24    secretary-treasurer; is that correct?

25          A     I was appointed secretary-treasurer, not

1 elected. Well, no, you are correct, that we were  
2 elected. This was -- we started our new term in  
3 January of '24. And that was an election. I was  
4 uncontested in that role.

5 Q The answer is yes?

6 A Elected, yes.

7 Q Thank you. You also participated in  
8 numerous meetings in person and remote with the  
9 executive board; is that correct?

10 A Yes.

11 Q When you ran for secretary-treasurer, were  
12 you part of my slate?

13 A I was.

14 Q And during the campaign, you complimented my  
15 experience and achievements; is that correct?

16 A At force from you, correct.

17 Q May I ask how I forced you?

18 A Absolutely. It was -- coercion is a better  
19 word. It was a phone call from him and because I  
20 wasn't -- and all of them, I could find, I could give  
21 you documented evidence -- they were complaining that  
22 at this point I was not supporting, I was not  
23 actively campaigning for our slate. The way it was  
24 set up, I was on his slate. The other slate left the  
25 secretary-treasurer position open. If they won, I'd

1 get absorbed.

2 So during this period of time, specifically  
3 Kenny Seiden, because I talked to him twice regarding  
4 this, he contacted me, and I had many conversations  
5 with Andrew regarding this, that he was saying, what  
6 I need you to step up and say more, I need you to say  
7 more. The only piece that I did in an official  
8 campaign, I wrote, like, I think, a three-sentence  
9 blurb on Facebook and that was it. And that was the  
10 blurb that Andrew, I believe, is referring to.

11 Q At no point during the election did you  
12 raise any objection to my Flight Pay Loss; is that  
13 correct?

14 A That is correct.

15 Q Did you attend membership meetings?

16 A I did.

17 Q Did you hear me explain my Flight Pay Loss  
18 during local meetings?

19 A No, I don't remember that. I remember you  
20 didn't -- I don't remember you ever explaining the  
21 scheme of how you collect the Flight Pay Loss. I  
22 remember you vaguely -- like it was a question and  
23 answer from the members -- vaguely mentioning  
24 something regarding -- because someone was asking why  
25 are you getting paid so much money, and you said,

1 well, all the work I'm doing.

2 Q Did you raise any concern or objection  
3 yourself during any of these meetings?

4 A No, I did not.

5 MR. ROBLES: Okay. I would like to just  
6 take about two minutes. I'm going to play a part of  
7 our 2118 Quarter 1 meeting. Actually, I think it was  
8 the Quarter 4 meeting. And during that meeting, I  
9 discussed Flight Pay Loss.

10 Is that okay?

11 MR. UNTERSEHER: Objection. Is this an  
12 exhibit?

13 MR. ROBLES: It is.

14 MR. HARDENBROOK: So this is going to be a  
15 recording?

16 MR. ROBLES: It is a recording. It was  
17 posted to -- it was a general membership meeting. It  
18 was a quarterly meeting that we would video. It was  
19 a Zoom and it was recorded and it was played for the  
20 entire pilot group and he was a member of the -- our  
21 board and it's -- I brought USB, a USB for each of  
22 you so you guys can view it and I would like to play  
23 it now for Mr. Joseph.

24 MR. HARDENBROOK: Has it been reviewed prior  
25 to this?

1 MR. ROBLES: No, we didn't do a --

2 MR. UNTERSEHER: An exchange of documents?

3 MR. ROBLES: Correct.

4 MR. HARDENBROOK: How long is it?

5 MR. ROBLES: It's about four minutes.

6 MR. HARDENBROOK: What's your objection?

7 MR. UNTERSEHER: I would like a copy of it  
8 as an exhibit, please.

9 MR. HARDENBROOK: We will all get copies of  
10 it. But I think I'm going to allow it. I don't --  
11 does it speak to what we're talking about at hand?

12 MR. ROBLES: The whole recording is about an  
13 hour and a half and I'm -- just cut out the piece  
14 that is very specifically talking about Flight Pay  
15 Loss and later I'll be playing another video for you  
16 that is similar, to show transparency.

17 MR. HARDENBROOK: Okay. I'm going to allow  
18 it. It's going to be a little bit tricky for our  
19 court reporter, so let's just start out just to make  
20 sure she can record what's in that meeting.

21 (Brief discussion held off the record.)

22 MR. ROBLES: Is that okay? I can play it  
23 twice if you like. I can play it for him, play it  
24 for you or however you want to view it. I just want  
25 to make sure everyone has a chance. He can review

1 it. He participated in it, so he's probably --

2 MR. HARDENBROOK: Just depends on how well  
3 we can hear it, but you have thumb drives?

4 MR. ROBLES: I certainly do. Yes.

5 MR. HARDENBROOK: Let's pass those out and  
6 get it entered as an exhibit, please.

7 MR. UNTERSEHER: Mr. Chairman, can I ask a  
8 question?

9 MR. HARDENBROOK: Of course.

10 MR. UNTERSEHER: I don't have a copy of the  
11 entire meeting, for context can this party request  
12 the entirety so we can ensure it wasn't  
13 cherry-picked?

14 MR. HARDENBROOK: You'll have a chance to  
15 rebut their case in chief.

16 MR. CAWLEY: We can respond to that a little  
17 bit. It's on the website for the union. All those  
18 videos are uploaded directly to the union website and  
19 every member has access.

20 MR. UNTERSEHER: It might be in the  
21 archives.

22 MR. HARDENBROOK: Okay. Before you play  
23 this, are you opposed to just calling this Charged  
24 Parties Exhibit 1?

25 MR. ROBLES: Either is okay. I have it

1 marked on mine as Exhibit 20, but you can -- yeah,  
2 Exhibit 20 if that works. I have a --

3 MR. HARDENBROOK: What I don't want to do is  
4 make the record unclear later where we have a list of  
5 exhibits, an index of exhibits. So this is going to  
6 be the Charging Party's exhibits and I would like  
7 to -- let's just go with the Charged Parties  
8 Exhibit 1.

9 MR. ROBLES: Okay. My only concern with  
10 that is I do have a --

11 MR. HARDENBROOK: Okay. Let's call it  
12 Charged Parties Exhibit 20. How about that?

13 MR. ROBLES: Perfect.

14 (Charged Parties' Exhibit 20 was  
15 marked for identification.)

16 MR. HARDENBROOK: Now, when you play this, I  
17 expect you to play it and then ask specific questions  
18 of the witness that are referring to that exhibit,  
19 okay?

20 MR. ROBLES: Yes, sir. Okay.

21 MR. HARDENBROOK: Mr. Hanson, Mr. Seiden, we  
22 will have to get you copies of that as well and I  
23 will put a note in here to address that.

24 MR. HANSON: Thank you. This is Kurt Hanson  
25 and I am already in possession of this exhibit.

1 MR. HARDENBROOK: Okay. Mr. Hanson has a  
2 copy.

3 Mr. Seiden, do you already have a copy?

4 MR. SEIDEN: Yes, sir. I do.

5 MR. HARDENBROOK: Thank you. You just owe  
6 me one, please.

7 MR. ROBLES: I can do it to the microphone.

8 MR. HARDENBROOK: Is there video as well?

9 MR. ROBLES: There's video.

10 MR. HARDENBROOK: Can you play it?

11 THE VIDEOGRAPHER: We can screen share it  
12 for the Zoom.

13 MR. HARDENBROOK: That's what I was  
14 thinking. If you give them the thumb drive they can  
15 do a share and play it over the Zoom.

16 MR. ROBLES: There's two videos on there and  
17 it's the one that has multiple people.

18 MR. HARDENBROOK: Make sure you verify with  
19 him what you're sharing, so you are sharing what you  
20 intend to share.

21 Does anybody object to the witness coming  
22 around and watching on his computer?

23 MR. ROBLES: That's fine.

24 THE VIDEOGRAPHER: I can take him a laptop.

25 MR. HARDENBROOK: Oh, you can? Yeah, let's



1 take him a laptop.

2 MR. ROBLES: I think it runs on for an extra  
3 minute at the end and when it gets to the point we  
4 can cut it off, I'll let you know. But I just  
5 included that so that everyone sees that it's in full  
6 context and not split.

7 MR. HARDENBROOK: If you say stop, we will  
8 stop and then I need you guys to -- the IT  
9 professionals to please note the time so that that's  
10 what is in the record, please.

11 THE WITNESS: Sorry. Andrew said the date  
12 of this, I didn't hear him. If he could please  
13 repeat the date of this recording.

14 MR. ROBLES: I'd have to go back and look,  
15 but it was October of 2022.

16 THE WITNESS: Of '22? Okay. Thank you.  
17 (Video being played.)

18 MR. ROBLES: It says three minutes and  
19 49 seconds.

20 MR. HARDENBROOK: Just to clarify, and this  
21 is just housekeeping for me, but at that time, Ryan  
22 Fogelsanger is -- what's his title?

23 MR. ROBLES: Ryan Fogelsanger is the vice  
24 president of Local 2118.

25 MR. HARDENBROOK: And Michael Cawley?

1 MR. CAWLEY: I was trustee of Local 2118.

2 MR. HARDENBROOK: I just see everyone else's  
3 titles on the video. I just didn't see his.

4 MR. ROBLES: Okay.

5 BY MR. ROBLES:

6 Q Okay. So do you recall conversations in the  
7 review of the Flight Pay Loss in front of the entire  
8 pilot group?

9 A I recall this video on its face.

10 Q Okay. And in the video, could you identify  
11 yourself in that video?

12 A The lower right pane.

13 Q Thank you. And did you recognize your head  
14 nodding while I was speaking?

15 A No, not nodding. I was -- my head -- it's  
16 normal movements on a Zoom call.

17 MR. ROBLES: Okay. No further questions on  
18 that.

19 MR. HARDENBROOK: No further questions of  
20 the witness or just regarding that exhibit?

21 MR. ROBLES: For the witness right now.  
22 That's it.

23 MR. HARDENBROOK: Okay.

24 MR. CAWLEY: I do have some questions for  
25 you.

1 MR. HARDENBROOK: Mr. Cawley.

2 MR. CAWLEY: Hi there. Michael Cawley  
3 speaking. Thank you.

4 CROSS-EXAMINATION

5 BY MR. CAWLEY.

6 Q First, Ryan, when you say Andrew "isolated"  
7 and you used the words "us" or "we" viewed him, are  
8 you referring to me in that group or who are you  
9 grouping in with "we" and "us"? Can you explain  
10 that?

11 A Yes, myself, Erick Valenzuela, he is -- he  
12 expressed that to me as well. And there's  
13 conversations with Ryan Fogelsanger that also he  
14 expressed that there is times that he didn't agree  
15 with Andrew's processes and I asked him why he didn't  
16 say anything and he didn't have a very good response  
17 to that.

18 Q Okay. I'm sure Ryan might have something to  
19 respond to that. But I'll move on.

20 What in particular -- well, let's go with  
21 this: Other than your statements today, do you have  
22 any evidence of the accusations that Mr. Bourne is  
23 receiving kickbacks from Local 2118 that you stated  
24 here?

25 A From the direct conversation I had with

1 Scott Hegland.

2 Q So Local 2118 was giving him kickbacks?

3 A No, no, no. You're misunderstanding. It  
4 was David Bourne was giving kickbacks for referrals,  
5 contractors that would be hired by the Local.

6 Q Okay. But we have no evidence of that,  
7 right? We had no knowledge of that or evidence of  
8 that to support anything other than the conversation  
9 that you had?

10 A Other than the direct interface of Scott  
11 Hegland and David Bourne telling him that -- or  
12 excuse me, Scott Hegland telling me that.

13 Q How about an affidavit from either of them?

14 A No. Actually, going back to the end of  
15 Exhibit 6, dated February 25th, this letter that I  
16 sent to GST was in regards to this and an  
17 investigation. They did go and investigate and spoke  
18 with Scott Hegland in Miami, I believe, regarding  
19 this.

20 Q This letter that you're saying was sent, do  
21 you have any proof that it was sent anywhere or when  
22 it was drafted other than -- it looks like a Word  
23 document to me. All I see is --

24 A I have it on my phone with the header on  
25 there. So I could get that for you. I'm not sure if

1 it's in this binder.

2 Q It appears like a Word document that you  
3 drafted for this.

4 A Sure, it was an attachment to an e-mail.

5 Q Other than your statements here today, do  
6 you have any evidence of the statements that you  
7 claim were made by Erick Valenzuela or Scott Hegland?

8 A With Erick Valenzuela, again, direct phone  
9 calls with him.

10 Q But no affidavit or statement or evidence of  
11 that at all?

12 A No.

13 Q Okay. Regarding the investigations, the  
14 letter that was just admitted as Exhibit 22, I  
15 believe, do you recall that being investigated by  
16 both the Teamsters investigative office and Joint  
17 Council 42 and found to have no merit?

18 A It was investigated, it was -- there was a  
19 hearing at JC42 and after trusteeship, emergency  
20 trusteeship, we did receive a letter from them.

21 Q But it had no merit, right, those  
22 accusations?

23 A I don't believe -- I'm not sure of the  
24 verbiage, if it was no merit, but --

25 Q And then the investigation that was also

1 conducted by the Teamsters' investigative office  
2 regarding the contractor agreements, do you recall  
3 that investigation?

4 A Regarding the February 25th letter I wrote?

5 Q I don't think it was February 25th. I  
6 believe it was later in January, early February, but  
7 the Teamsters' investigative office came again and  
8 investigated the follow-up complaint of inappropriate  
9 contractor agreements and found there to be no merit  
10 of those as well.

11 Do you recall that?

12 A That was February -- that was in regards to  
13 a February 25th letter and, again, the words "no  
14 merit" weren't -- I don't believe they were ever used  
15 by the investigators.

16 Q Okay. Was any action taken by the  
17 investigators on any of these complaints?

18 A No.

19 MR. CAWLEY: Okay, thank you. That's all I  
20 have for this witness.

21 MR. HARDENBROOK: I will remind you guys,  
22 though, when the witness is answering the question,  
23 let them finish their answer, okay.

24 MR. FOGELSANGER: You brought up in your  
25 testimony --

1 MR. HARDENBROOK: Will you state your name,  
2 please.

3 MR. FOGELSANGER: Sorry. Ryan Fogelsanger.

4 CROSS-EXAMINATION

5 BY MR. FOGELSANGER:

6 Q You brought up in your testimony bylaw  
7 amendments that were proposed and the board having  
8 objections -- and the board having objections to the  
9 bylaw amendments?

10 A Yes.

11 Q The current bylaws allow for any member in  
12 good standing to come to the Local union office  
13 during normal business hours and verify the financial  
14 reports, correct?

15 A I believe so, yes.

16 Q So do you recall that the objection to the  
17 bylaw amendments by the rest of the board was that  
18 the bylaw amendments wanted them to be electronically  
19 distributed to the membership at their request?

20 A I believe that was one of the asks from the  
21 members for an amendment, but there was others in  
22 connection with transparency of the financial data.

23 Q And those bylaw amendments all wanted them  
24 posted and available on the website, correct, or sent  
25 out electronically?

1           A     And that is -- you're speaking of the same  
2     amendment that was asked?

3           Q     There were multiple amendments asking for  
4     those records to be posted on the website instead  
5     of -- and available on the website instead of being  
6     available at the local union's office to whoever was  
7     in town to go look at them, correct?

8           A     There was one amendment -- subject of  
9     amendments that did encapsulate that, yes.

10           MR. FOGELSANGER: No further questions.

11           MR. ROCKWOOD: No.

12           MR. HARDENBROOK: Mr. Hanson, do you have  
13     any questions for this witness?

14           MR. HANSON: Yes, sir. I do.

15           Mr. Joseph --

16           MR. UNTERSEHER: Hold on a second. We're  
17     not getting your sound through. You're unmuted.  
18     Just hold on a second. We can't hear you. Try  
19     again, Mr. Hanson.

20           MR. HANSON: Can you hear me now? Can you  
21     hear me now?

22           MR. UNTERSEHER: Go ahead, Mr. Hanson.

23           MR. HANSON: You can hear me?

24           MR. HARDENBROOK: We can now, yes.

25           MR. HANSON: Okay. Thank you very much.



1 CROSS-EXAMINATION

2 BY MR. HANSON:

3 Q Mr. Joseph, both the bylaws and the  
4 constitution provide clear processes if you would  
5 like to object to any of the financial statements  
6 that are made in the trustee report; is that correct?

7 A Yes.

8 Q And both as a trustee and the  
9 secretary-treasurer, did you object at any point in  
10 time to any of the financial data or documents that  
11 was approved, both by the trustees when you were a  
12 trustee and you, yourself, when you were the  
13 secretary-treasurer?

14 A Only until the investigative -- the audit  
15 started after the investigation, approximately  
16 January of '24. And I explained to the auditors with  
17 them asking me questions regarding the finances and  
18 the issues with the finances. Again, context is key  
19 here, is that for a lot of these issues, simply due  
20 to the lack of training and experience that I wasn't  
21 able to uncover some/a lot of these financial issues  
22 until after -- or until emergency trusteeship  
23 happened and then I was able to see everything. And  
24 I was able to see some of the results of the audit.

25 And so context is important there.

1           Q     So you did state, however, though, after  
2     becoming secretary-treasurer of the local, that the  
3     veil was lifted and you began to understand how  
4     Andrew Robles was taking Flight Pay Loss; is that  
5     correct?

6           A     How the veil was lifted in negotiations and  
7     I saw that there was bad faith negotiating happening  
8     on Andrew's part. This is approximately August of  
9     '23, and through that I also -- there was an issue  
10    with one of our negotiation sessions in LAX in  
11    September and during this time we all agreed,  
12    including both parties, the company and the local,  
13    for a specific amount of days we were going to stay.

14                I believe it was two days and the third day  
15    was going to be kind of an option day if we needed.  
16    If there was effort or progress being made, we would  
17    stay for that third day, so we all booked it.

18                And the reason why I'm telling you this is  
19    that the company wanted exercises that third day,  
20    that option; and Andrew -- this is in closed caucus,  
21    just us, the negotiating team -- said no way, it's my  
22    daughter's birthday, we're going home, no way.

23                And Mike Urban, who is our counsel, the  
24    general counsel at the time for the local, was with  
25    us. He said, Andrew, we agreed to this.

1 Same thing with Karen. Karen sent a  
2 reminder a week prior, I believe, to both the company  
3 and the union stating, hey, remember to book a third  
4 day for a wobbler.

5 So we ended up leaving early and a few days  
6 later, we had a stewards meeting and I witnessed with  
7 my own eyes and ears that Andrew outright lied to the  
8 stewards and fabricated a scenario of why we left,  
9 that we didn't schedule in order -- you know, we  
10 didn't schedule a third day and for the stewards  
11 essentially to go out -- they didn't know any  
12 better -- to go out and spread disinformation.

13 Because at this time the company was telling  
14 the membership, their pilots, hey, your union left,  
15 we don't know what the deal is with your union. Take  
16 it up with your union what's going on.

17 And so Andrew did this, I remember,  
18 specifically Eric Reed, steward was one of them, and  
19 that happened. So that was my first time I realized  
20 he straight up lied to his own people to do this.  
21 This is absolutely not right.

22 To answer your question directly, Kurt,  
23 regarding the finances, again, it wasn't until the  
24 audit started in January of '24 until the veil was  
25 lifted back on the issues with the finances.

1           Q     I'm sorry, Mr. Joseph. I apologize to stop  
2     you. I'm not sure if you understood my question or  
3     not.

4                     You stated earlier that on becoming the  
5     secretary-treasurer of the local, that at that point,  
6     the veil was lifted, you were allowed into an inner  
7     sanctum with Andrew and that you began to see how he  
8     was taking his Flight Pay Loss; is that correct?

9           A     The veil was lifted on his governance  
10    issues, yes.

11          Q     Okay. So then you now just stated here,  
12    although it was not a direct answer to my question,  
13    that the veil wasn't lifted to you until during the  
14    audit process.

15                    I would ask, how were you able to file a  
16    complaint or complain to the auditors if you were  
17    unaware at that point in time? Are you saying you  
18    filed a complaint with the auditors, not  
19    understanding his financial processes?

20          A     That's not what I'm saying. That's a  
21    mischaracterization. So, again, context is  
22    important. Specifically with the issue of Flight Pay  
23    Loss during the audit, January of '24, this item was  
24    in dispute by Andrew and the six of them, the charged  
25    parties with the auditors.

1           The auditors brought the questions of how  
2   could you not be qualified and current, you can't  
3   turn a wheel for the company flying an airplane, so  
4   essentially how could you receive lost wages. And  
5   Andrew stated that this is, you know, this is legal  
6   by our CBA, this is legal by the bylaws, and that I  
7   can do this and I have been doing this.

8           And I believe it was also said that this was  
9   what was structured under administrative trusteeship  
10   with Scott Hegland and David Bourne and this process  
11   was continued until emergency trusteeship.

12         Q     So to be clear, then, what you're saying,  
13   that the veil was lifted on the current qualifying  
14   piece; but you were well aware of how much Flight Pay  
15   Loss Andrew was taking on a monthly basis and the  
16   manner in which he was taking it for your tenure as  
17   both a trustee and then as the secretary-treasurer,  
18   that's correct?

19         A     I didn't realize that there was a  
20   distinction between long-term union business and  
21   Flight Pay Loss. That's an important -- in the CBA,  
22   that's an important factor there.

23                So, no, I wasn't -- I didn't understand  
24   that, I wasn't able to recognize that until the audit  
25   and then subsequently the trusteeship or the

1 emergency trusteeship and the results of the audit.

2 But it was --

3 Q So you're saying after the trusteeship you  
4 were told that there was that distinction?

5 A I was given more pieces of data and I  
6 learned that there was a clear distinction, yes.

7 Q Okay. So after the trusteeship, you learned  
8 from someone that that was a distinction.

9 Okay. Moving on. So at any point in time,  
10 knowing how Andrew took his Flight Pay Loss as a  
11 trustee and then as a secretary-treasurer there were  
12 provisions within the ITF Constitution that you could  
13 have easily not signed the trustee report or  
14 objected. That's correct, yes?

15 A There are those provisions, yes.

16 Q But yet you did not do so and you continued  
17 signing the trustee report, and submitting the  
18 trustee report with your stamp of approval on it, for  
19 every month through the audit process, correct?

20 A That is correct. Again, context is  
21 important. I didn't know at that time until, just as  
22 I said previously, until I was -- I learned that  
23 there is a distinction and that how Andrew was  
24 receiving -- applying and receiving and approving  
25 Flight Pay Loss, that mechanism is not correct.

1           It was pointed to me specifically during the  
2   audit in the bylaws that a salary and the processes  
3   that are there within are -- should have been  
4   executed from an approved salary from the EBoard.  
5   So, again, context is important.

6       Q     So to jump back to an earlier statement you  
7   made that your statements of approval of both the  
8   board are handling the financial data as well as  
9   Andrew's were coerced, when you knew that you were  
10   running unopposed, would it be correct to say that  
11   the IBT Constitution declares you a victor by fiat,  
12   in that situation?

13       A     Or by default, yes, because -- yes.

14       Q     So at that point, you had no pressure or  
15   would have had no pressure knowing that you were  
16   currently elected or elected by fiat into that  
17   position and from that moment on, the nomination you  
18   could have opposed at any time without fear of  
19   retribution and it could have actually even swayed  
20   the election had you done so, correct?

21       A     Correct. Go ahead.

22           MR. HANSON: I don't have any further  
23   questions.

24           THE WITNESS: I mean --

25           MR. HANSON: I have no further questions.

1 THE WITNESS: I need to give a complete  
2 answer.

3 MR. HANSON: I thought that was --

4 THE WITNESS: That's fine. I'm not done  
5 with my answer.

6 MR. HARDENBROOK: Hold on a second. You  
7 asked a question, Mr. Hanson. I'm going to allow the  
8 witness to answer the question.

9 MR. HANSON: Okay.

10 THE WITNESS: So during that -- again,  
11 you're throwing these things out there with --  
12 disregarding context and context is -- I can't say it  
13 enough -- is extremely important in this issue, is  
14 that during that period of time of the nomination  
15 hearing -- this is October of '23, me learning and  
16 uncovering through the audit, that didn't happen,  
17 that didn't occur until after the election happened.

18 So, again, my knowledge subset, my  
19 experience subset didn't facilitate me calling it out  
20 then.

21 Now, I will tell you 100 percent in  
22 hindsight, knowing what I know now, this would have  
23 stopped on Day One.

24 MR. HANSON: I don't have any further  
25 questions.



1 MR. HARDENBROOK: Thank you, Mr. Hanson.

2 Mr. Seiden, do you have any questions?

3 MR. SEIDEN: Yes. This is Kenneth Seiden  
4 speaking. I do have a couple questions.

5 CROSS-EXAMINATION

6 BY MR. SEIDEN:

7 Q Isn't it true -- so, I'm sorry, Mr. Joseph,  
8 you brought up before about the negotiation sessions  
9 in Los Angeles?

10 A Yes.

11 Q Isn't it true that the debate for the  
12 negotiations in LA was about staying late that second  
13 night and not to do a full section for the third day  
14 and any third day would be used as a travel day home  
15 specifically for individuals who are going to the  
16 East Coast and would not have the ability to travel  
17 home late on that second night?

18 A Yes, on further recollection, you may be  
19 correct, to stay later on that night and have a hotel  
20 so we'd go home the following day, yes.

21 Q And isn't it true that there are many  
22 flights from Los Angeles to Phoenix, including some  
23 that depart as late as 11:00 p.m. or later that could  
24 have gotten Mr. Robles home that second night  
25 regardless?

1           A     Sure. I don't have a flight schedule in  
2     front of me, I don't know, but presumably.

3           Q     Okay. And isn't it true that the  
4     negotiating committee deemed that there was no  
5     further progress to be made that day and we would not  
6     be able to return a proposal due to significant  
7     structural changes that the company had proposed in  
8     their last proposal close to, I believe it was, to my  
9     recollection, around 4:00 to 5:00 p.m.?

10          A     It was about almost 4:00 p.m. and my answer  
11     to that is no, because if you remember, that Eva, the  
12     NMB mediator and Connor, they were suggesting -- the  
13     whole point of staying late was to, for the rest of  
14     the evening, set aside the section that we were  
15     working on and there was another section in play that  
16     was interconnected, to focus on that section.

17                 And it was very explicit. Andrew said, I'm  
18     not -- he was explicit, I'm not staying here, we're  
19     not staying, it's my daughter's birthday. I'm going  
20     back home.

21          Q     And isn't it true that that proposal at 4:00  
22     p.m. contains significant structural changes that  
23     would require the committee to take some time to  
24     identify with the interconnected items between the  
25     multiple sections?

1           A     No. What I remember was in the section that  
2 we were working on, there was a provision -- it was  
3 one roadblock. It was one provision that we -- that  
4 had an economic value attached to it that we had a  
5 dispute on and that was Eva's whole tactic, to set  
6 that aside and to get the other provision -- or,  
7 excuse me, the other section that was part and parcel  
8 to the one that we were working on.

9                     And that was the whole objective of her and  
10 Connor, the mediators, asking us to essentially  
11 fulfill our word of staying, you know, until the next  
12 day, later. And work with the company.

13          Q     Okay. And isn't it true that if Andrew's  
14 motivation was to be home the following day for his  
15 daughter's birthday that a flight, say, at 11:00 p.m.  
16 from Los Angeles to Phoenix would allow him to be  
17 home for said birthday?

18          A     No, I see that as it saying the opposite  
19 there. If he -- him leaving early was the reasoning  
20 that he gave us on why at 5:00 p.m., why he wanted to  
21 get home at 5:00 p.m., was because it was his  
22 daughter's birthday, not that it was specifically  
23 that he didn't want to stay until the wee hours of  
24 the night, presumably 10:00 to midnight in  
25 negotiating with the company on that evening and then

1 going home the next day, missing, you know, possibly  
2 the last flight going home the next day.

3 MR. SEIDEN: Okay. No further questions.

4 MR. HARDENBROOK: Thank you. And  
5 Mr. Rockwood?

6 MR. ROCKWOOD: No, sir. I have nothing.

7 MR. HARDENBROOK: I just wanted to make sure  
8 you had the opportunity to ask questions.

9 MR. CAWLEY: I do have one more follow-up.

10 MR. HARDENBROOK: State your name.

11 MR. CAWLEY: My name is Michael Cawley.

12 RECROSS-EXAMINATION

13 BY MR. CAWLEY:

14 Q Do you recall, Ryan, on the first day of the  
15 audit, walking in and asking Joe and Mike to  
16 investigate the fact that Andrew wasn't current in  
17 craft and class, the same argument that  
18 Mr. Unterseher is making now?

19 A I said that. That was something I told the  
20 investigators during the initial investigation on  
21 January -- that Monday, January 3rd, I believe.

22 Q Okay. So you just said earlier to Kurt that  
23 you didn't learn that until after the trusteeship?

24 A No, no.

25 Q So you came in prepped, ready for that, and

1 you knew that you believed at that time it was  
2 inappropriate, but still submitted two or possibly  
3 three more trustee reports to Zuckerman's office  
4 beyond that time?

5 A No, if you look at that letter, it's my  
6 suspicions of what was happening. And I gave them my  
7 suspicions and that was my testimony earlier. I told  
8 the investigators my suspicions of things, of issues  
9 of how the local was ran. And that was absolutely  
10 one of my suspicions that, is this legal, is this  
11 not, is this kosher, is this not.

12 Q Okay. So you admit that you believed it was  
13 inappropriate and yet you still submitted three more  
14 trustee reports beyond that, before the trusteeship?

15 A No, you're mischaracterizing -- I didn't  
16 know if it was inappropriate or not. I had  
17 suspicions of it, but I didn't know at that time.

18 MR. SEIDEN: I have nothing further.

19 MR. HARDENBROOK: Redirect?

20 MR. UNTERSEHER: Yes, please. Thank you.

21 I'm going to ask actually the board if we  
22 can go back to that video that was played. Is there  
23 a date? Could we get a date citation on that?

24 MR. HARDENBROOK: I believe it was  
25 represented as October 2022.

1 MR. CAWLEY: Yeah, the quarterly meeting of  
2 October of 2022.

3 MR. HARDENBROOK: Do you have the date?

4 MR. CAWLEY: I don't. It would be the  
5 Quarter 3 meeting plan.

6 MR. UNTERSEHER: That's fine. That's rough.  
7 I didn't need anything precise. It was the GMM and  
8 supposedly roll call and all of that was supposedly  
9 accomplished.

10 REDIRECT EXAMINATION

11 BY MR. UNTERSEHER:

12 Q I heard during that, as I think everyone  
13 did, it was represented by Mr. Robles when he was  
14 making his presentation and a lot of this was all  
15 surrounding Flight Pay Loss, the budget was doing  
16 fantastic but they were limited by budget in a lot of  
17 instances and then the collective bargaining  
18 agreement only allowed one full-time Flight Pay Loss  
19 pilot.

20 Did you hear something similar to that?

21 A I did, yes.

22 Q Would it surprise you that during that time  
23 frame, Flight Pay Loss for the local union was  
24 between 40 to \$90,000 a month?

25 A No, it would not surprise me.

1           Q     Would it surprise you that they had over  
2     \$5 million in their bank account at that time?

3           A     No, it would not surprise me.

4           Q     You heard him say that his flight pay,  
5     Mr. Robles' Flight Pay Loss was approved by the  
6     executive board.

7                     Are you aware of any document whatsoever in  
8     any of the local's archives that shows an approval by  
9     processes required by either the constitution of the  
10    Teamsters or the bylaws of the local?

11          A     Nothing. There wasn't any Union Impact  
12    board polls, electronic. There wasn't any minutes.  
13    There was nothing in -- I wasn't nodding, I'm going  
14    to clarify this -- I wasn't nodding my head in  
15    agreement with him. It was a simple posture on a  
16    Zoom call when, you know, someone else is talking for  
17    extended periods of time -- and, again, this is  
18    October of '22, so the whole context is important. I  
19    took what Andrew was stating on how to do Flight Pay  
20    Loss on face value, all of this. I did not  
21    understand at that time that it was inappropriate.

22          Q     As justification for the pay that Mr. Robles  
23    was collecting, he used a couple examples. How many  
24    pilots does Allegiant employ -- we'll say today, but,  
25    I mean, back then, maybe less than 1,000 pilots sound

1 correct?

2 A I mean, maybe 1,000.

3 Q Right around 1,000, 1,300 a day. Would it  
4 surprise you to know that Southwest employs 11,728  
5 pilots?

6 A It would not surprise me and that would make  
7 sense on why, if that figure is true, 44 full-time  
8 Flight Pay Loss for 11,000 pilots versus barely  
9 1,000.

10 Q Would it surprise you that American Airlines  
11 has over 15,000 pilots and banks over \$50 million a  
12 year into investments?

13 A Not at all. Doesn't surprise me.

14 MR. UNTERSEHER: That's all I have.

15 MR. HARDENBROOK: Any recross?

16 MR. ROBLES: I have a few questions.

17 MR. HARDENBROOK: Go ahead.

18 MR. ROBLES: This is Andrew Robles.

19 RECROSS-EXAMINATION

20 BY MR. ROBLES:

21 Q Do you believe that Southwest Airlines has  
22 more grievances than Allegiant Air does?

23 A I don't know. I don't know the grievance  
24 of -- I could speculate, but I don't know the exact  
25 count of grievances with Southwest Airlines.



1           Q     Approximately how many grievances do we have  
2     at the Allegiant Airlines? You were doing the  
3     grievances, correct?

4           A     Yeah. At that time you're asking?

5           Q     Yeah. To your knowledge.

6           A     At that time, we had approximately, I want  
7     to say, 25-ish hundred grievances and they were  
8     almost exclusively in one bucket of one particular  
9     scheduling dispute we had with the company.

10           MR. HARDENBROOK: Just one clarifying point.  
11     What time frame are you referencing?

12           MR. ROBLES: When the video came out.

13           MR. HARDENBROOK: 2022?

14           MR. ROBLES: Correct. They're referencing  
15     the number of representatives and so I'm just going  
16     back to the time of the video.

17     BY MR. ROBLES:

18           Q     Okay. So 2,500-ish grievances; is that  
19     correct? Is that what I heard?

20           A     Yes, with the overwhelming majority being  
21     what we know as PBS grievances which is preferential  
22     bidding system. They were in one bucket for future  
23     arbitration regarding the scheduling, how the  
24     scheduling software and procedures are executed  
25     works.

1           Q     Okay. So approximately one major grievance,  
2     right, and most of them are in that bucket, is that  
3     what you're saying?

4           A     Yes, the majority of them were. Yes.

5           Q     How many arbitrations would you say we had  
6     from the point of that video until the time we were  
7     trusteed? How often would we have an arbitration?

8           A     They were frequent.

9           Q     Frequent. So more than one bucket, then, if  
10    we're having more than one arbitration? Were we  
11    having -- let me ask you this: Were we having more  
12    than one arbitration a year?

13          A     Yes.

14          Q     Were we having pretty much an arbitration a  
15    month?

16          A     No, I wouldn't say that frequent. If I  
17    could -- if I remember from around October of '22, I  
18    would say maybe -- throughout my whole tenure on your  
19    board, I would say we maybe did seven, six or seven.  
20    One of them was for an individual pilot disciplinary  
21    grievance. Actually two of them were.

22                   And then we had other grievances that were  
23    filed on behalf of the pilot from the union and it  
24    was to push an overall strategy with the company to  
25    test certain things in the CBA. And some of these

1 didn't have a lot of grievance. Some of them were of  
2 individual grievances if you wanted to test the  
3 waters, essentially throw something at the wall and  
4 see if it stuck.

5 Q Do you recall the instructor arbitration?

6 A That is one, yes.

7 Q Do you recall what the award was for that  
8 particular arbitration?

9 A I remember it was in the -- it was  
10 approximately one point -- I want to say 1.1 million.

11 Q 2.1 million, does that sound correct?

12 A I don't remember the exact, but it's around  
13 that ballpark.

14 Q So that was a pretty big dispute, would you  
15 say that?

16 A Yes.

17 Q Okay. And that's separate from the PBS  
18 arbitration that you're referring to; is that  
19 correct?

20 A That is yes. But I'm not telling you that  
21 it's -- my answer isn't saying, stating that every  
22 single arbitration didn't have a, you know, numerous  
23 grievances attached to it or an issue that perhaps  
24 was maybe widespread at the company that we were  
25 grieving. But there were some grievances that were

1 attached to those six, seven that we did that were  
2 like that.

3 Q Okay. I'm just trying to clarify, because  
4 you made it sound like there was one bucket that were  
5 primarily describing the PBS. Is that a  
6 misstatement?

7 A Let's be clear even at the time in  
8 October 2022, for my estimation that was of  
9 approximately 90 percent of all the grievances. And  
10 I didn't take over the grievance hearings until Erick  
11 Valenzuela left in April of '23 and I was able to see  
12 everything.

13 But during that period of time that any  
14 given month perhaps -- or you have grievance hearings  
15 every two weeks essentially, and it was grievance --  
16 at those hearings, maybe would have, I don't know,  
17 30 -- I'll say 35 grievances. And out of these 35  
18 grievances, probably 26, 27 of them, 28 all in this  
19 PBS-2 bucket, scheduling bucket.

20 So the other remaining balance were unique  
21 grievances and they were usually the company forgot  
22 to pay an hour here, hour there, things of that  
23 nature.

24 Q I'm hearing you minimize it. Did we have  
25 another instructor arbitration that was paid out at

1 approximately \$86,000 during your tenure?

2 A That wasn't -- that was a grievance  
3 settlement.

4 Q Okay. But that was a grievance that was  
5 filed, correct? And it was a big group of pilots  
6 that were associated with that particular payout?

7 A That was a grievance settlement and that was  
8 discovered when we were auditing the initial  
9 instructor arbitration award that we received and we  
10 audited -- we realized that the company did pay out  
11 the amount, but they forgot to pay out a particular  
12 enhancement, pay enhancement with that.

13 So that pay enhancement is what we delved  
14 into, audited, and worked with the company when I  
15 took secretary -- when I was secretary-treasurer. I  
16 was able to secure that with the company and secure a  
17 payout for our instructors on that, which was  
18 \$86,000, approximately.

19 Q Okay. All right. I won't go through all of  
20 the arbitrations that we had, but just trying to make  
21 a point here.

22 MR. ROBLES: I think that's it. I don't  
23 have any further questions for the witness.

24 MR. HARDENBROOK: Mr. Cawley?

25 MR. CAWLEY: I have one more.

1 RECROSS-EXAMINATION

2 BY MR. CAWLEY:

3 Q I heard you mention that many of them were  
4 single pilot disciplinary grievances and, correct me  
5 if I'm wrong, but do you believe that one pilot's  
6 inappropriate discipline is not a grievance or an  
7 arbitration worth pursuing?

8           A     Of course. Absolutely. But I was saying it  
9     in context of Andrew's context of the narrative in  
10    his question.

11 MR. CAWLEY: No questions. That's it.

12 MR. FOGELSANGER: It was brought up in that  
13 video --

14 MR. HARDENBROOK: State your name.

15 MR. FOGELSANGER: Sorry, Ryan Fogelsanger.

16 RECROSS-EXAMINATION

17 BY MR. FOGELSANGER:

18 Q It was brought up in that video that  
19 Southwest had 44 pilots off and it was brought up  
20 that there was 11,000 pilots there.

21           Doing simple math, that would mean one  
22   person per 50 pilots was on full-time Flight Pay  
23   Loss.

24           So based on your testimony that we have  
25   roughly 1,000 pilots, to be equivalent, how many

1 pilots would we have on full-time Flight Pay Loss?

2 A We're talking about the aggregate amount,  
3 not necessarily ratios, correct? So, I mean --

4 Q So their ratio is one pilot for 250. So one  
5 pilot for 250 are off full-time, based on the numbers  
6 that were stated at 11,000 pilots?

7 A Uh-huh.

8 Q So that would be -- with 1,000 pilots, how  
9 many to be on the same ratio would we be at?

10 A You're saying full-time Flight Pay Loss?

11 Q Yes.

12 A Well, this question is --

13 Q It's simple math.

14 A -- a charade because the CBA allows --

15 MR. HARDENBROOK: Time out, everybody.

16 Please. I get it, this is emotionally charged.

17 Please wait for the question. Once you ask him a  
18 question, let him answer it.

19 THE WITNESS: May I answer the question?

20 MR. HARDENBROOK: Please.

21 THE WITNESS: There is only -- I mean, this  
22 is a charade, because there's only -- in the CBA, in  
23 Section 24, Bravo 1, it's only time off for purposes  
24 of long-term union business -- which he's  
25 categorizing this under -- shall be granted for only

1 one individual.

2 So to make the statement, oh, I'm the only  
3 one that's off full-time doing this, well, you can't.  
4 You can't say, hey, I want 15 more. It's simply that  
5 this is you -- the CBA only allots for that one where  
6 he is categorizing long-term union business.

7 BY MR. FOGELSANGER:

8 Q So in that hypothetical, if the CBA allows  
9 for it, how many would there be with 1,000 pilots?

10 MR. UNTERSEHER: Objection. I'm sorry, this  
11 is hypotheticals about what may or may not be between  
12 two very different unions. They're not Teamsters. I  
13 mean, we're just wasting time here. I don't know  
14 what we're doing.

15 MR. FOGELSANGER: No further questions.

16 MR. HARDENBROOK: You've been allowed great  
17 deference. I'm going to allow them great deference  
18 as well. I understand this isn't the court of law.  
19 However, he asked the question, I think the witness  
20 is perfectly capable of answering and I just ask him  
21 to answer the question.

22 THE WITNESS: One more time, please?

23 BY MR. FOGELSANGER:

24 Q Based on the ratio of one pilot per 250,  
25 which would be the equivalent of what Southwest was



1 at the time you stated that we had roughly 1,000  
2 pilots, how many would be the equivalent at Allegiant  
3 on full-time Flight Pay Loss if we had that same  
4 ratio?

5 A That's a different question, but it's one.  
6 It was one question that you asked -- or, excuse me,  
7 one person was allowed flight time -- long-term union  
8 business.

9 MR. FOGELSANGER: I'm not going to ask  
10 again.

11 MR. ROBLES: No further questions.

12 MR. HARDENBROOK: I think I understood the  
13 question.

14 Mr. Hanson, do you have any additional  
15 re-cross examination questions?

16 MR. HANSON: This is Kurt Hanson. No, sir,  
17 I do not.

18 MR. HARDENBROOK: Thank you, Mr. Hanson.

19 Mr. Seiden, do you have any additional  
20 re-cross examination questions of this witness?

21 MR. SEIDEN: Mr. Seiden. No, sir.

22 MR. HARDENBROOK: Thank you, Mr. Seiden.  
23 Anything else, Mr. Cawley?

24 MR. CAWLEY: No, sir.

25 MR. HARDENBROOK: You may be excused. Thank

1     you.

2                 MR. UNTERSEHER: Before my next witness, I  
3     would like 15, 20 minutes, if possible. I would like  
4     to have a quick caucus, if I could.

5                 MR. HARDENBROOK: Yeah. We're --

6                 MR. UNTERSEHER: We haven't taken a -- I  
7     know you gave --

8                 MR. HARDENBROOK: I took a lunch. Are we  
9     scheduled for today and tomorrow with this party?  
10    Are you scheduled in here tomorrow?

11                MR. CAWLEY: The letter said today and if an  
12    extra day is needed, it could go to tomorrow. That  
13    is what the letter said.

14                MR. HARDENBROOK: But you're all scheduled  
15    to be here tomorrow as well, correct?

16                MR. CAWLEY: We weren't sure.

17                MR. ROBLES: We can stay if you need us to.

18                MR. HARDENBROOK: Is five minutes -- we need  
19    a bathroom break anyway. Let's take 15 minutes. We  
20    will come back. This time we're going to start in  
21    15 minutes whether you are in here or not.

22                Thank you. Off the record.

23                (Whereupon, a recess was taken.)

24                MR. HARDENBROOK: Let's go back on the  
25    record. It's 2:23. Call your next witness, please.

1 MR. UNTERSEHER: I call John Rice up next,  
2 please.

3 JOHN RICE  
4 having been first duly sworn, was  
5 examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. UNTERSEHER:

8 Q You just did, but please state your name for  
9 the record.

10 A John Rice, R-I-C-E.

11 Q What is your current occupation?

12 A I'm an attorney with the law firm of Higgs,  
13 Fletcher, & Mack in San Diego, California.

14 Q Where did you obtain --

15 MR. ROBLES: Hold on a second. Can we  
16 object to this?

17 MR. HARDENBROOK: Go ahead.

18 MR. ROBLES: My understanding was that we  
19 were not allowed to have counsel in the room. I'm  
20 not sure what he is going to testify to, but if he  
21 is -- I'm not sure what the relevance to the case is.

22 MR. HARDENBROOK: Are you counsel for the  
23 the plaintiff?

24 THE WITNESS: I am not.

25 MR. CAWLEY: He's drafting an entire case

1 for the plaintiff in an exhibit here.

2 MR. UNTERSEHER: He drafted an expert report  
3 for us, sir. He is a witness for me.

4 MR. HARDENBROOK: Say that one more time.  
5 He is a what for you?

6 MR. UNTERSEHER: An expert witness.

7 MR. HARDENBROOK: What is he going to  
8 testify to as an expert witness?

9 MR. UNTERSEHER: Yes, the charges  
10 themselves. The only document we will have open in  
11 his testimony are Exhibit 1, the charges.

12 MR. HARDENBROOK: You can have a chance to  
13 cross-examine him. You could call a witness, but I  
14 believe they have to be members.

15 MR. ROBLES: I don't believe he is a member  
16 and that's what I'm saying. Can I then call my  
17 attorney?

18 MR. HARDENBROOK: I'm trying to go along  
19 with you.

20 MR. ROBLES: I got you. I'm trying to  
21 understand, I'm sorry.

22 MR. HARDENBROOK: I mean, object if  
23 that's --

24 MR. ROBLES: No, no.

25 MR. HARDENBROOK: -- if we need to banter.

1 Give me two minutes to caucus and -- I want  
2 to caucus as our panel. We will go off the record  
3 for two minutes. Please, everybody stay here.

4 (Pause in proceedings.)

5 MR. HARDENBROOK: Okay. We're going to go  
6 back on the record and I believe it was Mr. Robles  
7 that made the objection. I wasn't looking.

8 MR. ROBLES: I made the objection.

9 MR. HARDENBROOK: I'm going to rule in favor  
10 of the charged parties. The document that went out  
11 to the trustees and to this board did say there would  
12 be no attorneys unless they were members that is in  
13 good standing of 2118, right?

14 I do have an issue because I assume your  
15 witness helped present one of the exhibits?

16 MR. UNTERSEHER: He did. Yes, sir. He  
17 wrote an expert --

18 MR. HARDENBROOK: What number?

19 MR. UNTERSEHER: 19, I believe, yes. He is  
20 not an attorney -- my counsel for this. We employed  
21 him as an expert witness to talk to the charges that  
22 were included and submitted.

23 MR. HARDENBROOK: Gotcha. So this is going  
24 to be one of those, you know, cut the babies in half.  
25 You did not initially object when we introduced the

1 22 exhibits and I get it, we didn't go through them  
2 one at a time. But I'm not going to allow this  
3 witness' testimony, okay?

4 It was clear that there's no attorneys to  
5 represent either side and I get he is a professional  
6 witness, but I've got to give him the boot, okay.

7 You may step down, Mr. --

8 THE WITNESS: Mr. Rice.

9 MR. HARDENBROOK: Sorry if we wasted your  
10 time.

11 MR. UNTERSEHER: Is his expert report  
12 admitted in the record as part --

13 MR. HARDENBROOK: It's part of the record.

14 MR. ROBLES: Okay. And I will just state  
15 this: I object to this exhibit being put on the  
16 record as well. I understand you made your ruling,  
17 but I just want to note it.

18 Thank you very much.

19 MR. HARDENBROOK: Gotcha. Yeah, that's the  
20 bell quit ringing in the beginning.

21 MR. CAWLEY: I mean --

22 MR. HARDENBROOK: State your name.

23 MR. CAWLEY: Sorry. My name is Michael  
24 Cawley. If we had been given an option prior to this  
25 hearing to view the exhibits, which we asked for and

1     were denied, we would have objected to this. We had  
2     no idea this was in here until after this began.

3             MR. HARDENBROOK: Again, you're going to  
4     both be given deference.

5             I'm going to probably rule -- this is  
6     foreshadowing -- give you more deference than the  
7     charging party, but I'm sure you're going to bring up  
8     documents that they're going to object to, right.

9             MR. CAWLEY: I don't think so. Not like  
10    this, no. We were specifically denied this and we  
11    requested it months ago.

12            MR. HARDENBROOK: Okay. Call your next  
13    witness, please.

14            MR. UNTERSEHER: Yes, sir. I would like to  
15    call Josh Allen.

16            MR. HARDENBROOK: So is Josh Allen a member  
17    in good standing?

18            MR. UNTERSEHER: He is a member in good  
19    standing. Yes, he is, sir.

20            MR. HARDENBROOK: Thank you.

21            MR. UNTERSEHER: If I may, Mr. Chairman.

22            MR. HARDENBROOK: Let's let her swear the  
23    witness in.

24                                   JOSHUA ALLEN

25                           having been first duly sworn, was

1 examined and testified as follows:

2 MR. UNTERSEHER: Mr. Chairman --

3 MR. HARDENBROOK: Go ahead.

4 MR. UNTERSEHER: When we did our production  
5 there just a little bit before noon, this was lagging  
6 in the printer and we were going to introduce it.

7 It will be just a three-page, one-number  
8 exhibit and we would like to add it at the end,  
9 Exhibit No. 23.

10 MR. HARDENBROOK: Let's hand it out.

11 MR. UNTERSEHER: Yes, we will hand it out  
12 and we will send the two remotes a copy of it.

13 (Charging Party Exhibit 23 was marked  
14 for identification.)

15 MR. UNTERSEHER: And this has been sent to  
16 Seiden and Hanson.

17 MR. HARDENBROOK: Okay. Have you received  
18 this, Mr. Hanson, this e-mail?

19 MR. HANSON: Kurt Hanson. Can you clarify  
20 what the number of -- the listed exhibit number is  
21 that I'm supposed to be looking for?

22 MR. HARDENBROOK: Well, it was introduced to  
23 be included as the Charging Party's Exhibit 23. I  
24 just am trying to verify that you've received it.  
25 It's an e-mail from Joshua Allen to multiple people,



1 three pages. Looks like a statement by Josh Allen.

2 MR. HANSON: I don't believe that I've  
3 received that, sir. And I have a document from the  
4 legal counsel of the charging party which attaches  
5 Exhibit 16, 17, 19, and 21.

6 However, I don't have -- I'll continue to  
7 look, but I don't have 23 listed as an attachment.

8 MR. HARDENBROOK: I understand. It was just  
9 e-mailed to you. Have you received the e-mail?

10 MR. HANSON: I'm up in Montana. We might  
11 not have enough bandwidth up here. Give me one  
12 second.

13 MR. HARDENBROOK: How about you, Mr. Seiden?  
14 Have you received it?

15 MR. SEIDEN: Yes, I just received it.  
16 Sorry, Mr. Seiden speaking. Yes, I just received it.

17 MR. HARDENBROOK: Thank you, sir. Have you  
18 all had a chance to review this?

19 MR. ROBLES: Yes.

20 MR. HARDENBROOK: Any objections?

21 MR. ROBLES: No objection.

22 MR. HARDENBROOK: Then we will move -- and  
23 Mr. Hanson, please let me know when you received it,  
24 but we will call this Charging Party Exhibit 23.

25 Go ahead with your direct, please.

1 MR. UNTERSEHER: Thank you.

2 DIRECT EXAMINATION

3 BY MR. UNTERSEHER:

4 Q Please state your name for the record.

5 A Josh Allen.

6 Q And what is your current occupation?

7 A I'm captain on the negotiating committee.

8 I'm the chairman as well for the union.

9 Q And what airline?

10 A Allegiant.

11 Q Thank you. Are you a member of the

12 Teamsters? And if so, which local?

13 A 2118, yes.

14 Q Have you ever served in any elected role for

15 Local 2118?

16 A I was elected as a steward. But not -- that

17 was it.

18 Q Was that at 2118 or was that --

19 A That was 1224.

20 Q Local 1224, thank you.

21 All right. I would like to turn your

22 attention to the newly-introduced Exhibit 23.

23 Do you recognize this document?

24 A Yes.

25 Q Can you describe what it is?

1           A     It's a letter I wrote concerning a couple  
2     conversations that I had with Kenny Seiden and also  
3     Joshua Rockwood.

4           Q     This is dated January 11th. There appears  
5     to be an attachment on the back of this. Do you  
6     remember who that letter was written to, please?

7           A     I wrote it to and sent it to everyone that  
8     was the head of Teamsters.

9           Q     So that letter was attached to this e-mail.  
10    To be clear that is the first one. So Sean O'Brien,  
11    Zuckerman, etcetera?

12          A     Yep.

13          Q     Thank you. Can you confirm that everything  
14    in this e-mail is true and accurate, to the best of  
15    your knowledge?

16          A     Yes, it is.

17          Q     Take some time and describe the background  
18    that led to this e-mail, please.

19          A     On January 3rd, I received a text message  
20    from Kenny Seiden a little bit after 10:00, asking if  
21    I was available. I was getting ready for bed, but I  
22    said I would call him in a little bit, and then a few  
23    minutes later I called him.

24                   During that conversation, he stated that  
25    some stuff was happening and he was trying to tell

1 me, to let me know, because I was on the negotiating  
2 committee and it would affect me. Specifically that  
3 there was some issues with the election documents  
4 from GS and that there was something that -- I didn't  
5 understand a lot of what he was saying -- but there  
6 was a document that was being told to the pilots that  
7 they were -- whether or not they voted or not.

8 And then that was -- that document from GS  
9 was told from Andrew to Karen that it was supposed to  
10 be deleted and so that way the pilots would not be  
11 able to know whether or not their vote counted.

12 Q And Karen is Karen VanNostrand, the  
13 executive assistant for the local at the time?

14 A Yes. Yeah.

15 Q You can continue.

16 A And then later in the conversation, it was  
17 about Ryan Joseph and he was whistle-blowing on the  
18 EBoard and it had to do with this election document  
19 being destroyed and that because the document -- him  
20 whistle-blowing, that they were going to remove all  
21 the duties of Ryan Joseph as much as they could that  
22 allow them within the bylaws.

23 And then eventually, once the investigation  
24 was over and Joint Council 42, the investigation was  
25 going to be nothing thrown under the rug. Once that

1 was over, then they were going to bring Ryan Joseph  
2 up on charges and try to get him fired.

3 And then a comment was unless management --  
4 unless Allegiant makes Ryan management and he kind of  
5 laughed. And then they were also going to do similar  
6 things to Karen, remove her from all of her duties  
7 except for booking travel and hotels for the  
8 negotiating team.

9 And that was -- it was about a 10-minute  
10 conversation with Kenny.

11 And then the next morning, I had another  
12 call from Josh Rockwood because in that morning Scott  
13 Hegland resigned, I guess, and I woke up to that.  
14 And I didn't talk to Rockwood right away because I  
15 didn't even read the document until after he called  
16 me.

17 And then once I read it, I eventually called  
18 him back and he asked me if I had shared that  
19 document, that Scott Hegland's resignation letter  
20 with the pilots, and I had not. I didn't even  
21 honestly know about it until I received -- until I  
22 got the call. And then I had not shared it with  
23 anybody.

24 And after that, I told him -- told Josh  
25 Rockwood that I had been told what they were planning

1 to do with Ryan Joseph and that basically I didn't  
2 want anything to do with it, so I was going to resign  
3 as well. And I did resign a few hours later.

4 Q So all of the assertions you make in there,  
5 in this letter, were retaliation against the  
6 secretary-treasurer and others for their actions of,  
7 as you call it, whistle-blowing?

8 A Yes.

9 MR. UNTERSEHER: That is all I have for this  
10 witness. I pass him.

11 MR. HARDENBROOK: Cross-examination?

12 MR. ROBLES: Yes, please. This is Andrew  
13 Robles.

14 CROSS-EXAMINATION

15 BY MR. ROBLES:

16 Q Hey, Josh. How you doing?

17 A Good.

18 Q I've got a couple questions.

19 Is there any provision anywhere in the  
20 collective bargaining agreement that would allow for  
21 the union to ask for the termination of a pilot?

22 A Not that I know of.

23 Q Okay. So despite what you believe you  
24 heard, there was no mechanism for the union to get  
25 Ryan Joseph terminated; is that correct?

1           A     Yeah, I had no idea. I didn't know how you  
2     were going to do it. Is that what you're asking?

3           Q     Yeah. And have you ever heard me say that I  
4     was going to retaliate against --

5           A     No, I did not talk to you. It was Kenny  
6     Seiden.

7                     MR. ROBLES: No further questions.

8                     MR. ROCKWOOD: Josh Rockwood.

9                                 CROSS-EXAMINATION

10          BY MR. ROCKWOOD:

11           Q     Did your wife have a miscarriage the day or  
12     the week before?

13                     MR. UNTERSEHER: What is the relevance of  
14     that very personal question, please?

15                     MR. ROCKWOOD: The relevance is I talked to  
16     him and me and Josh Allen were friends. He called  
17     me, we talked, and he was very upset.

18                     THE WITNESS: Can I have a minute?

19                     MR. ROCKWOOD: He was very upset. It was a  
20     two-minute conversation. I came to him as a friend,  
21     we were friends. He sent me a Christmas card. We've  
22     been friends. He was very upset. He was very upset  
23     about his conversation with Kenny the night before.

24                     I came to him as a friend. I told him that  
25     there's a lot of bad information going around, to

1 reach out to Fogelsanger, reach out to any one of us  
2 and talk to us, let me help you, let me do something.  
3 He said he wanted to quit in the next couple hours, I  
4 said don't do that. Stay on.

5 MR. HARDENBROOK: Let's stick to the  
6 question. You asked a question, the charging party  
7 objected. Let's stick --

8 MR. ROCKWOOD: Sure.

9 MR. HARDENBROOK: I'll let you testify.

10 MR. ROCKWOOD: I appreciate it.

11 MR. HARDENBROOK: Be careful testifying. I  
12 may let them cross-examine you.

13 MR. ROCKWOOD: Sure.

14 MR. HARDENBROOK: So ask your question and  
15 if it's --

16 MR. ROCKWOOD: It goes to the conversation.

17 MR. HARDENBROOK: No, I understand.

18 MR. ROCKWOOD: I understand what you're  
19 saying. I won't use the word anymore. I understand  
20 what you're saying.

21 MR. HARDENBROOK: It's an insensitive  
22 question from a personal level. I'm going to allow  
23 it, but if he doesn't want to answer, I'm not going  
24 to make him answer the question.

25 MR. ROCKWOOD: Okay, that's fine.



1 MR. HARDENBROOK: Go ahead.

2 BY MR. ROCKWOOD:

3 Q Were you upset on that conversation?

4 A I was upset on the conversation, yes.

5 Q We had a short two-minute conversation. It  
6 was about two minutes?

7 A I have no idea. I don't remember. I mean,  
8 it was short, yes.

9 Q Okay. But I remember it. And I came to you  
10 with love. You sent me a Christmas card. I felt  
11 really bad. You're a good family man, so am I. So  
12 was there other -- did I even talk about Ryan Joseph  
13 and firing him? I don't see any exact verbiage where  
14 I use that in your statement.

15 MR. HARDENBROOK: Hold on a second. Ask him  
16 a question, please.

17 BY MR. ROCKWOOD:

18 Q Sure. Did I actually say I want Ryan Joseph  
19 fired?

20 A No.

21 Q Did Kenny or I ever say who we wanted to  
22 replace Ryan Joseph with?

23 A No.

24 MR. ROCKWOOD: Okay.

25 MR. HARDENBROOK: State your name, please.

1 MR. FOGELSANGER: Ryan Fogelsanger.

2 CROSS-EXAMINATION

3 BY MR. FOGELSANGER:

4 Q Did we have any conversations at all during  
5 this period?

6 A You and me, no.

7 MR. FOGELSANGER: Thank you.

8 MR. CAWLEY: Thanks, Josh. I just have one  
9 question. Michael Cawley.

10 CROSS-EXAMINATION

11 BY MR. CAWLEY:

12 Q Apart from your statements here today, do  
13 you have any evidence that there was ever a plan from  
14 the executive board to have Ryan Joseph terminated or  
15 retaliate against him in any way?

16 A The conversations with Kenny Seiden.

17 Q Other than the statements you've made today?

18 A Do I have evidence?

19 Q Uh-huh.

20 A I mean, I don't know, but, no. I mean, I  
21 don't know what you're asking, I guess. Do I have  
22 evidence? No, it's conversations.

23 Is that what you're asking?

24 Q Yeah, that is. And then you already stated  
25 that you're aware that there's no mechanism for us to

1 possibly have been able to do that, right?

2 A I have no idea what you guys were planning,  
3 no.

4 MR. HARDENBROOK: Mr. Hanson, do you have  
5 any questions of this witness?

6 MR. HANSON: Yes, sir.

7 CROSS-EXAMINATION

8 BY MR. HANSON:

9 Q And I do apologize, Josh. They're roughly  
10 the same here. I'll make it quick.

11 During this period of time did you have any  
12 conversations with me, myself?

13 A Not that I recall.

14 Q Okay. And do you have any evidence that I  
15 attempted to have or retaliate against Ryan Joseph in  
16 any way?

17 A The conversation I had with Kenny inferred  
18 that it was the EBoard, yes.

19 Q And so you're saying that Kenny specifically  
20 mentioned my name?

21 A No, but he talked with authority like he was  
22 talking from the EBoard, yes. No, he did not state  
23 your name.

24 Q So you're familiar -- again, you're familiar  
25 that there is no provision within the CBA or bylaws

1 that allow for the termination or the union to  
2 terminate an employee?

3 A Yes.

4 MR. HANSON: Okay. I have no further  
5 questions.

6 MR. HARDENBROOK: Thank you, Mr. Hanson.

7 Mr. Seiden, do you have any questions?

8 MR. SEIDEN: Yes. I do have a couple  
9 questions.

10 CROSS-EXAMINATION

11 BY MR. SEIDEN:

12 Q As your role on the negotiating committee,  
13 isn't it true that I had the role at that time as the  
14 primary person compiling documents for negotiations?

15 A I guess I don't understand your question.  
16 We all had the documents. What's your question, I  
17 guess?

18 Q Who was the -- is it true that I was the  
19 individual mostly typing up the documents and sending  
20 them out to all the people who are allowed to receive  
21 them?

22 A Yes.

23 Q And isn't it true that I had compiled  
24 numerous data analytics documents for negotiations  
25 and shared them with the negotiating committee?

1           A     Yes, we all did.

2           Q     We all compiled them?

3           A     We all had different roles.

4           Q     Okay. But isn't it true that I had the role  
5 of -- that I had compiled numerous data analytics  
6 spreadsheets involving items in negotiations?

7           A     Yeah. I mean, yes, you definitely did work;  
8 is that what you're asking? Yes, you had done work.

9           MR. SEIDEN: Okay. No further questions.

10          MR. HARDENBROOK: Want to redirect?

11          MR. UNTERSEHER: Please.

12                       REDIRECT EXAMINATION

13 BY MR. UNTERSEHER:

14          Q     In their roles, Josh, as executive board,  
15 they did, indeed, have the authority to terminate  
16 their employee, Karen VanNostrand, for retaliation --  
17 as retaliation for any action she may have taken; is  
18 that correct? She was not a member of the collective  
19 bargaining group.

20          A     Yeah, I would think that they could fire  
21 her, yes.

22          Q     So there's some merit, at least in your  
23 thought, while they threw around their weight and  
24 their leadership and tried to show their authority,  
25 they certainly had the ability to retaliate against

1 an employee for actions that they thought were  
2 unlawful?

3 MR. HARDENBROOK: Hold on a second. Did you  
4 have an objection?

5 MR. ROBLES: I do have an objection, yes.

6 MR. HARDENBROOK: What is your objection?

7 MR. ROBLES: We are not charged with what he  
8 is talking about, for terminating an employee. We're  
9 charged with retaliation against a member of Local  
10 2118.

11 MR. HANSON: This is Kurt Hanson. I stand  
12 with the same objection.

13 MR. HARDENBROOK: Is this witness an expert  
14 in the bylaws?

15 MR. UNTERSEHER: I'm sure. He is the chief  
16 of our negotiating committee. He is at the table.  
17 He is familiar with the bylaws.

18 MR. HARDENBROOK: How many more questions do  
19 we have?

20 MR. UNTERSEHER: I'm done right now, sir.

21 MR. HARDENBROOK: I think I'm going to  
22 uphold the objection. We don't need to -- let's  
23 stick with what's before us and what the charges are,  
24 not additional charges.

25 So, yes, I uphold your objection.

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1         Do you have any recross after the first
2 questions?
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3 MR. ROBLES: I do not.

4 MR. HARDENBROOK: You may be excused.

5 THE WITNESS: Thank you.

6 MR. HARDENBROOK: Do you have more  
7 witnesses?

8 MR. UNTERSEHER: I do. I would like to call  
9 Joe Polo to the witness stand.

10 JOSEPH POLO

11           having been first duly sworn, was  
12           examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. UNTERSEHER:

15 Q Good afternoon, Mr. Polo. Please state your  
16 name for the record.

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17      A      My name is Joe Polo.
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18 Q What is your current occupation?

19           A     International auditor for the International  
20 Brotherhood of Teamsters.

21 MR. HARDENBROOK: Before you continue, can  
22 you spell your last name, please.

23 THE WITNESS: Yes. It's P-O-L-O, just like  
24 Marco Polo.

25 MR. HARDENBROOK: Go ahead.

1 MR. UNTERSEHER: Thank you, Chairman.

2 BY MR. UNTERSEHER:

3 Q And how long did you say that you've served  
4 in that role?

5 A 25-plus years.

6 Q And what are your responsibilities as an IBT  
7 auditor?

8 A To perform routine and procedural audits on  
9 local unions and affiliates.

10 Q Did you participate in the audit of Local  
11 2118?

12 A Yes, I did.

13 Q Please direct your attention to Charging  
14 Party Exhibit No. 1, please. It is charges, the  
15 first document.

16 A Yes.

17 Q Let me gather my document here. One moment,  
18 please. So the first charge of the document -- in my  
19 opening statement I corrected the number -- it states  
20 that, "Brother Robles defrauded and embezzled  
21 approximately \$175,000 from Local 2118 by  
22 implementing an illegal scheme to pay himself  
23 benefits and compensation that were not established  
24 nor authorized by the 2118 executive board."

25 What work did you do to come up with at



1     least the initial number that is being stated?

2           A     The initial number of 175? Or of the 982?

3           Q     The 982, sir.

4           A     The 982 is -- we took the numbers where  
5     Brother Robles had lost his currency to fly, you  
6     know, as a pilot, and I believe that would have  
7     been -- we took the numbers from November of '21, up  
8     until the trusteeship in March of '24.

9           Q     And when did the audit begin?

10          A     The International audit of the International  
11     auditors began on Monday, January 8th, of this year.

12          Q     And concluded?

13          A     Concluded, I believe, with the trusteeship  
14     or after that. The audit continued after that, yes.

15          Q     In your audit, you found \$157,000 of  
16     inappropriate credit card charges. These included,  
17     in the charges it states, "high-ticket items."

18                     And I am on Charge 1 still.

19          A     Do you have the exhibit on that?

20          Q     I'm sorry, it's in No. 1. It should be in  
21     your book, No. 1.

22          A     What page, please?

23          Q     Nine of 16.

24          A     Yes, I'm there.

25          Q     You can verify that number as accurate based

1 on your audit and the items that did not comply with  
2 the --

3 A Which, are you referring to the 157 number?

4 Q Yes, sir. Yes, sir.

5 A Yes.

6 Q And the number, the total number, the 986  
7 [sic] number in your audit and subsequent work,  
8 during the end of the audit, you calculated that  
9 number by, "the totality of Captain Robles' pay from  
10 a point where we determined he had stopped being a  
11 current pilot for Allegiant Air through the time that  
12 the trusteeship took place."

13 Is that accurate?

14 A Do you have the exhibit on that or -- so did  
15 you say 982 or 986?

16 Q 982, I'm sorry. It's the number in the  
17 document.

18 A Yes, so I believe I answered that. November  
19 of '21, approximately when Brother Robles lost his  
20 currency to fly as a pilot up until his last payment  
21 in March of '24.

22 Did I answer that?

23 MR. UNTERSEHER: Yes, you did. Thank you.

24 That is all I have for this witness at this time.

25 MR. HARDENBROOK: Cross-examination?

1 MR. ROBLES: Yes. Stand by, please.

2 MR. HARDENBROOK: Go ahead.

3 CROSS-EXAMINATION

4 BY MR. ROBLES:

5 Q Hello, Mr. Polo.

6 A Hi.

7 Q It's Andrew Robles speaking.

8 Did you ever interview Trustee Hegland  
9 regarding my Flight Pay Loss?

10 A I never did interview Scott Hegland, no.

11 Q Did you interview David Bourne, the former  
12 airline director, regarding my Flight Pay Loss?

13 A No.

14 Q Steve Allen?

15 A No.

16 Q Erick Valenzuela?

17 A No.

18 Q Isn't it a fact that you asked for  
19 retroactive motions to approve my Flight Pay Loss?

20 A You know, I believe we had stated with the  
21 executive board that there was not adequate approval  
22 for the Flight Pay Loss and so I believe we had  
23 stated -- we may have stated -- and this is with the  
24 team, you know -- so we may have stated that, yes,  
25 retroactive approval.

1           Q     Thank you. Isn't it a fact that you also  
2     asked for missing receipt affidavits?

3           A     Yes, we did.

4           Q     Did you review any recorded meetings  
5     regarding Flight Pay Loss or expenses?

6           A     Recording meetings, video or --

7           Q     Quarterly meetings, videos, anything like  
8     that?

9           A     No videos. No, we did not view that.

10          Q     Did you review the Union Impact records?

11          A     Union records?

12          Q     Union Impact records, that was the software  
13     with the database.

14          A     Yeah, I believe you had printed those out  
15     for us.

16          Q     Thank you. Isn't it a fact that many of the  
17     \$157,000 in expenses that you testified about during  
18     the trusteeship, that it was prior to March of 2022,  
19     we were still in trusteeship?

20          A     No, I believe it was after that. Yes.

21          Q     Okay. You also -- and I might come back to  
22     that.

23                     You also requested receipts during the  
24     audit, correct?

25          A     Yes, our team did.

1 Q Were you provided many receipts?

2 A We were provided with receipts, not  
3 complete.

4 Q Okay. Isn't it a fact that only a small  
5 number of the receipts were not provided?

6 A I believe there were still a substantial  
7 amount of receipts that needed to be reviewed and  
8 submitted.

9 Q Okay. Do you recall the total number of  
10 receipts that I was missing, approximately?

11 A You know, I would have to have the data. I  
12 don't remember the exact number.

13 Q All right. Do you recall that the total  
14 amount of receipts missing at the end of the audit  
15 was approximately 21?

16 A No.

17 Q You don't recall that?

18 A No.

19 Q Okay. Do you remember a total amount that  
20 was missing? Did you guys total up for missing  
21 receipts that didn't have missing receipts  
22 affidavits?

23 A Let's see here. Can you repeat the  
24 question?

25 Q Yes. Did you -- at the end of the audit, we

1 had given you many receipts. Did you take those off  
2 of the total? And I see that you -- and I'm not sure  
3 why, but you guys are saying there was \$157,000 in  
4 expenses but that was the number, I believe, that you  
5 provided to us at the beginning of the audit, before  
6 we provided receipts.

7 A Yeah, sorry, I just -- I should have let you  
8 finish. I believe we gave you two weeks to provide  
9 the receipts and we were going to have a closeout  
10 meeting or a scheduled closeout meeting and we were  
11 provided those receipts later in the week, pretty  
12 close to that closeout meeting date. So at that  
13 point, we did not have time to go ahead and review  
14 all of the receipts. And then the next week, the  
15 trusteeship happened.

16 Q Right. Were you aware that the trusteeship  
17 was coming?

18 A No, I was not.

19 Q Okay. So were you allowed to adjudicate the  
20 records, if you will, and complete the audit?

21 A Well, after the trusteeship happened, it  
22 became the responsibility of the 2118 trustee. So it  
23 was, at that point, his responsibility to review  
24 those receipts and to see, you know, ascertain what  
25 was legitimate.

1 Q Do you recall at the beginning of the audit  
2 that our bylaws, they were missing, correct?

3 A Yes, at first they were not updated. Yes,  
4 correct. And then we went through legal and there  
5 was an affidavit and then we noticed -- and then they  
6 became valid, you know, sometime during --

7 Q So some of the records were lost from IBT  
8 International?

9 A I'm not sure about that. I mean, we just  
10 were provided what was provided to us by the local  
11 union.

12 Q Okay.

13 A By 2118.

14 Q Were a lot of the expenditures that were  
15 listed on that Excel spreadsheet that you provided,  
16 did Local 2118 provide answers for a vast majority of  
17 those?

18 A I believe answers were provided, yes.

19 Q And were they accepted by the auditors?

20 A No, not necessarily.

21 Q Were they accepted on any of them?

22 A I believe on some of those they were, yes.

23 Q But that wasn't reduced from the 157,000?

24 A That would have been reduced from the  
25 157,000, sure.

1 MR. ROBLES: Stand by, please.

2 Can I bring a document in to give to the  
3 witness?

4 MR. HARDENBROOK: To rebut what the witness  
5 has testified to?

6 MR. ROBLES: Yes.

7 MR. UNTERSEHER: Is this an exhibit?

8 MR. ROBLES: It's an exhibit. It's the  
9 document that was provided from us to him. I'll show  
10 it to you.

11 MR. HARDENBROOK: We will determine that  
12 after we see it, yeah.

13 MR. ROBLES: Thank you.

14 MR. HARDENBROOK: Do you have copies for  
15 everyone?

16 MR. ROBLES: Yes, it's in the exhibit  
17 folders. I can pull it out right now. It's  
18 Exhibit 19 or Charged Parties Exhibit 19, if you  
19 will. I'd like to admit this.

20 MR. HARDENBROOK: In the interest of time,  
21 would you give that to him so he can start to review  
22 it and then let's pass these out.

23 THE WITNESS: Thank you.

24 BY MR. ROBLES:

25 Q Mr. Polo, are you familiar with this



1 document?

2 MR. HARDENBROOK: Hold on a second.

3 (Pause in proceedings.)

4 MR. ROBLES: Okay. I have just a few  
5 questions on it and then I can hand it to you guys so  
6 you can review it. Would that work?

7 MR. HARDENBROOK: We're going to call  
8 this -- first of all, do you have any objections?

9 MR. UNTERSEHER: No, sir.

10 MR. HARDENBROOK: So we're going to call  
11 this Charged Parties Exhibit 19. Go ahead with  
12 questioning.

13 MR. ROBLES: Thank you.

14 BY MR. ROBLES:

15 Q Mr. Polo, do you recall getting the  
16 responses that are on the 0 column over here?

17 A Yes, I believe our audit team, yeah,  
18 received the response. I didn't necessarily log  
19 those in myself.

20 Q Okay. And on some of these charges, I mean,  
21 well, let me -- let me go back. Did you also, did  
22 the auditors, yourself and Mr. Prete, ask that the  
23 Local 2118 create and approve a policy -- procedure  
24 and policy manual?

25 A Yes, we did.

1 Q And did we do that?

2 A Yes, we received a document. However, with  
3 the policies, the executive board approval, it was a  
4 blanket approval whereas each of the policies were  
5 not individually approved. So in that regard, it was  
6 not approved properly.

7 Q Okay. Did we put a motion in and vote on  
8 it, are you aware?

9 A Yes.

10 Q So the EBoard collectively --

11 A I'm sorry. Go ahead.

12 Q No, I'm sorry. Did the EBoard collectively  
13 approve it?

14 A On a blanket, it was a blanket approval.

15 Q Can you tell me what you mean by "a blanket  
16 approval?"

17 A Well, the policy was to approve the  
18 financial and the administrative -- or the policies.  
19 It was one approval for -- and I don't remember how  
20 many of the policies there were, but each policy --  
21 for example, if there were 10 policies that were  
22 approved, there should be a specific policy for -- I  
23 mean approval for each specific policy.

24 Q Okay. So we approved the entire manual at  
25 once. Are you saying that that's not correct?

1           A     Correct.

2           Q     Is there somewhere where that's written that  
3     it's not able to be done like that? Is that in the  
4     secretary-treasurer manual or bylaws, constitution,  
5     anything like that?

6           A     I believe we explained that to the board.

7           Q     Okay. So when you're looking down this list  
8     here on the right-hand side -- well, let's go all the  
9     way to the back. I think we had talked about the --  
10    that's Line 527, last page. You see that number,  
11    cost, \$157,808.57?

12          A     Yes.

13          Q     Was that the total amount given prior to  
14    receipts being provided?

15          A     Yes.

16          Q     Okay. So after receipts were provided, that  
17    number should have been decreased, correct?

18          A     That's correct.

19          Q     Okay. Do we have that number?

20          A     No, we don't. It's not updated. Again, as  
21    I had mentioned earlier, that made that the  
22    responsibility of the local union trustee to make  
23    that determination.

24                MR. ROBLES: Okay. No further questions,  
25    Mr. Polo. Thank you.

1 MR. CAWLEY: I have a couple questions.

2 CROSS-EXAMINATION

3 BY MR. CAWLEY:

4 Q Hi, Joe. Nice to see you again. My name is  
5 Michael Cawley. Sorry about that.

6 So did you feel at any time during the audit  
7 process in the nearly three months that we were there  
8 that we were being uncooperative or deceitful with  
9 you at any time?

10 A No, I don't believe that anybody was being  
11 uncooperative.

12 Q Okay. Do you recall us as a whole being  
13 open to your feedback and cooperative with all the  
14 requests?

15 A I certainly had conversations with yourself  
16 and you were very helpful.

17 Q Okay. And now my final question is, because  
18 you never finished the audit, do you think it's  
19 appropriate to claim that now all expenses are  
20 automatically illegitimate, even though it was never  
21 completed?

22 A Well, again, as I stated, the spreadsheet is  
23 not completed because that is the responsibility of  
24 the local union, current local union trustee to make  
25 that determination.

1           So, you know, I believe to answer your  
2   question, it's not complete, so that's not a final  
3   number.

4           Q     Okay. So in your opinion, it wouldn't be  
5   appropriate to claim them all as illegitimate?

6           A     Well, the 157,808, those were the receipts  
7   that were not properly documented, you know, and  
8   receipts that the trustees should have -- you know,  
9   receipts and checks, credit card statements that the  
10   trustees, you know, should have reviewed and caught,  
11   you know, during, you know, their monthly examination  
12   of the books and records.

13          Q     Okay. Just to follow up to that, then. Do  
14   you recall there being any receipts that did not have  
15   an associated missing receipt affidavit with them  
16   that were missing?

17          A     I believe Andrew was those that -- he was  
18   the one that had really the most of those. So I  
19   believe Andrew -- I would have to say yes, he did  
20   provide the missing affidavit receipts.

21          Q     Okay.

22          A     However, you know, with that said, you know,  
23   and I believe I did have a -- I had a conversation  
24   with him, is that, you know, missing receipts should  
25   be rare and, you know, there were just too many

1 voluminous missing receipts and -- but in that  
2 regard, yes, he did fill out the missing receipt  
3 affidavits.

4 MR. CAWLEY: Is it okay if he redirects  
5 again?

6 MR. HARDENBROOK: Go ahead.

7 MR. CAWLEY: I don't have any further  
8 questions for this witness.

9 RECROSS-EXAMINATION

10 BY MR. ROBLES:

11 Q I'm sorry, I missed this, Joe. Originally I  
12 had asked you if all of the charges were after we  
13 were cleared from trusteeship and I think that your  
14 answer was that yes, they all were before.

15 If you look at the date here with me,  
16 No. 525, that's the last page.

17 You see that?

18 A Line 525, Blueberry Hill restaurant?

19 Q Correct. Can you read for me the date on  
20 the left-hand side that you guys provided?

21 A 2020.

22 Q 2020, so that would have been while we were  
23 still in trusteeship?

24 A That's correct.

25 Q Okay. You moved forward quite a few of

1 these. There's approximately \$24,000 of that  
2 \$157,000 that was simply approved by the trustee  
3 while we were in trusteeship? Would you --

4 A Well, I would have to do the math on it.

5 Q Let's just jump forward. There's probably  
6 five pages. We got out of trusteeship in, depending  
7 on how you look at it, February or January of 2022.  
8 That would be Line 419. So anything after 419 would  
9 be prior to us being released from trusteeship; is  
10 that correct?

11 A Let me turn to that. Is that 419?

12 Q Yes, sir.

13 A 419, are you referring to the date as  
14 January 31st of '22?

15 Q Yes. Yes. And so I'm looking at, you know,  
16 all of the expenditures that were prior. It goes in  
17 backwards order, obviously. So those all -- most of  
18 those expenses were approved by the trustee. And I  
19 think on several of these, our response was approved  
20 by Trustee Scott Hegland.

21 And some of them, for instance, let's just  
22 go all the way to the back to make it easy. Go to  
23 523. It says, "Missing receipt, no purpose given.  
24 MRA, missing receipt affidavit, is not approved by  
25 the executive board."

1 Do you see that?

2 A So let me just review this. 523?

3 Q Yes, sir.

4 A I see that, yes.

5 Q Okay. So those are your comments, correct?

6 A That's the audit team's. Those aren't my  
7 specific comments.

8 Q Very good, very good. So the audit team  
9 said that the missing receipt affidavit is not  
10 approved by the executive board, correct?

11 A That's correct.

12 Q So we were in trusteeship and we would not  
13 have an executive board during that time period; is  
14 that correct?

15 A That's correct. In 2020, if the local was  
16 in trusteeship, there would have been no executive  
17 board.

18 Q Thank you. And just to note that that  
19 \$157,000 does not take into consideration the charges  
20 that were approved by Trustee Scott Hegland and a lot  
21 of the charges were put in before us being put into  
22 trusteeship?

23 A Yes, and we would have to do the math on  
24 that, sure.

25 MR. ROBLES: Fair enough. No further



1 questions.

2 MR. FOGELSANGER: Ryan Fogelsanger, just one  
3 question.

4 CROSS-EXAMINATION

5 BY MR. FOGELSANGER:

6 Q Based on your testimony, I believe you  
7 stated that we were put into trusteeship prior to the  
8 audit being completed and you finalized --

9 A That's correct.

10 MR. FOGELSASNGER: No further questions.

11 MR. HARDENBROOK: Mr. Rockwood?

12 MR. ROCKWOOD: No.

13 MR. HARDENBROOK: Mr. Hanson, do you have  
14 anything?

15 MR. HANSON: I don't have any questions.

16 MR. HARDENBROOK: Thank you.

17 Mr. Seiden?

18 MR. SEIDEN: Yes, I have one question for  
19 you, Mr. Polo.

20 CROSS-EXAMINATION

21 BY MR. SEIDEN:

22 Q You stated that you gave two weeks to find  
23 duplicate receipts but did not receive them until  
24 very late. Are you aware that I had sent numerous  
25 duplicate receipts on an ad hoc basis to Karen

1 VanNostrand while I was receiving them, to provide  
2 them to you in the office at that time, during that  
3 time period?

4 A Well, you know, I don't know if I was aware  
5 of it or not. We just processed what was received.  
6 So I believe, if memory serves me correctly, we were  
7 mainly waiting on Andrew's receipts, if memory serves  
8 me correctly.

9 Q Okay. So you were not aware that several of  
10 those items that you had requested to obtain  
11 duplicate receipts and specifically advice you had  
12 given about calling restaurants and hotels had been  
13 obtained early on in that week and had been provided  
14 to Karen VanNostrand?

15 A That may have been the case, but maybe it  
16 was -- maybe the audit team may have had knowledge of  
17 that. I didn't handle this piece of it extensively.

18 MR. SEIDEN: Okay. Thank you. I have no  
19 further questions.

20 MR. HARDENBROOK: Do you have any redirect?

21 MR. UNTERSEHER: Yes, please.

22 MR. HARDENBROOK: Go ahead.

23 REDIRECT EXAMINATION

24 BY MR. UNTERSEHER:

25 Q Mr. Polo, could you reference Charging Party

1 Exhibit 18? It should be in your binder there.

2 A Yes. I'm there.

3 Q Okay. We were just speaking about what you  
4 called the blanket, I believe, policy and it was  
5 referencing this document -- I believe it was in  
6 March of this year -- that I think we all agreed it  
7 was voted on by all -- at least less one member,  
8 which was Ryan Joseph.

9 This purports to put policies in place that  
10 covers the employees of the local meetings that they  
11 have, both GMM, access to data for members, vacation  
12 accrual, approval for scheduling, vacation pay for  
13 the employees, recordkeeping, sick time, mills, and  
14 Flight Pay Loss, long-term Flight Pay Loss.

15 Do you understand or from your audit, do you  
16 understand that there is not a term of long-term  
17 Flight Loss Pay [sic], that this is the first  
18 definition that exists in the history of this pilot  
19 group of long-term Flight Pay Loss?

20 A I did not negotiate the collective  
21 bargaining agreement and I don't know what the intent  
22 of that is, so I can't speak to that part of it; but  
23 I was informed by you as a trustee that it was not  
24 Flight Pay Loss, but it was a salary. And that was  
25 after the trusteeship.

1           Q     And, again, if I am to understand correctly,  
2     a motion was put in, that in total, it had all of  
3     these individual three pages of policies, maybe four  
4     pages of policies.

5                     In your work as an auditor for the  
6     Teamsters, have you ever seen a policy for what is  
7     essentially the president, principal officer of a  
8     local, backdate it -- well, this wasn't even  
9     backdated, this was not -- this is just a new policy,  
10    I suppose, that conferred a certain amount of money  
11    based upon, you know, no requirements, accountability  
12    for any work done whatsoever?

13                    As a matter of fact, the whole second part  
14    of it after the money essentially says the work will  
15    be up to the member, there will be no accountability  
16    to our members.

17                   MR. HARDENBROOK: Do you have a question?

18                   MR. UNTERSEHER: Yes. I wanted to know if  
19    he has ever seen a policy like this implemented  
20    post-fact to cure a principal officer's unilateral  
21    pay raise?

22                   THE WITNESS: So I don't know. That might  
23    be two-piece for me.

24                   First, retroactive approval for an  
25    expenditure is not a cure-all or a warranty to make

1 it legitimate.

2 Second is in bylaws and my time in the  
3 bylaws, I see liberal bylaws where the principal --  
4 let's just say either the president,  
5 secretary-treasurer or whoever the principal officer  
6 is -- has the authority to set salaries, vacation,  
7 benefits, you know, for business agents or officers,  
8 staff, clerical, etcetera.

9 However, and usually it would be somewhere  
10 in Section 14, in the powers and duties of the  
11 executive board, it would always be -- I see where  
12 that the executive board would set the salary of the  
13 principal officer.

14 Did that answer your question?

15 MR. UNTERSEHER: It did. Thank you very  
16 much. I have nothing further for this witness.

17 MR. HANSON: I have one further question if  
18 it would be allowed.

19 MR. HARDENBROOK: Go ahead, Mr. Hanson.

20 MR. HANSON: This is Mr. Hanson.

21 CROSS-EXAMINATION

22 BY MR. HANSON:

23 Q Under the description of the job description  
24 duties of the secretary-treasurer for IBT 2118, who  
25 is the principal officer who is responsible for

1 assisting in the audit process?

2 MR. HARDENBROOK: What document?

3 THE WITNESS: I don't understand the  
4 question.

5 BY MR. HANSON:

6 Q In the job description listed within the  
7 bylaws of Local 2118, it specifically lays out that  
8 one officer has greater duty than others to assist --

9 MR. CAWLEY: To answer your question, it's  
10 Exhibit 21.

11 MR. HARDENBROOK: Okay. Go ahead,  
12 Mr. Hanson.

13 BY MR. HANSON:

14 Q In Local 2118's bylaws, it specifically  
15 states that one officer has the primary duty in  
16 assisting the auditors during an audit.

17 Are you familiar with this job description?

18 A Would you refer to that section, please, and  
19 that sentence where it states that in the bylaws to  
20 help me out?

21 Q If you'll indulge me and give me one moment.

22 MR. CAWLEY: I think we're looking for  
23 Page 11, Paragraph I, as in India on Page 11.

24 MR. HARDENBROOK: Secretary-treasurer,  
25 Section 9, Page 9, going through Page 11, that I? Is

1 that what you're referring to, Mr. Hanson?

2 MR. HANSON: I am, sir.

3 THE WITNESS: So you're referring to Section  
4 9I?

5 BY MR. HANSON:

6 Q Yes, sir.

7 A So if I can read that, if I may. "The  
8 secretary-treasurer shall make available for  
9 inspection by the International auditor any documents  
10 necessary for the auditor to complete the audit  
11 schedule or to complete assignments from the General  
12 Secretary-Treasurer."

13 Q I am referring to that.

14 A So what's your question?

15 Q If you could just estimate the time spent in  
16 the office by the members of the board, would you say  
17 that the secretary-treasurer -- forgive me. I'm  
18 trying to think how to phrase it.

19 Would you say the secretary-treasurer was  
20 there more or less than the other members of the  
21 board in assisting?

22 A Well, the secretary-treasurer was present.  
23 You know, it's hard for me to gauge, you know, who  
24 was there more.

25 I do remember that many of the board members

1     were there, I believe, eight hours a day, you know, I  
2     mean, with our audit team. They were there, made  
3     available to answer questions.

4           Q     Was there ever a day that Ryan Joseph made  
5     himself available for eight hours a day?

6           A     He made -- Ryan Joseph made himself  
7     available for eight hours a day; but just to clarify,  
8     it's not necessary for a principal officer,  
9     secretary-treasurer to make themselves available for  
10    the entire eight hours during the day.

11           MR. HANSON: That's not what I was asking.  
12    I apologize. But I don't have any other questions,  
13    Mr. Polo. Thank you for your time.

14           THE WITNESS: Thank you.

15           MR. CAWLEY: I just have one quick question.  
16    Michael Cawley speaking.

17                        RE CROSS-EXAMINATION

18    BY MR. CAWLEY:

19           Q     It's been purported here that this was done  
20    hastily to cover our tracks. Do you recall that this  
21    was done at the request of your audit team and with  
22    the assistance of our attorneys in order to comply  
23    more with what you were asking?

24           A     I'm not sure what you're referring to,  
25    "this."



1           Q     Sorry. Referring to Exhibit 18, Local 2118  
2     policy and procedures manual.

3           A     The charged parties?

4           Q     Yes. I'll restate my question.

5           A     Thank you.

6           Q     Do you recall -- it's been purported here  
7     that this was done hastily to cover our tracks. But  
8     do you recall the conversations that were had in  
9     those weeks where this was done at your request in  
10    order to codify things that we believed were already  
11    in compliance and at the assistance of our attorneys  
12    to draft this?

13          A     We requested that -- of course, we would  
14    request that local unions adopt policies, you know,  
15    ASAP, sooner than later, yes.

16          Q     Is it your opinion that this was done in our  
17    haste to cover our tracks?

18          A     I can't answer that, haste. You know, I  
19    wasn't there with yourselves and your attorney.

20               MR. CAWLEY: Okay. Thank you. Nothing  
21    further.

22               MR. ROBLES: Nothing further.

23               MR. HARDENBROOK: Nothing else for this  
24    witness?

25               MR. ROBLES: No, thank you.

1                   MR. UNTERSEHER: Nothing else for this  
2     witness.

3                   MR. HARDENBROOK: Okay. You may be excused.  
4     Thank you, Mr. Polo.

5                   THE WITNESS: Thank you.

6                   MR. UNTERSEHER: May I have a four-minute,  
7     three-minute -- not to waste time -- restroom break,  
8     please?

9                   MR. HARDENBROOK: We don't have a choice  
10    there. Yes. Let's take a five-minute restroom  
11    break.

12                  It's 3:29. We're off the record.

13                  MR. UNTERSEHER: Thank you.

14                  (Whereupon, a recess was taken.)

15                  MR. HARDENBROOK: We're back on the record  
16    at 3:36. Call your next witness, please.

17                  MR. UNTERSEHER: If I may make a comment  
18    respectfully to the board and chairman. On review of  
19    the International Constitution, I cannot find  
20    anything in 19, Section 1C, that would prohibit  
21    somebody who's a nonmember not helping me as an  
22    attorney to assist as a witness.

23                  I respectfully would ask the panel and  
24    chairman to reconsider Mr. John Rice as a witness for  
25    just an expert report and testimony.

1           MR. HARDENBROOK: I gotcha. I think it was  
2 pretty clear when the report was sent out on who  
3 could participate and who could not, that it was  
4 clear that no outside counsel would be used.

5           So unless they're a member, I'm not going to  
6 allow that.

7           MR. UNTERSEHER: Thank you, sir.

8           MR. HARDENBROOK: Yeah.

9           MR. UNTERSEHER: I would like to call Mike  
10 Prete.

11                               MIKE PRETE

12           having been first duly sworn, was  
13 examined and testified as follows:

14                               DIRECT EXAMINATION

15 BY MR. UNTERSEHER:

16       Q     State your name for the record, please.

17       A     Mike Prete.

18       Q     And Mr. Prete, where do you work and what is  
19 your occupation?

20       A     I work for the International Brotherhood of  
21 Teamsters. I am an international auditor.

22       Q     And did you participate in the audit of  
23 Local 2118?

24       A     Yes.

25           MR. HARDENBROOK: Before you answer any more

1 questions, I'm sorry, can you spell your last name,  
2 please?

3 THE WITNESS: Sure. It's P-R, E as in  
4 Edward, T as in Tom, E as in Edward.

5 MR. HARDENBROOK: Thank you. Go ahead.

6 MR. UNTERSEHER: Process-wise for  
7 consistency, Mr. Prete wasn't sworn in.

8 THE WITNESS: I was.

9 MR. UNTERSEHER: Oh, you were. Apologies.

10 MR. HARDENBROOK: Yes, he was sworn in.

11 MR. UNTERSEHER: Thank you.

12 BY MR. UNTERSEHER:

13 Q You participated and worked --

14 A Yes, I participated in the audit.

15 Q Okay. Thank you. I didn't write down the  
16 number on the defendant's exhibit. It is sitting in  
17 front of you on the right, but could you cite a  
18 number, Mr. Chairman, for me? Oh, 19?

19 MR. HARDENBROOK: Charged Party Exhibit No.  
20 19.

21 MR. UNTERSEHER: Thank you.

22 BY MR. UNTERSEHER:

23 Q Was this a -- excuse me, Mr. Prete. This  
24 was produced by you during the audit; is that  
25 correct?

1           A     I produced most of this documentation, that  
2     is correct.

3           Q     And you've been in the room and have heard  
4     the testimony that has happened here today and with  
5     Mr. Polo; is that correct?

6           A     Yes.

7           Q     Could you give me a little background on the  
8     findings at the end of this and the columns that we  
9     were talking about regarding reimbursement loss,  
10    receipt affidavits, etcetera?

11          A     Sure. So once we started the audit, it was  
12    clear that there was a problem when it comes to  
13    documentation and/or approvals and the like.

14                So once that process begins, we would start  
15    a spreadsheet documenting the expenditures, the  
16    costs, if there were approvals, if it was, in fact, a  
17    missing receipt or missing a discernable business  
18    purpose. And so we start recording those findings,  
19    okay, and we give an opportunity to the union board  
20    at that time to respond to those items.

21                So, you know, anything that we would  
22    consider needing approval or, like I said, missing  
23    those other required documentations, would be noted  
24    on this.

25                As far as things going back to 2020, it was

1     pertinent, I felt, to document the consistent pattern  
2     of missing receipts and/or missing documentation for  
3     a discernable business purpose.

4             So when we talk about the 157,000, this  
5     represents a total number for all the charges that we  
6     didn't have any of these answers for.

7             So going back and using MRAs, for example,  
8     to cover up, if you will, as like a catchall, like a  
9     blanket, oh, I missed my receipt, again, I think  
10    Auditor Polo answered it earlier. If we see that  
11    once or twice in an audit, in total, for all  
12    officers, we would find an MRA's use -- and when I  
13    say MRA, let me be clear, missing receipt  
14    affidavit -- we would find that use to be acceptable  
15    if it was once or twice during the audit period.

16            However, there was a clear and consistent  
17    pattern that the MRA was, in fact, the way to get  
18    around having the supporting documentation and/or  
19    those itemized receipts. Also, the lack of approvals  
20    on many items.

21            So there's another column there, right,  
22    that, you know, we look at as an auditor that says  
23    "amount to be reimbursed." These are things that we  
24    feel in our judgment -- again, we are not the -- we  
25    don't make the decisions at the end of the day on the

1 direction of the local. That is obviously in control  
2 of the General President, but when we're asked to put  
3 these spreadsheets together, we have a pretty good  
4 idea of what we would consider reimbursable, such as  
5 all alcohol purchases, that is clearly inappropriate  
6 and would be considered a personal expense.

7 So while that might not represent 45,000  
8 that you see there, those are the types of things  
9 that are in that column.

10 Does that help?

11 Q Yeah, thank you. How would you characterize  
12 the financial practices through the trusteeship and  
13 the two years in which Captain Robles was the  
14 president of the local?

15 A The practices were poor at best. There  
16 weren't solid financial practices. It's clear and  
17 evident just from here what you see with the credit  
18 cards.

19 There's also another sheet with \$117,000 of  
20 checks where we had to question the business purpose  
21 or have the documentation. So it wasn't just the  
22 credit cards, it was checks having invoices that were  
23 incomplete and blank. There were several items such  
24 as that.

25 Q Can I turn your attention to Charging Party

1 Exhibit No. 18, please.

2 For a local that insufficient, I believe, or  
3 lacking -- I'm sorry, I don't remember the word you  
4 used -- this seems to be kind of a bare minimum, in  
5 my opinion, of a cure to put a policy and procedure  
6 in place that cures the practices that the audit team  
7 found were insufficient to comply with both the  
8 International Constitution requirements of the LMRDA,  
9 and the bylaws of this local union.

10 When you look at these policies and  
11 procedures, how does it compare to what you see as an  
12 IBT International auditor?

13 A They were lacking in detail. They weren't  
14 approved properly. And we had given specific  
15 instructions on several occasions on how to properly,  
16 A, record minutes -- which there were only two sets  
17 of executive board minutes for the entire audit  
18 period -- but also how to record motions properly and  
19 in the -- in making policies, how they needed to be  
20 spelled out in the minutes. When creating or  
21 adopting a new policy, that needs to be an individual  
22 motion as well as if you were amending a policy, we  
23 would want an individual motion.

24 A blanket motion just to approve a packet of  
25 policies does not cover -- does not cover it. We



1 want it to be specific. I would liken it to when, if  
2 an executive board made a blanket motion to approve  
3 all expenditures, that would not suffice either or  
4 hold any water.

5 So these policies, yes, we gave definitely  
6 when we come into a local as auditors we look at the  
7 policies and bylaws and if they're lacking policies,  
8 we tell them, you need to address this, okay.

9 But we also did take the time to tell them  
10 how to do it in terms of how to process that through  
11 the minutes. And then it's up to the executive board  
12 to come up with their policies. We don't tell them,  
13 you know, hey, you know, how to write every word of  
14 it, right.

15 But to go back and try to create policies  
16 to, in essence, cover up the wrongdoings of years  
17 past does not suffice. You know, I'm just glancing  
18 down here. We made it very clear about how we felt  
19 about all alcohol purchases, but yet they passed a  
20 meal policy that says alcohol will be limited to one  
21 drink daily, either with or without a meal. This is  
22 clearly against International policy and procedures.  
23 So these are not written well.

24 MR. UNTERSEHER: Thank you. I have nothing  
25 further for the witness.

1                   MR. HARDENBROOK: Want to cross-examine the  
2 witness?

3                   MR. ROBLES: Yeah. Andrew Robles.

4                   CROSS-EXAMINATION

5 BY MR. ROBLES:

6           Q     Hi, Mike. How are you doing, sir?

7           A     Good. Thank you.

8           Q     You cited a policy for alcohol, no alcohol.  
9 Can you tell me where that policy would be found?

10          A     I'm looking at it. Exhibit 18, Section D  
11 under "Meals."

12          Q     I mean the International policy that  
13 prohibits it.

14          A     It is common practice that we would tell  
15 locals that that is unacceptable, that all alcohol  
16 purchases without a meal, that is International  
17 policy.

18          Q     Okay. Is it in a written document is what  
19 I'm asking?

20          A     I don't have that document with me. That is  
21 the policy of the International, however.

22          Q     Okay. For all locals? Is there -- you've  
23 never --

24          A     All Teamsters locals.

25          Q     But that's not provided to local leadership,

1 is it? In a written document is what I'm asking.

2 A That wouldn't be necessarily -- you'd have  
3 to create a policy, but again, all alcohol purchases  
4 are never going to be allowed. What good is that?  
5 It has to be with a meal. Like we allow meals,  
6 right, but you're allowed to have a drink with it,  
7 being reasonable and moderate. That has always been  
8 the policy of the International.

9 Q And how would we know that as a new local if  
10 it's not in a written document that was provided to  
11 leadership?

12 A I can't answer to why you don't know.

13 Q Okay. Well, can you tell me where the  
14 document or what type of document would have that  
15 policy in writing?

16 A I'm sure I could go through the  
17 International policy and find it for you if that  
18 would suffice.

19 MR. ROBLES: I'm just asking.

20 I don't have any further questions. Thank  
21 you.

22 MR. HARDENBROOK: Mr. Cawley, do you have  
23 any?

24 MR. CAWLEY: Michael Cawley speaking.

25 ///

1 CROSS-EXAMINATION

2 BY MR. CAWLEY:

3 Q In your opinion, Mike, if a trustee such as  
4 Mr. Unterseher here of a local approved charges as in  
5 his capacity as a trustee, would a future board who  
6 does not exist yet be accountable for those charges,  
7 to repay those charges?

8 A I'm going to answer your question like this,  
9 because I heard your question to Mr. Polo, and,  
10 again, he didn't create a vast majority of that  
11 sheet, I did.

12 So when you see no approval by executive  
13 board and yet there wasn't one, it's with the  
14 understanding that we would have to see some sort of  
15 approval.

16 There was nothing provided by Mr. Hegland at  
17 that time giving approval. There wasn't even an MRA,  
18 which I believe in your example -- let me go back to  
19 it -- No. 523, "MRA is not approved by executive  
20 board," which means, you know, whatever the governing  
21 body would be at that time.

22 So if we had an MRA signed by the trustee,  
23 well, then it wouldn't say that. So, you know, if  
24 you want to split hairs on the verbiage, you can do  
25 that, but we understand what that means.

1           Q     I mean, by splitting hairs, I guess my  
2     question to you is, if a future board who does not  
3     exist yet comes into office, would they be held,  
4     post-activity, accountable for anything that Mr. Greg  
5     Unterseher did as trustee? Because that's what's  
6     happening here.

7           A     I don't make those decisions. I report the  
8     facts. And like I said, once we established that  
9     there was a clear pattern and we started with the  
10    most recent things, obviously, in 2024 and worked  
11    back, I felt it was important to document even  
12    farther back to see if this was a pattern by the  
13    executive board and, in particular, Andrew.

14          Q     And my last question is, on this policy and  
15    procedures manual, did we ever have conversations or  
16    did the executive board state anything to give you  
17    the opinion or impression that this policy manual was  
18    developed in order to cover up our tracks? Because  
19    that's what you just stated.

20          A     What I said was you can't create policies in  
21    order to cover up your past indiscretions and some of  
22    this as has been highlighted today when we talk about  
23    the FPL and then we have the example I gave with the  
24    alcohol, where we did debate and you guys paid some  
25    of those, but not others, and you knew our stance at

1 that time was that all alcohol purchases needed to be  
2 reimbursed back to the local.

3 I mean, I can go on and give you more  
4 examples if you'd like.

5 Q I mean, okay, well, do you recall why those  
6 specific charges were repaid?

7 A No, but I'm sure you recall that our  
8 position was that they needed to -- all of them  
9 needed to be.

10 Q I mean, I don't want to testify, but I don't  
11 know how to respond to that without testifying.

12 MR. HARDENBROOK: Too late.

13 BY MR. CAWLEY:

14 Q You know what I mean, but do you recall the  
15 conversation, and the reason that was repaid was  
16 because we did not have a sign-in sheet for those  
17 events that we could produce; and so it wasn't that  
18 the charge was inappropriate, but that we could not  
19 produce a sign-in sheet and so we repaid those  
20 charges?

21 Andrew repaid those charges based on that  
22 alone, not that the charges were inappropriate.

23 Does that sound familiar?

24 A First of all, I'd have to know which one in  
25 particular. And there are occasions where we would

1 have needed a sign-in sheet for dinner that would  
2 have had alcohol. However, our position on all  
3 alcohol was consistent that entire time, that those  
4 purchases, regardless of what was maybe given as the  
5 business purpose, if it was all alcohol, our  
6 expectation was that that needed to be repaid to the  
7 local.

8 Q I understand that. And is that your opinion  
9 or is that written somewhere in a document that can  
10 be produced?

11 A I think I already stated it's International  
12 policy that, you know, if you're going to have  
13 alcohol, it needs to be with a meal.

14 MR. CAWLEY: Thank you. I have nothing  
15 further.

16 CROSS-EXAMINATION

17 BY MR. ROCKWOOD:

18 Q Josh Rockwood, recording secretary.  
19 Would you agree that we changed our policy  
20 on taking minutes and recording?

21 A I'm sorry?

22 Q Would you agree that we -- when you guys  
23 came in, you guys helped us out with our general  
24 membership meetings and our recording and our  
25 note-taking?

1           A     Well, once we discovered that there was only  
2     two sets of executive board minutes and seven general  
3     membership minutes, yeah, we definitely directed you  
4     guys to have your meetings according to the bylaws.  
5     And we also gave you examples straight out of the  
6     financial procedures manual on what the minutes need  
7     to contain.

8           Q     And did they at the end? Did you feel that  
9     we submitted the changes necessary?

10          A     It was a process in which, you know, your  
11     board provided minutes, but they were never quite  
12     proper. There was always just something lacking and  
13     in case in point would have been the policies or the  
14     approval on the policies, the blanket approval, which  
15     we did tell you guys to individually approve these  
16     policies.

17               MR. ROCKWOOD: Okay. That's all I have.

18               MR. HARDENBROOK: Mr. Hanson, do you have  
19     anything for this witness?

20               MR. HANSON: I do not.

21               MR. HARDENBROOK: Thank you, Mr. Hanson.

22               Mr. Seiden, do you have anything for this  
23     witness?

24               MR. SEIDEN: No, sir, I do not.

25               MR. HARDENBROOK: Do you have any redirect?



1 MR. UNTERSEHER: Yeah, one quick question.

2 REDIRECT EXAMINATION

3 BY MR. UNTERSEHER:

4 Q During Hegland's trusteeship, was there also  
5 other trustees, assistant trustees?

6 A I believe there was. I can't recall the  
7 name off the top of my head. I apologize.

8 Q It wouldn't surprise you that the General  
9 President of the Teamsters, Hoffa, appointed by CO  
10 Andrew Robles as the assistant trustee?

11 A No.

12 MR. UNTERSEHER: That's all. Thank you.

13 MR. HARDENBROOK: Any redirect -- recross?  
14 Excuse me.

15 MR. ROBLES: None.

16 MR. HARDENBROOK: Nothing more, you may be  
17 excused. Thank you, sir.

18 THE WITNESS: Thank you.

19 MR. HARDENBROOK: Next witness?

20 MR. UNTERSEHER: I have no further  
21 witnesses.

22 MR. HARDENBROOK: You guys ready to go? Do  
23 you need just a few minutes?

24 MR. ROBLES: Just two minutes to get my  
25 documents. That's it. I'm ready.

1 MR. HARDENBROOK: Stay on the record.

2 Mr. Hanson, Mr. Seiden, I assume you guys have all of  
3 the charged parties' exhibits?

4 MR. HANSON: That's right. I'm sorry, sir,  
5 are we on the record?

6 MR. HARDENBROOK: Yes, we are.

7 MR. HANSON: Okay. I may need to check with  
8 the local office here how long they will remain open.  
9 It's 5:00 there, which is their typical closing time.  
10 I do wish to continue. They have indicated that  
11 possibly, but I just don't want to inconvenience  
12 anyone.

13 MR. HARDENBROOK: Gotcha. Is Jim right  
14 there?

15 MR. HANSON: Let me double-check. I believe  
16 he was in his office last time, if that's all right?

17 MR. HARDENBROOK: We will wait for you.

18 MR. HANSON: Andrew, you can continue  
19 without me.

20 (Brief pause in proceedings.)

21 MR. HARDENBROOK: Andrew, was 19 in yours?  
22 Or did I take it out of yours?

23 MR. ROBLES: 19 is missing from mine.

24 MR. HARDENBROOK: Put that back in yours.

25 So what did you find out, Mr. Hanson?

1           MR. HANSON: Sir, I spoke with Jim as well  
2 as the administrative assistant. Jim will be  
3 departing but the administrative assistant was kind  
4 enough to say that she will stay for us.

5           MR. HARDENBROOK: Perfect. Okay.

6           MR. ROBLES: I probably need an hour to an  
7 hour and a half is what I'm expecting to finish my  
8 piece here.

9           MR. HARDENBROOK: Are you calling witnesses?

10          MR. ROBLES: Possibly briefly, yes.

11          MR. HARDENBROOK: Okay. Give me just a  
12 minute.

13          Mr. Seiden, you've already said that Joint  
14 Council 42 said you can stay as long as needed  
15 tonight.

16          MR. SEIDEN: Mr. Seiden speaking. Yes,  
17 that's correct.

18          MR. HARDENBROOK: Okay. Let me go off the  
19 record one minute. I'm going to call Jim Soumas at  
20 Local 190 to verify how much time we have. I don't  
21 want to get three-quarters of the way through this  
22 and Kurt get kicked out or lights go off or quit  
23 running the internet. So give me just a minute.

24               Off the record.

25               (Brief pause in proceedings.)

1           MR. HARDENBROOK: You can stay as long as  
2   you need, Mr. Hanson.

3           MR. HANSON: They've been very  
4   accommodating.

5           MR. HARDENBROOK: Let's go back on the  
6   record.

7           MR. ROBLES: Okay. And very quickly before  
8   we start, is there -- do you think we're going to  
9   finish this evening?

10          MR. HARDENBROOK: Depends on how long you  
11   go. Typically how this goes is they'll present their  
12   case in chief with their witnesses. They get to  
13   direct examine them, you get to cross-examine them.

14          Then you put on your case in chief, they get  
15   to rebut your case in chief and you rebut their case  
16   in chief.

17          And then if you need to, in closing, just a  
18   summation of the charges. And I think we're right up  
19   against maybe the limit.

20          I'm not 100 percent certain, to answer your  
21   question.

22          MR. ROBLES: Okay. Fair enough.

23          MR. HARDENBROOK: I'll tell you after you  
24   go.

25          MR. ROBLES: Okay. You ready?

1 MR. HARDENBROOK: I am, but I also don't  
2 want to hurry you. I want you to have the time you  
3 need to properly defend yourself against these  
4 charges. So if we need to right now, we will still  
5 go in the morning if we need to wrap it up.

6 MR. ROBLES: Okay.

7 MR. HARDENBROOK: But I think we have a  
8 chance to get through, so let's go.

9 MR. ROBLES: Okay. My name is Andrew Robles  
10 and I've been elected by a majority group to  
11 represent this pilots' group four consecutive times.

12 In 2017, I was elected by this pilots'  
13 group, once as a member of the EBoard, in 2018 --  
14 actually, you know what, I needed to read a statement  
15 real quick, if I could.

16 MR. HARDENBROOK: Go ahead.

17 MR. ROBLES: Yeah, that's right. We need  
18 to, if we could, enter all of our exhibits. And if  
19 you look at the binder here, I've only got 19, I  
20 believe 20 tabs, but we actually have 25 exhibits.  
21 This is just because I didn't have the tabs in the  
22 back but there is a separating page.

23 So if we could just admit all 25 exhibits  
24 just so we can save some time, I will be referencing  
25 them throughout the statements.

1           MR. HARDENBROOK: Do you have a sheet that  
2   says Exhibit 21, Exhibit 22 --

3           MR. ROBLES: Right.

4           MR. HARDENBROOK: -- Exhibit 23, Exhibit  
5   24 --

6           MR. ROBLES: Yes, sir.

7           MR. HARDENBROOK: -- Exhibit 25. The only  
8   question I have, it says two video clips. Do you  
9   plan on playing another one?

10          MR. ROBLES: One more and it's a very short  
11   video.

12          MR. HARDENBROOK: Okay. Do you have any  
13   objections to these? Have you had a chance to review  
14   them?

15          MR. UNTERSEHER: I have not had an  
16   exhaustive chance to review them, but on their face,  
17   no. As he goes through them, I may.

18          MR. ROBLES: There's also a table of  
19   contents or an index on the front.

20          MR. HARDENBROOK: Just to show the charged  
21   party great deference, I'm going to allow them all  
22   those exhibits. You'll have an opportunity to object  
23   to them as they're presented, but I'm going to let  
24   them all in as exhibits. All 25.

25          MR. ROBLES: Thank you. And they're just

1 referenced quickly. A lot of them, I'm assuming that  
2 you guys will review the document on it's face value  
3 later.

4 MR. HARDENBROOK: Gotcha.

5 (Charged Parties' Exhibits 1-25 were  
6 admitted into evidence.)

7 MR. ROBLES: Ready?

8 MR. HARDENBROOK: Go.

9 MR. ROBLES: All right, Chairman. I would  
10 like to put on the record that I made a request for  
11 certain records in order to prepare for today's  
12 hearing and the materials were reflected in a letter  
13 from my attorney dated August 26, 2024; and the IBT  
14 legal counsel provided only one of those requested  
15 materials and that was the transcript and exhibits  
16 from the April 2024 trusteeship hearing.

17 And as of arriving at this hearing, I had  
18 not been provided any advance notice of the exhibits  
19 that would be presented or the witnesses that would  
20 be called. As such, my ability to prepare was  
21 severely limited.

22 I again requested this hearing be -- we will  
23 disregard that piece.

24 With that said, I would like to go ahead and  
25 start with my statement if that's okay.

1 MR. HARDENBROOK: Please.

2 MR. ROBLES: Okay. My name is Andrew Robles  
3 and I've been elected by majority vote to represent  
4 this pilots' group four consecutive times.

5 In 2017, I was elected by this pilots' group  
6 once as a member of the EBoard.

7 In 2018 I was elected again as a member of  
8 the EBoard, but after just three months our principal  
9 officer resigned from his position. This is an  
10 important fact that I will come back to. I was then  
11 appointed as the principal officer of 1224.

12 This all occurred prior to Local 2118 being  
13 established. In both of the following elections held  
14 since the local's charter in 2020, I was elected by a  
15 majority vote by the Allegiant pilots' group as the  
16 president and principal officer. I was removed from  
17 this position in March of this year by IBT General  
18 President Sean O'Brien.

19 I'm testifying without the presence of  
20 counsel and an opportunity to review the evidence  
21 against me, both of which have been denied by the IBT  
22 general counsel's office.

23 Local 2118 represents approximately 1,300  
24 pilots employed by Allegiant Air and was granted its  
25 own charter by former General President James P.



1 Hoffa.

2 Allegiant pilots had been previously  
3 represented by Local 1224 but sought their own  
4 charter because of our widespread dissatisfaction  
5 with the local's deteriorating financial condition,  
6 which was aggravated by the departure of pilots from  
7 Atlas Air and the local's failure to represent us in  
8 grievances and contract negotiations with Allegiant.

9 Much of our dissatisfaction was directed  
10 towards Greg Unterseher, then a business agent of  
11 Local 1224 and attorney Ed Gleason, Local 1224's then  
12 principal outside counsel. I'm aware of that  
13 dissatisfaction because, as I stated, I served as a  
14 member of the executive committee for Allegiant  
15 pilots with Local 1224 from 2017 to 2020.

16 After being granted its own charter, Local  
17 2118 was placed under organizational trusteeship  
18 under the supervision of Captain Scott Hegland, an  
19 experienced pilot and union officer who participated  
20 in numerous negotiations on behalf of the IBT and  
21 previously the ALPA, the Airline Pilots Association.

22 I was appointed as assistant trustee and  
23 worked under Hegland's direction. At the time, I was  
24 a senior pilot for Allegiant with approximately  
25 12 years of seniority.

1               Local 2118's first election occurred in  
2   December 2021, and I was elected president and  
3   principal officer. The other members of the  
4   executive board included Ryan Fogelsanger, Ryan  
5   Joseph, Josh Rockwood, Michael Cawley, Kurt Hanson,  
6   and Erick Valenzuela.

7               Thereafter, the local was notified of its  
8   release from trusteeship by Hoffa with the change in  
9   status taking retroactive effect as of January 1,  
10  2022.

11              Although the local's bylaws stipulated a  
12  three-year term for elected officers, I received  
13  conflicting guidance in October 2023 from the IBT  
14  Airline Division and the IBT legal department, which  
15  was then headed by Attorney Gleason regarding when  
16  the next election was required.

17              On October 26, 2023, O'Brien reversed  
18  earlier guidance from the IBT's Airline Division and  
19  stated that a new election had to be held by the  
20  year's end. Despite the short notice, I and the  
21  other members of the executive board organized an  
22  election and we were reelected in late December of  
23  last year.

24              It is my belief from that point forward a  
25  concerted effort was made by Ryan Joseph in

1 cooperation with Greg Unterseher to remove us from  
2 office. Within two weeks of the election results,  
3 Ryan Joseph made false accusations about the conduct  
4 that resulted in an IBT investigation.

5 The IBT found no wrongdoing. Next, and  
6 again during the audit, Ryan Joseph made further  
7 false allegations that resulted in a second  
8 investigation, and those were that we were not  
9 including him in general governance votes and he  
10 stated that kickbacks were being given to either  
11 myself or to the consultant. This was again proven  
12 false and no wrongdoing was found. I believe all of  
13 these actions were a concerted effort to put us in  
14 trusteeship.

15 Within two weeks of the election, the IBT  
16 initiated an audit of the local that continued over  
17 the course of the next three months. I and other  
18 members of the executive board cooperated fully with  
19 the IBT auditors responding to an inquiry, providing  
20 copies of requested documentation, and agreeing to  
21 implement suggested changes.

22 Despite our cooperation with the IBT  
23 auditors, O'Brien invoked an emergency trusteeship on  
24 March 15, 2024, and appointed Unterseher as a  
25 trustee. Gleason, who had left his position, was

1 promptly retained by Unterseher as his counsel. I  
2 and all but one of the other members of the executive  
3 board were removed and the sole surviving person that  
4 was still working with the local was Ryan Joseph.

5 At the time of the emergency trusteeship,  
6 Local 2118 was solvent with approximately \$10 million  
7 in assets. When the local was formed in 2020, it  
8 started with approximately \$2.2 million.

9 Approximately \$650,176.32 was in our checking  
10 account, which was the equivalent of three months'  
11 dues required to be paid from Local 1224 in  
12 accordance with the constitutions.

13 We were operating in the red at Local 1224  
14 and our checking account was approximately in the  
15 red, almost \$200,000 for 2019. We also brought over  
16 our assessment money at just under \$1.6 million.  
17 Combining those two amounts is how we came up with  
18 approximately \$2.2 million. Thus, the financial  
19 health of Local 2118 was thriving during my  
20 leadership.

21 As I'll explain further, I was consistently  
22 focused on financial health of this local and the  
23 recurring theme that I was embezzling from the local  
24 for my own personal benefit is a baseless, political  
25 ploy that has unfortunately brought us here today.

1           With that brief background context, I will  
2   address each of the charges alleged against me as  
3   best I can given the limited information provided to  
4   me prior to this hearing.

5           On Charge 1. Charge 1 alleges that I  
6   defrauded and embezzled approximately \$175,000 from  
7   Local 2118 based upon my compensation and benefits,  
8   and further alleges that my compensation and benefits  
9   were not established nor authorized by Local 2118 and  
10   its executive board. I deny Charge 1 fully.

11           First, I would like to draw your attention  
12   to Local 2118's bylaws, which are Exhibit 9 in your  
13   binders.

14           Before getting into that exhibit, I request  
15   that this binder be admitted into evidence. I think  
16   we did that already, right?

17           MR. HARDENBROOK: Yes.

18           MR. ROBLES: Please turn to Page 20.

19           Page 20 of the bylaws begins with the  
20   officer oath of office. This oath was taken by  
21   myself and each member of the executive board and we  
22   did our absolute best to embody this promise.

23           It states that, "I will faithfully use all  
24   of my energies and abilities to perform the duties of  
25   my office and work to maintain a union that is free

1 of corruption and I would faithfully work at all  
2 times to enforce the constitution and the laws of the  
3 International Union and the bylaws of this union."

4 I did just that.

5 On the same page, 21 Charlie states that,  
6 "Any action taken by an officer in good faith and  
7 within the scope of his authority and power under  
8 these bylaws shall not be the basis for any personal  
9 liability against such officer."

10 So the question begins with, were my actions  
11 taken in good faith and were they within the scope of  
12 my authority and power under the bylaws?

13 My use of Flight Pay Loss was both approved  
14 by the IBT trustee while Local 2118 was in  
15 organizational trusteeship and publicly disclosed to  
16 both the members of the local's executive board as  
17 well as the local's members, meaning all pilots had  
18 the ability to view my Flight Pay Loss at all times  
19 after it emerged from trusteeship.

20 It was also consistent with the collective  
21 bargaining agreement between Local 2118 and Allegiant  
22 as well as the local's bylaws. I understand that the  
23 members of this panel may not have experience with  
24 Flight Pay Loss, so I would like to take this  
25 opportunity to explain it.

1 Allegiant pilots' pay is based primarily on  
2 the pilot's seniority and the calculated time earned  
3 by the pilot or check airman on duty for certain  
4 non-flying duties referred to as pay credit hours as  
5 outlined in the contract with Allegiant.

6 I would like to go ahead and play that  
7 second video if I could for the panel. It gives a  
8 very concise explanation of Flight Pay Loss and it  
9 was a video that was played for the entire membership  
10 while we were still at 1224 and the video was  
11 approved by 1224's legal counsel before we posted it.  
12 So if you'd give me a second here, I'll cue that up  
13 and it's also on your USB. Actually, can you do that  
14 for us?

15 THE VIDEOGRAPHER: Yes.

16 MR. ROBLES: Yes, sir. It's the second one.  
17 It just concisely describes my interpretation of  
18 Flight Pay Loss, how that worked. And it was to the  
19 pilot group.

20 MR. HARDENBROOK: Who is the counsel that  
21 approved it?

22 MR. ROBLES: Nick Manicone and I believe it  
23 was Tom Cornelius, so the IBT legal counsel for the  
24 general -- I guess it was -- it wasn't the Airline  
25 Division.

1                   MR. HARDENBROOK: Are you talking about the  
2 executive board?

3                   MR. ROBLES: General executive board, yes,  
4 sir.

5                   MR. HARDENBROOK: For the IBT or for the --

6                   MR. ROBLES: For the IBT. It was also  
7 approved by our local counsel, Greg Unterseher, and  
8 I'll get into all that stuff, too, but I've got lots  
9 of documents to show it was approved and vetted and  
10 discussed. But it was an actual document. This  
11 whole thing has gone in front of numerous legal  
12 counsel numerous times.

13                  MR. HARDENBROOK: Gotcha.

14                  MR. UNTERSEHER: I was never their legal  
15 counsel.

16                  MR. ROBLES: I didn't say you were.

17                  MR. UNTERSEHER: On the record you did.

18                  MR. HARDENBROOK: I just assumed it was a  
19 misspeak.

20                  MR. ROBLES: Oh, did I say that? I  
21 apologize, no. So this is just for context. This is  
22 a video. I used to post videos approximately once or  
23 twice a month for the general membership when they  
24 had questions.

25                  This one is specifically on Flight Pay Loss



1 on questions that we had received. There's some  
2 comments that are scrolling on the side, you'll see,  
3 so you guys have full context of the Facebook page it  
4 was posted on.

5 MR. HARDENBROOK: This is a seven-minute  
6 video?

7 MR. ROBLES: I don't think so. I don't  
8 remember. I thought it was pretty short. It could  
9 be seven minutes, but including the seven minutes,  
10 that's the hour and a half that it took me to do this  
11 whole thing.

12 MR. HARDENBROOK: Gotcha. If you stop short  
13 of that, tell us and we will note it.

14 MR. ROBLES: Okay.

15 MR. HARDENBROOK: Go ahead.

16 (Video played.)

17 MR. HARDENBROOK: Can you pause it for a  
18 second?

19 MR. UNTERSEHER: It's on Zoom right now; is  
20 that correct?

21 MR. HARDENBROOK: It is.

22 MR. UNTERSEHER: Go ahead.

23 MR. HARDENBROOK: If you need to, just move  
24 up here so you can hear it.

25 (Video played.)

1 MR. ROBLES: That's enough.

2 THE VIDEOGRAPHER: Six minutes and  
3 41 seconds.

4 MR. ROBLES: So those videos are 20 Alpha  
5 and 20 Bravo in the binder and that was the thumb  
6 drive that was provided to the panel.

7 MR. HARDENBROOK: This one we just watched  
8 is 20 Bravo?

9 MR. ROBLES: Yes, 20 Bravo.

10 MR. HARDENBROOK: 20 B is admitted to  
11 evidence.

12 MR. UNTERSEHER: Mr. Chairman, there was a  
13 lot of citations that happened in there. I suppose  
14 all of that will be in the written transcript; is  
15 that accurate?

16 MR. HARDENBROOK: This video record becomes  
17 part of the written transcript when the court  
18 reporter has it transcribed, the video itself.  
19 Transcribed from the video, but yes, it will be in  
20 the written record.

21 MR. UNTERSEHER: It's very hard to follow  
22 the citations that were happening and the chance to  
23 voir dire what they were.

24 MR. ROBLES: I'm going to go through all of  
25 them.

1           MR. HARDENBROOK: Sweet. The video itself,  
2 I don't think we need to have it transcribed if you  
3 listen to it.

4           MR. UNTERSEHER: Thank you.

5           MR. ROBLES: Okay. So my interpretation of  
6 the Flight Pay Loss in the video here today is based  
7 upon the explicit language of the collective  
8 bargaining agreement and the history of the  
9 language's application.

10           In that video, I reference several sections  
11 of the collective bargaining agreement that remain  
12 relevant to the current charges against me. I'm not  
13 going to read each provision out loud but I'm willing  
14 to try to answer questions the panel may have in  
15 regards to Flight Pay Loss to make sure everyone  
16 understands what Flight Pay Loss is. And this is a  
17 dispute that occurred numerous times.

18           Section 24 of the collective -- the  
19 Allegiant collective bargaining agreement addresses  
20 union business and I've provided you with a copy of  
21 Section 2, which is in the definitions section and  
22 Section 24 in Exhibit 1 of your binders. And I  
23 request that Exhibit 1 be entered into evidence,  
24 please.

25           MR. HARDENBROOK: It's already been done.

1 MR. ROBLES: It's already been done.

2 Disregard that then.

3 All right. So Section 24 Charlie states the  
4 following: Section Charlie, 24 Charlie 1, states, "A  
5 pilot on union business shall accrue seniority and  
6 longevity," and I'm paraphrasing here, accrue sick  
7 and continue to receive all other benefits covered by  
8 this agreement on the same basis as other active  
9 pilots unless the union instructs the company  
10 otherwise.

11 MR. HARDENBROOK: Where are you at?

12 MR. ROBLES: The collective bargaining  
13 agreement, 24 Charlie 1.

14 MR. HARDENBROOK: In Exhibit 1?

15 MR. ROBLES: In Exhibit 1, yeah.

16 MR. UNTERSEHER: Again, I object. That's  
17 not what it says. So, I mean, he can paraphrase as  
18 long as it's cited in the transcript that it's a  
19 paraphrase. It doesn't say what he said.

20 MR. HARDENBROOK: You get to rebut that.  
21 What page in Exhibit 1?

22 MR. ROBLES: It's on the bottom. It says  
23 24-2, and it's under 24 Charlie 1, and it's 24  
24 Charlie 1 Charlie, and I can read it verbatim for  
25 Mr. Unterseher.

1           It says that, "A pilot on union business  
2 shall continue to receive all other benefits covered  
3 by this agreement, on the same basis as other active  
4 pilots, including, but not limited to, continued  
5 participation in the company's travel pass policy,  
6 retirement plan, company group insurance, and other  
7 health and welfare plans provided he continues to pay  
8 his portion of the premiums, unless the union  
9 instructs the company otherwise."

10           Okay. So, all right, there are two primary  
11 scenarios for taking Flight Pay Loss: One, known  
12 absences, which we talked about, when the pilot  
13 blocks the time when bidding the line; and, two, when  
14 there are dropped trips, when the pilot has a drop,  
15 has to drop a scheduled duty in order to participate  
16 in union business.

17           24 Charlie 2 Alpha, addresses the trip-drop  
18 scenario and it says "Trip drops are a defined term  
19 in Section 2." Okay. So Section 2 -- now I'm  
20 looking at the definition section of trips dropped  
21 and it states verbatim, "is the process by which a  
22 pilot voluntarily removes a duty from his bid line  
23 without obtaining new duty in the same transaction in  
24 accordance with Section 15 scheduling."

25           MR. HARDENBROOK: Where were you just at?

1           MR. ROBLES: Sorry, that's in the  
2 definitions, right? I'll find that for you. Trips  
3 dropped, yeah. 2-9 in Exhibit 1. Sorry about that.

4           MR. HARDENBROOK: No, we're going backwards.  
5 I gotcha.

6           MR. ROBLES: So trips dropped is the process  
7 by which a pilot voluntarily removes a duty from his  
8 bid line without obtaining a new duty in the same  
9 transaction, in accordance with Section 15  
10 scheduling.

11           And then you have to go backward again to  
12 duty, because it's important to reference what a duty  
13 is. And that is, let's see, 2-3 on the bottom, under  
14 duty. It says, "Any task that a flight crew member  
15 performs as required by the certificate holder,  
16 including, but not limited to, flight duty period,  
17 flight duty, pre and post flight duties,  
18 administrative work, training, deadhead  
19 transportation, aircraft position on the ground,  
20 aircraft loading, and aircraft servicing."

21           But the main part that you need to see there  
22 is "required by the certificate holder."

23           Section 24 Charlie 2, let's see, that's now  
24 24-2 in Exhibit 1, under Flight Pay Loss, okay. 24  
25 Charlie 2A, addresses the known absence scenario and

1 specifies that, "In such instances, the pilot is  
2 credited for four PCH per day. This is different  
3 from a drop trip for which the pilot received credit  
4 for the value of the scheduled trip drop."

5 Meaning, it could be greater than four if  
6 you had an eight-hour day, you could drop and be  
7 protected for eight, whereas if you're preplanning  
8 Flight Pay Loss, it's just four. So Section 24  
9 provides for short-term and long-term union business.

10 During the time period of these charges, I  
11 moved from short-term to long-term union business.  
12 And I want to note that the only difference in our  
13 contract between short-term and long-term is whether  
14 or not you have to remain current and there's a  
15 specific provision that speaks to that.

16 Section 24 Bravo 1 of the collective  
17 bargaining agreement provides that, "Time off for the  
18 purposes of long-term union business shall be granted  
19 to one individual who has accepted a full-time  
20 elected position with the local union or  
21 International union."

22 As the principal officer of Local 2118, I've  
23 been consistently taking known absence Flight Pay  
24 Loss, meaning that I am credited four PCH for each  
25 day of union business. I have also not maintained my

1 currency for reasons I will explain later.

2 I ask that you pay particular attention to  
3 Section 24 Bravo 4, which states that, "If training  
4 or requalification is necessary, a pilot's return  
5 date shall be determined by the first available class  
6 date to requalify him for the position for which he  
7 is returning."

8 Therefore, an Allegiant pilot on long-term  
9 union business did not have to stay current with  
10 currency, meaning that the pilot has satisfied  
11 certain federal prerequisites to be able to operate  
12 an aircraft. So it speaks to getting re-qualified,  
13 meaning that it's a known fact that you're not going  
14 to be current.

15 MR. UNTERSEHER: Where -- I lost that last  
16 citation. So you're making some conclusions and I  
17 appreciate that, you can do that. I'm not following  
18 where you just jumped from. You're jumping in a lot  
19 of different places in this contract.

20 MR. HARDENBROOK: 24 Bravo.

21 MR. UNTERSEHER: 24 Bravo 2, and he is  
22 giving an opinion on what it means based upon, I'm  
23 sorry, I lost my --

24 MR. ROBLES: I'm literally reading it  
25 verbatim and I think it's inappropriate that he's



1 cutting me off.

2 MR. UNTERSEHER: I'm honestly trying to  
3 follow.

4 MR. HARDENBROOK: I understand that. Just  
5 be more clear where you're going.

6 MR. ROBLES: Sure.

7 MR. HARDENBROOK: You'll have a chance to  
8 rebut, but, I mean, if I can do it, anybody can  
9 really. But he did say 24 Bravo 4, which is the top  
10 of the third-to-the-last page.

11 MR. ROBLES: 24-2.

12 MR. HARDENBROOK: 24-2 at the bottom.

13 MR. UNTERSEHER: Top of 24-2.

14 MR. HARDENBROOK: Yeah.

15 MR. UNTERSEHER: Okay.

16 MR. ROBLES: Okay. So, again, 24 Bravo 4  
17 states training and requalification, "If training or  
18 requalification is necessary, a pilot's return date  
19 shall be determined by the first available class date  
20 to requalify him for a position for which he is  
21 returning." That's speaking to long-term union  
22 business.

23 Therefore, an Allegiant pilot on long-term  
24 union business does not to have stay current, meaning  
25 the pilot had satisfied certain federal prerequisites

1 to operate an aircraft. That's always been my  
2 understanding of the contract and that contract has  
3 been vetted and discussed dozens of times over the  
4 course of the years with IBT legal as well as the  
5 company.

6 The foundation of Trustee Unterseher's  
7 argument as I understand it is that I was not  
8 eligible to take Flight Pay Loss unless I maintain my  
9 flight currency.

10 His interpretation is incorrect for many  
11 reasons, but it is telling that there would have been  
12 no reason to include a provision about  
13 requalification of a pilot for a return date in  
14 Section 24 Bravo 4 under his interpretation.

15 There's a long history regarding Flight Pay  
16 Loss for this pilot group and I'm going to focus upon  
17 the key points.

18 The language of the collective bargaining  
19 agreement regarding preplanned absences for union  
20 business was further clarified and solidified through  
21 a memorandum of understanding signed on September 7,  
22 2018.

23 The MOU is in your binder as attachment  
24 Bravo Exhibit 3. I would like to enter Exhibit 3  
25 into the record if I haven't already.

1           MR. HARDENBROOK: It is, but direct me to  
2 the page. What page number?

3           MR. ROBLES: It's right after the first tab,  
4 it's Manicone at the top, first page of Exhibit 3.

5           MR. HARDENBROOK: Sorry for the  
6 interruption.

7           MR. ROBLES: No problem.

8           So there was an MOU that was assigned to  
9 clarify an issue that was described in the video,  
10 notably Trustee Greg Unterseher was present when I  
11 signed the MOU on behalf of the Allegiant pilots who  
12 were then part of 1224.

13           The MOU addresses Section 24 Charlie 2 Alpha  
14 I and states the following -- bare with me, sorry.  
15 It's -- I should have put page numbers on the bottom  
16 of this, but it's Page 11. Page 11 of Exhibit 3, it  
17 states specifically one --

18           MR. HARDENBROOK: Attachment C at the  
19 bottom?

20           MR. ROBLES: It says attachment Bravo. Did  
21 I skip one? Yeah, one back, sir.

22           MR. HARDENBROOK: Okay.

23           MR. ROBLES: All right. It says, "A pilot  
24 blocking off days for union business can waive any  
25 minimum day-off requirement for that bid period," and

1 that is under the Memorandum of Understanding to  
2 clarify this party's agreement and it's No. 1.

3 And then No. 2 states, "Reimbursement to the  
4 company will be at four PCH per day at the pilots  
5 then current hourly pay rate plus 23 percent not  
6 limited to a minimum guarantee."

7 Two years after the 2018 MOU execution, Paul  
8 Rutter, general counsel for Local 1224, wrote to IBT  
9 legal department and questioned whether the MOU was a  
10 change to the collective bargaining agreement that  
11 needed to be voted on by the membership.

12 The crux of the issue was that Paul Rutter  
13 and 1224 believed that FAR limitations superseded the  
14 plain language of the contract and the limitation  
15 placed on flight duties included, but not limited to,  
16 the requirement to have one day off out of seven --  
17 out of each seven days. Rutter pointed to language  
18 in the collective bargaining agreement that limited  
19 duty as a reflection of the FARs, that stands for  
20 Federal Aviation Regulations.

21 That letter is Exhibit 3 and that's where  
22 this starts. The first page is a letter from Paul  
23 Rutter to Nick Manicone, who is the IBT legal  
24 counsel, asking about the MOU.

25 And note that Exhibit 3, Rutter acknowledges

1 on Page 2 of his letter that the company accepted  
2 practice of allowing Flight Pay Loss to be requested  
3 before monthly bid awards and valued at four PCH.

4 I'm going to move to Page 2 where it starts  
5 at note. "Note that in practice the company has  
6 treated union business requests submitted before  
7 monthly bids as known absences per CBA Section 24  
8 Charlie 2 Alpha I. Those days are blocked off on the  
9 pilot's schedule and valued at four PCH per day.  
10 Conversely, union business requests submitted after  
11 monthly bid awards are assigned the value of the  
12 trip's drop as a result of the union business per  
13 collective bargaining agreement 24 Charlie 2 A II."

14 I then submitted my own letter to the IBT  
15 legal counsel regarding the MOU, dated February 23,  
16 2020, which is Exhibit No. 4. And I submit -- I  
17 offer the following context on the first page. I'm  
18 going to skip down to -- it says "History,"  
19 second-to-the-last paragraph on there.

20 It says, "The first time that the ExCo heard  
21 about any concerns with the MOU was over a year later  
22 during the fourth quarterly EBoard meeting. This  
23 meeting occurred shortly after Atlas left the local.  
24 During the conversations, intense debate was  
25 occurring over how to cut expenses at the local to

1 make budget."

2 Allegiant's ExCo Tom Cosgrove -- Tom was  
3 serving as my proxy at the time -- proposed cutting  
4 1224's lead counsel, Ed Gleason's retainer by  
5 75 percent. Further discussion devolved and the  
6 local president deflected the conversation to my  
7 Flight Pay Loss. In the same letter, I also laid out  
8 my view of the three methods for being on Flight Pay  
9 Loss per the Section 24.

10 I'm trying to find it on the page for you.  
11 It starts with -- the first is articulated in 24  
12 Bravo, long-term union business.

13 MR. HARDENBROOK: Where is that at?

14 MR. ROBLES: It's Page 3 -- and stand by.  
15 Top of the page, the first is articulated in 24  
16 Bravo, long-term union business.

17 MR. HARDENBROOK: Thank you.

18 MR. ROBLES: "Shall be granted only for one  
19 individual who's accepted a full-time elected  
20 position with the local union or International union.  
21 The pilot on long-term union business per the  
22 contract will be paid four PCH for the entire year,  
23 365 days, based upon the language in 24-2 Alpha I."

24 We currently do not have any pilots on  
25 long-term union business at the time, but that's the

1 letter I sent to Nick Manicone to be reviewed by the  
2 legal counsel.

3           Next, we have two methods of short-term  
4 Flight Pay Loss. 24 Charlie 2 I allows a pilot to  
5 block days for union business. The preferred method  
6 for doing this is prior to bids opening both by the  
7 company and by the pilots. This method allows the  
8 company to plan resources properly and eliminate the  
9 possibility that a pilot on known union business will  
10 take flying opportunities away from junior bidders.

11           Finally, 24 Charlie 2 II allows pilots using  
12 Flight Pay Loss to drop assignments that have been  
13 awarded. Dropped assignments will be paid for the  
14 full value of the assignment. And again that's  
15 Exhibit 4, Page 3.

16           On February 25, 2020, the IBT issued its  
17 guidance, which is Exhibit 5. This is a letter now  
18 from Nick Manicone. It's actually Page 2 of  
19 Exhibit 5. Manicone states that, "The MOU was, at  
20 most, a clarification of the collective bargaining  
21 agreement if not entirely gratuitous. The MOU may  
22 not be necessary, but it does not change the  
23 collective bargaining agreement. The conclusion was  
24 supported by practical considerations, namely that  
25 1224 apparently accepted the MOU as consistent with

1 the CBA from September 2018 until recently and the  
2 interpretation seems to be compliant with the local's  
3 bylaws which allow the CBA terms to prevail."

4 Further explanation from Manicone and IBT  
5 legal was that Federal Aviation Regulations do not  
6 restrict the use of union business and that union  
7 business was, in fact, not duty per the FARs or per  
8 the CBA. And importantly, the FARs only require  
9 regulatory compliance on duties required by the  
10 company.

11 I've described this history to illustrate  
12 that my interpretation of the collective bargaining  
13 agreement and Flight Pay Loss provisions were  
14 previously upheld by the IBT legal department and  
15 taken into account my understanding of the company's  
16 view of Flight Pay Loss. The above letters also  
17 demonstrate a persistent attack upon me by Trustee  
18 Unterseher and Counsel Gleason that continues to  
19 concentrate on my Flight Pay Loss.

20 Making this type of attack on those who  
21 challenge Unterseher and Gleason is not unique to me.  
22 The prior chair of Allegiant ExCo, Steve Allen, had  
23 the same issue which is addressed in his written  
24 statement, which is Exhibit 21.

25 As I stated, there's only 20 tabs but



1 there's another page that says Exhibit 21 and this is  
2 a signed affidavit from Steven Allen. And I will  
3 just read No. 7 here, but the document speaks for  
4 itself.

5 No. 7 says, "I'm aware of the charges lodged  
6 against Andrew Robles and the other officers of Local  
7 1218 and this seems to be a continuation of  
8 Unterseher's pattern of challenging Flight Pay Loss  
9 when you have disagreed with him politically. During  
10 my time as ExCo chairman, I've had several instances  
11 where I stood opposed to payments and vendors that  
12 1224 used and I was chastised and even threatened  
13 with physical violence at one point by Mr. Gleason."

14 MR. UNTERSEHER: I would like to -- there is  
15 no foundation. I mean, some of these post-fact  
16 opinions, there's nothing contemporaneous that  
17 they're going to show that this has anything in it,  
18 although we do have many documents regarding the 1224  
19 tenure of both Robles and Allen. And it was  
20 certainly not me. It was the general -- excuse me,  
21 the principal officer, Dan Wells, that had contention  
22 with him.

23 And this is going to take, if there's going  
24 to be a proper and equitable rebuttal from us, I am  
25 going to have to be able to produce these documents.

1 This is all a fairy tale.

2 MR. HARDENBROOK: Do it in rebuttal. That's  
3 appropriate in rebuttal and you're going to have the  
4 same chance to rebut your documents. Do it in  
5 rebuttal.

6 Continue, please.

7 MR. ROBLES: Thank you.

8 I think it's important to note that in  
9 addition to Steve Allen and myself, ExCo chairman  
10 Cory Berger also resigned in 2018 from the principal  
11 officer position because he was told, in essence,  
12 told to fly his line and do the union work on his  
13 days off. He stated it was an unsustainable practice  
14 and it eventually led to his resignation three months  
15 after taking the position of principal officer.

16 Unterseher makes an assertion that because I  
17 did not maintain my regulatory currency and  
18 qualifications required by the Federal Aviation  
19 Regulations to pilot an aircraft, that I was not  
20 eligible for Flight Pay Loss. This is the same  
21 argument that has already been vetted by the  
22 International's legal department.

23 Maintaining currency and/or qualifications  
24 does not make me ineligible to conduct union  
25 business. Nothing in the collective bargaining

1 agreement limits union business or Flight Pay Loss  
2 due to not being current or qualified.

3 The CBA specifically speaks to the fact that  
4 the pilot conducting union business may not be  
5 current and qualified and spells out how the  
6 requalification should occur. Again, time off for  
7 union business, 24 Bravo 4, states "If training and  
8 requalification is necessary, a pilot's return date  
9 shall be determined by the first available class date  
10 to requalify him for the position to which he's  
11 returning."

12 Further, the collective bargaining agreement  
13 does not qualify long-term union business as a leave  
14 of absence. Long-term union business only means that  
15 the union has reported to the company that one union  
16 individual be off for full-time union business. Pay  
17 for long-term union business is identified in 24  
18 Charlie of the CBA and Unterseher in his own argument  
19 acknowledges the other provisions of 24 Charlie apply  
20 for a pilot on long-term union business.

21 24-2 Alpha I. Again, this is repeating. It  
22 speaks to four PCH per day for blocked union  
23 business, and that means that no trip or duty has  
24 been dropped. No reference to long-term or  
25 short-term because it applies to both. That is in

1 opposition to 24-2 Alpha II of the collective  
2 bargaining agreement that specifically mentions  
3 short-term union business.

4           So I know that's a lot of detailed  
5 information about Flight Pay Loss, but this is at its  
6 worst a contract interpretation issue that has been  
7 vetted numerous times by Local 2118 attorneys as well  
8 as the IBT legal team. It is also the baseline for  
9 which my compensation was determined. It was done in  
10 a transparent manner and certainly not by unilateral  
11 actions by me.

12           Having seemingly resolved the Flight Pay  
13 Loss issues while at 1224, I had numerous and  
14 extensive conversations with Local 2118  
15 Organizational Trustee Scott Hegland about my  
16 compensation and the local -- as the local was ending  
17 the end of its initial trusteeship.

18           During this time period, my relationship  
19 with the company was particularly volatile and  
20 strained at times.

21           For instance, in October 2020 Allegiant sent  
22 a threatening letter to the local via legal counsel,  
23 which is Exhibit 25. Please admit Exhibit 25.

24           And Exhibit 25 is a -- I'll summarize it for  
25 you. They're essentially saying that I needed to

1 retract some statements. They thought that there was  
2 a union action taking place and they specifically  
3 said that the ExCo could be terminated and they would  
4 terminate the ExCo if we didn't retract these  
5 statements.

6 So at the time it was extremely volatile and  
7 with Hegland's recommendation and his approval, I  
8 notified Allegiant in late 2021 that I would be  
9 moving to a status of long-term union business.  
10 Allegiant was supportive of that decision and  
11 expressed no objection or concern that I would no  
12 longer be bidding on flights per the collective  
13 bargaining agreement or remaining current.

14 Through discussions with Trustee Hegland and  
15 my own research, the following contributed to the  
16 basis for compensation that I received starting in  
17 2022 as president of Local 2118. I had been involved  
18 in union business on practically a daily basis while  
19 serving as assistant trustee for Local 2118 when it  
20 was formed.

21 My monthly PCH while serving as assistant  
22 trustee included Flight Pay Loss for union business.  
23 Depending on union shifts worked and vacation, I  
24 typically logged approximately 96 hours of Flight Pay  
25 Loss and then I would try to pick up one to three

1 flights per month if the schedule permitted. So my  
2 actual pay range would range from 96 to 120 PCH.

3 In fact, for the 2021 calendar year I  
4 averaged 106 PCH per month. In 2022 my PCH average  
5 was 112 for 2023. And my PCH value for -- sorry.  
6 Let me rephrase. 2021 was 106 PCH; 2022 was 112, and  
7 2023, it was 110 PCH.

8 I also routinely logged Flight Pay Loss for  
9 union business while serving on the ExCo for 1224.  
10 My practice of claiming Flight Pay Loss at Local 2118  
11 was consistent with what I did at Local 1224.

12 I, along with Hegland, Ryan Fogelsanger, and  
13 Erick Valenzuela, the then secretary-treasurer,  
14 analyzed the monthly PCH for pilots at my seniority  
15 level to assess what such pilots were earning. We  
16 were going to pick the highest pay line at my  
17 seniority and set my pay at 80 percent of that  
18 pilot's pay. The upper end of that subset of pilots,  
19 however, we felt was too high as he exceeded \$700,000  
20 per year.

21 Therefore, we aimed for pay that was equal  
22 to the top 20 percent or 80 percent of the pilot  
23 group at my pay range. We pulled all pilot pay at my  
24 seniority level. We reviewed their earned PCH for a  
25 12-month period and determined that 120 PCH would be

1 the upper 20 percent of my pilot group.

2 The pilot pay spreadsheet consulted, one of  
3 them, is Exhibit 15. If we take a look at that,  
4 please. And I apologize for the size of this, I have  
5 to wear my reading glasses to look at this.  
6 Hopefully you have better eyes than me.

7 Okay. So this is a spreadsheet. The names  
8 have been redacted for privacy, but the spreadsheet  
9 was pulled directly from the pay report provided to  
10 the union by the company. They used it to report  
11 pilot pay and determine union dues.

12 So in examining what pay would be  
13 appropriate, we pulled several months, we analyzed  
14 what pilots were paid at my seniority. This included  
15 both instructors and non-instructors. This is a list  
16 of pilot pay at my seniority and the pay -- anybody  
17 that received more than 120 PCH.

18 So in December of 2021, that's this  
19 spreadsheet that we're looking at here, there were  
20 207 pilots at my pay band or my seniority level that  
21 would have received the same pay that I would have  
22 received. And that's -- when I say pay, it's per  
23 PCH. Of those 207 pilots, 22.22 percent of those  
24 pilots received 120 PCH or greater.

25 By referring to Column U, you can see what

1 the pay credit hours would have been paid to that  
2 particular pilot and the highest for the monthly  
3 being 234 PCH by one pilot. So, again, shooting for  
4 the top 80 percentile, we found that 120 PCH to be  
5 fair when looking at our own pilots' pay.

6 Does this spreadsheet make sense to you  
7 guys?

8 MR. HARDENBROOK: Yes.

9 MR. UNTERSEHER: Can I ask a question again?  
10 Not to be argumentative, but I have to understand  
11 this sheet, may I ask a question?

12 MR. HARDENBROOK: You can do that in  
13 rebuttal. He is presenting his case in chief. You  
14 can do that in rebuttal. He is not on the witness  
15 stand.

16 MR. UNTERSEHER: I understand.

17 MR. ROBLES: Okay. I'm also providing  
18 written statements from Scott Hegland and Erick  
19 Valenzuela which describe discussions regarding the  
20 approach to my Flight Pay Loss. Those are found on  
21 Exhibit 22 and Exhibit 23, if you could please admit  
22 those.

23 Ryan Fogelsanger, who is present today, will  
24 provide his own recollections of those conversations.

25 Okay. So here is -- Scott Hegland's is



1 Exhibit 22. And Scott Hegland essentially is  
2 describing how we came about 120 PCH. Paragraph 8,  
3 which is Page 2, he says, "There were other reasons  
4 for Captain Robles to go noncurrent and not bid a  
5 monthly line of time."

6 He describes the conversations that we had  
7 about not staying current and his recommendation to  
8 go on long-term union business. And, again, the  
9 difference between short-term and long-term is only  
10 currency.

11 Paragraph 10, he says, "During the  
12 trusteeship, Captain Robles and I also discussed that  
13 Allegiant's contract specifically authorized four  
14 hours of Flight Pay Loss a day. Again, Captain  
15 Robles was doing union work on a daily basis, so I  
16 understand that taking 120 hours of pay loss each  
17 month was not unreasonable. Captain Robles worked  
18 well beyond four hours each day."

19 Exhibit 23 is the declaration of Erick  
20 Valenzuela, who was then the secretary-treasurer. In  
21 Paragraph 5 Alpha, he refers to this salary report  
22 that I just presented where we talked about the  
23 salary of somebody at my level. And he says, "During  
24 that conversation, we concluded that compensation  
25 from the 80th percentile of Andrew's seniority would

1 be fair. However, I remember noting that there was a  
2 big discrepancy between those flying the line and  
3 those working as instructors who were crediting in  
4 excess of 200 pay credit hours a month. In  
5 brainstorming how to facilitate Andrew's  
6 compensation, we turned to the collect bargaining  
7 agreement and it references four PCH a day in a  
8 30-day period."

9 At the time I was working, as I said, nearly  
10 every day, therefore 120 PCH we equated to four PCH  
11 per day permitted by the CBA times 30. That's how we  
12 came up with 120.

13 It is important to note that I did not  
14 blanketly take 120 PCH every month. If I was going  
15 on vacation, for example, I used my vacation time and  
16 I did not take Flight Pay Loss for that day; or if I  
17 needed to take a day off, I did not take Flight Pay  
18 Loss. You can see in Exhibit 14 that was generated  
19 by the IBT auditor.

20 I would like 14 to be admitted. This is a  
21 spreadsheet that was provided by the auditor and he's  
22 got the summaries of the Flight Pay Loss. And you  
23 can see that my Flight Pay Loss actually varied.

24 So we also inquired about how other union  
25 principal officers were paid for other pilot groups.

1 And I've attached excerpts from pay for Atlas, which  
2 is a Teamster airline as well as American, which are  
3 Exhibit 16 and Exhibit 17. I would like those  
4 admitted, please.

5 All right. So when looking at other  
6 carriers, we examined several other carriers,  
7 including Southwest Airlines, American Airlines,  
8 United Airlines, and Delta Airlines.

9 On Exhibit 16, this is an excerpt from the  
10 Atlas contract, which is a Teamster carrier that  
11 primarily does cargo and charter. Without getting  
12 into the weeds, it has been asserted by Unterseher  
13 that a pilot cannot receive Flight Pay Loss while not  
14 current and qualified in the aircraft.

15 He may be unfamiliar with the provisions in  
16 Atlas' contract, but on Page 2, Page 126, if you're  
17 looking at the bottom of the page, Paragraph 10,  
18 under "Flight Pay Loss administration," it states,  
19 "When a crew member returns from a union leave of  
20 absence, the union's obligation to repay the company  
21 for any pay and benefits will cease when the crew  
22 member is again qualified on the aircraft to which he  
23 will be regularly assigned."

24 In other words, the union representation or  
25 representative is doing union work, getting paid by

1 the company in the same manner as I was, and the  
2 union is reimbursing the company. He is paid Flight  
3 Pay Loss until he is qualified on the aircraft.

4 So clearly in both our collective bargaining  
5 agreement and Atlas' collective bargaining agreement,  
6 a pilot can be noncurrent on union business and still  
7 paid Flight Pay Loss, even in the Teamster world.

8 Now, please take a look at Exhibit 17. This  
9 is an excerpt from the Allied Pilots Association  
10 policy manual, which is the representative body of  
11 American Airlines. This document directs the pay for  
12 the principal officer of their union.

13 At the top of the Page 8.01 it states that,  
14 "The salary of the president of APA shall be paid --  
15 shall be 110 PCH."

16 Sorry. Trying to get through this. At the  
17 top of the page, 8.01, it states that, "The salary of  
18 the president of APA shall be 110 hours paid at the  
19 hourly captain's rate of the highest paid equipment  
20 group currently operated by American Airlines." And  
21 it's -- that went into effect 05/16/2017.

22 "Additionally, the president will receive a monthly  
23 stipend of \$2,000."

24 If you turn the page, this is American  
25 Airlines' pay table for their collective bargaining

1 agreement. The highest paid equipment type is the  
2 Airbus A380. You go all the way to the right and  
3 you'll see Year 12. If you look at 12 -- Year 12,  
4 the pay rate is \$469.59. So quick math on \$469.59  
5 times 110 is \$51,654.90 per month or \$619,858.80 per  
6 year. Add the \$2,000 stipend and you are at  
7 \$621,858.80.

8 All of the major carriers are similar and  
9 both Delta and United exceed that amount by a fair  
10 amount.

11 Further, the LM-2 for these areas may not  
12 accurately reflect their pay because the company pays  
13 a large amount of the Flight Pay Loss and the union  
14 is not required to reimburse the company. These are  
15 negotiated provisions and that pay would not be  
16 reflected on the LM-2 because it is paid by the  
17 company and not reimbursed. But this is their  
18 contract.

19 I took these steps to ensure that my pay was  
20 reasonable and fair within the airline industry and  
21 within Allegiant.

22 Attached to this statement is correspondence  
23 with Hegland regarding the collective bargaining  
24 agreement, Section 24, and Flight Pay Loss, which  
25 demonstrates that my interpretation of Flight Pay

1 Loss and the approach to Flight Pay Loss was not a  
2 unilateral decision by me, and Hegland approved of my  
3 approach as reflected in Exhibits 6 through 8.

4 I'm not going to read these for you -- I  
5 think the exhibits speak for themselves -- but he is  
6 essentially on 6 describing how we can justify the  
7 Flight Pay Loss and his understanding of the Flight  
8 Pay Loss.

9 And in 7, Scott Hegland was also our chief  
10 negotiator during the time that we were negotiating.  
11 Section 24, again, is union business. We did do a TA  
12 with the company on Section 24 and he did a proposal  
13 on Section 24. His Section 24 proposal was in line.  
14 All of us agreed on what long-term union business and  
15 short-term union business meant and we, in fact,  
16 increased the number of pilots that could be on  
17 long-term union business on that contract.

18 There's lots of proposals that go back and  
19 forth on that, a lot of context on that, a lot of  
20 commentary by the company, but both the company and  
21 the union agreed that it was a benefit to have a  
22 pilot on long-term union business receiving Flight  
23 Pay Loss and not bidding.

24 So that's what was negotiated and we  
25 actually TAed that section. This, I think, is 7.

1 This is the proposal's first pass, I believe.

2 8, let me check. It's toward the back, you  
3 can see there's a Section 24 pass. This was one of  
4 his first passes towards the company. Again, he was  
5 the chief negotiator. He wrote this contract  
6 language and further vetted it with the company. So  
7 our understanding with the company was the same.

8 I disagree with Mr. Unterseher's position  
9 that my Flight Pay Loss did not include the  
10 additional 23 percent to cover my collective  
11 bargaining agreement benefits. Again, turning to the  
12 collective bargaining agreement, the 23 percent is  
13 provided for in overarching Section 2 Alpha. So it's  
14 in our document here.

15 Okay. It's on 24-2 of the Exhibit 1, once  
16 again. And the first paragraph is Alpha. Again,  
17 turning to the CBA, the 23 percent is provided for in  
18 the overarching Section 2 Alpha and planned Flight  
19 Pay Loss involving a flight are subsections of that  
20 provision, meaning I and II subsections of Alpha.

21 Thus, the 23 percent applies to both  
22 Subsection I and II. And the MOU that was provided  
23 earlier specifically states that that's the  
24 understanding of both parties. That's what the  
25 second paragraph was articulating from their labor,

1 Andrea Gansen.

2 As president of Local 2118, I was authorized  
3 by Section 7F of the bylaws to interpret and apply  
4 these Flight Pay Loss provisions. The bylaws are  
5 included as Exhibit 9. Both Local 2118 executive  
6 boards in 2022 and 2024, including then  
7 Secretary-Treasurer Ryan Joseph, were fully apprised  
8 of the method used to arrive at my compensation and  
9 benefits. No objections were raised by any board  
10 member, including Joseph. In fact, I outlined my  
11 compensation during a quarterly meeting and again  
12 Joseph expressed no disagreements or concerns.

13 I've already played the relevant portions of  
14 the meeting for the panel in Exhibit 20 Bravo, and  
15 those are included once again for your reference on  
16 the thumb drive.

17 Allegiant Air, as a party to the collective  
18 bargaining agreement, never filed any grievances  
19 regarding the application of Flight Pay Loss  
20 provisions to me. Each month, my Flight Pay Loss  
21 went through the trustee reporter approval process,  
22 which included a detailed breakdown of all Flight Pay  
23 Loss, including mine. The Local 2118 trustee reports  
24 were then endorsed with the seal of the  
25 secretary-treasurer and transmitted to the IBT.



1 Ryan Joseph served as secretary-treasurer  
2 since April of 2023, and previously as trustee upon  
3 the local's release. Therefore, Joseph knowingly  
4 approved my Flight Pay Loss by signing the trustee  
5 reports every month during his tenure as a trustee  
6 and by stamping his reports in his capacity as  
7 secretary-treasurer.

8 At any point he could have exercised his  
9 rights under the IBT Constitution to refuse to sign  
10 off on these reports. Trustee reports for 2118  
11 involves hundreds of pages of supporting  
12 documentation in any given month. And I don't want  
13 to drown the panel with unnecessary documents, so  
14 I've included the cover sheet from a trustee report  
15 from February 2022, Exhibit 24. Please admit this as  
16 evidence.

17 So on the first page of the trustee report  
18 and certificate, Line 16, shows -- and I just want to  
19 be clear that the Tab 24 is not a full trustee  
20 report. It's just meant for supporting  
21 documentation. So on the first page of the trustee  
22 report and certificate, Line 16 shows Flight Pay Loss  
23 reimbursed by the local to Allegiant that month as  
24 lost time wages. That total is \$109,000.

25 MR. UNTERSEHER: What exhibit is that?

1 MR. ROBLES: That's Exhibit 24.

2 MR. HARDENBROOK: There is no Line 16 on  
3 Page 1. It starts at Line 35.

4 MR. UNTERSEHER: What line on 24?

5 MR. ROBLES: I might have put these out of  
6 order.

7 Well, okay. I'll tell you what, let's skip  
8 to Page 28 of 30 of that trustee report. And this is  
9 just meant to be demonstrative of how Flight Pay Loss  
10 was given to all of the trustees and the  
11 secretary-treasurer, so there's full transparency on  
12 the days I was taking and the amount of Flight Pay  
13 Loss and it was approved by the trustees and  
14 secretary-treasurer each month and then that was  
15 transmitted to the IBT as well.

16 Let's see. I would like to now move from  
17 the trustee reports back to the bylaws which, again,  
18 is Exhibit 9. And guys, we're getting close. I'm  
19 sorry, but let me -- I'm trying to hurry.

20 So the bylaws specifically grant the board  
21 the ability to set limitations on Flight Pay Loss.  
22 So Page 25 of the bylaws, Section 16E specifically  
23 says that, "Flight Pay Loss shall be subject to the  
24 limitations set forth by the executive board."

25 If the EBoard felt I was using Flight Pay

1 Loss excessively they had the authority to set  
2 limitations. They did not. In that same section,  
3 Echo 2, it states that, "if the bylaws conflict with  
4 the terms of the collective bargaining agreement, the  
5 CBA shall prevail."

6 Finally, in answer to Unterseher's argument  
7 that Section 14 Alpha 2 of the bylaws requires the  
8 EBoard to establish a salary for a union officer,  
9 that is a gross skewing of the bylaws. What it  
10 actually says is that, "The local union executive  
11 board, in addition to such other general powers  
12 conferred by these bylaws, is hereby empowered to  
13 establish salaries."

14 Being empowered to do something and being  
15 required to do something is vastly different. I was  
16 and am an employee of Allegiant Air, not the local.  
17 When drafting the bylaws, we specifically considered  
18 the possibility that a union officer could be  
19 terminated from their position by the company and we  
20 wrote into the bylaws the ability for the EBoard to  
21 hire the terminated officer as a business agent.  
22 That provision is on Page 22, Section 15H.

23 I believe that the executive board members  
24 understood and accepted the application of Flight Pay  
25 Loss as correct. The basis for my beliefs are

1 discussions I had with the other officers. At no  
2 time did any board member question the methodology of  
3 my pay. I believe that all board members agreed  
4 Local 2118 was in full compliance with the collective  
5 bargaining agreement and its bylaws.

6 Charge 1 is baseless and driven by a  
7 long-held grudge against me. The bad faith and  
8 mischaracterizations are rampant in this charge and  
9 are exemplified by the fact that the initial  
10 statement of the charges alleges embezzlement of  
11 \$175,000, yet by the end of the charge, the  
12 calculation was \$982,437.70, which is more than five  
13 times the earlier amount.

14 My actions regarding Flight Pay Loss were in  
15 compliance with the collective bargaining agreement,  
16 the union's bylaws, and established practices, all of  
17 which were transparently reviewed and consistently  
18 applied by the executive board. I did not take any  
19 unilateral action as to my compensation or hide the  
20 fact that I was routinely taking Flight Pay Loss  
21 which was approved by Trustee Hegland and the  
22 executive boards.

23 Charge 2 alleges that I willfully refused to  
24 develop and implement policies required by the  
25 International, which allegedly deprived the Local

1 2118 membership of their right to faithful and honest  
2 service and enabled me to personally enrich myself at  
3 the expense of Local 2118 and its membership.

4 I deny this charge fully. Before addressing  
5 the allegations, I will provide context as to some of  
6 the practices and procedures followed during my  
7 leadership of Local 2118.

8 Local 2118 drafted bylaws dated September 2,  
9 2021, which were approved by the International --

10 MR. HARDENBROOK: Let me stop you for a  
11 minute. Give you a break.

12 I believed that this was going to go an hour  
13 to an hour and a half. I have an issue coming up. I  
14 have a sworn affidavit scheduled with the NLRB in  
15 exactly 12 minutes. And to be fair to you, I would  
16 like to stop you at that first allegation.

17 MR. ROBLES: Sure.

18 MR. HARDENBROOK: But we're going to have to  
19 reconvene, obviously, but, yeah, to give you -- to be  
20 fair to you, you're going to have to -- you're going  
21 to need to be able to rebut his case in chief, the  
22 charging party's case in chief and vice versa.

23 But I think this is probably a good stopping  
24 point and our court reporter is working harder than  
25 we are, manually at least. But I hate to do that to

1     you.

2                 MR. ROBLES: That's okay.

3                 MR. HARDENBROOK: But I also don't want to  
4     be found in contempt, so I need to do that.

5                 So I think this is a good point to stop. So  
6     we will start back up at 9:00 a.m. Pacific time. So  
7     I guess that's 10:00 a.m. for you, Mr. Hanson; and  
8     Mr. Seiden, 9:00 a.m. for you as well.

9                 I apologize. If I had an idea that it was  
10    going to go as long as it did, I would have just  
11    broke.

12                We're going to just stop there. We will go  
13    off the record.

14                (Thereupon, the proceedings were  
15                adjourned at 5:21 p.m.)

16

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## REPORTER'S CERTIFICATE

STATE OF NEVADA            )  
                                          )   SS  
COUNTY OF CLARK         )

I, Sarah Safier, a duly certified court reporter licensed in and for the State of Nevada, do hereby certify:

That I reported the taking of the proceedings at the time and place aforesaid;

That I thereafter transcribed my shorthand notes into typewriting and that the typewritten transcript of said proceedings is a complete, true and accurate record provided at said time to the best of my ability.

I further certify that I am not a relative, employee or independent contractor of counsel of any of the parties; nor a relative, employee or independent contractor of the parties involved in said action; nor a person financially interested in the action; nor do I have any other relationship with any of the parties or with counsel of any of the parties involved in the action that may reasonably cause my impartiality to be questioned;

IN WITNESS WHEREOF, I have hereunto set my hand in the County of Clark, State of Nevada, this 4th day of November, 2024.



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SARAH SAFIER, CCR 808

|                   |                   |               |                  |                 |                 |
|-------------------|-------------------|---------------|------------------|-----------------|-----------------|
| <b>\$</b>         | 125:9             | <b>0</b>      | <b>1,300</b>     | <b>11</b>       | 101:7           |
| <b>\$1</b>        | <b>\$400,000</b>  |               | 160:3            | 63:16           | 111:25          |
| 41:4              | 46:11             |               | 240:23           | 214:23, 25      | 270:2, 25       |
| <b>\$1.6</b>      | <b>\$400,000-</b> | <b>05/16/</b> | <b>1,408</b>     | 259:16          | 271:17, 24      |
| 244:16            | <b>plus</b>       | <b>2017</b>   | 45:5             | <b>11,000</b>   | 272:4           |
| <b>\$10</b>       | 112:13            | 276:21        | <b>1,440</b>     | 160:8           | 273:2, 16       |
| 244:6             | <b>\$469.59</b>   | <b>1</b>      | 45:4             | 166:20          | 274:10,         |
| <b>\$109,000</b>  | 277:4             |               | <b>1-21</b>      | 167:6           | 12, 14          |
| 281:24            | <b>\$5</b>        | <b>1</b>      | 19:24            | <b>11,728</b>   | <b>120-hour</b> |
| <b>\$11,000</b>   | 159:2             | 21:8, 14,     | <b>1-25</b>      | 160:4           | 44:16           |
| 46:13             | <b>\$50</b>       | 21, 23        | 239:5            | <b>110</b>      | <b>121</b>      |
| <b>\$117,000</b>  | 160:11            | 24:20         | <b>1.1</b>       | 43:20           | 80:6            |
| 223:19            | <b>\$51,654.</b>  | 26:19         | 163:10           | 270:7           | 86:16, 20,      |
| <b>\$157,000</b>  | <b>90</b>         | 29:10         | <b>10</b>        | 276:15, 18      | 21 87:15        |
| 23:3              | 277:5             | 67:16         | 30:19            | 277:5           | <b>1218</b>     |
| 193:15            | <b>\$619,858.</b> | 119:4         | 41:12            | <b>112</b>      | 265:7           |
| 196:17            | <b>80</b>         | 132:7         | 51:6             | 270:5, 6        | <b>1224</b>     |
| 198:3             | 277:5             | 134:24        | 52:19            | <b>117</b>      | 25:10, 11,      |
| 207:2             | <b>\$621,858.</b> | 135:8         | 54:22, 23        | 86:16           | 19, 24          |
| 208:19            | <b>80</b>         | 167:23        | 79:18            | <b>11:00</b>    | 26:10           |
| <b>\$157,808.</b> | 277:7             | 172:11        | 91:21, 25        | 153:23          | 31:9            |
| <b>57</b>         | <b>\$650,176.</b> | 192:14        | 125:14,          | 155:15          | 32:9, 22        |
| 203:11            | <b>32</b>         | 193:18,       | 16, 22           | <b>11:27</b>    | 33:8, 18,       |
| <b>\$175,000</b>  | 244:9             | 20, 21        | 126:10           | 67:18           | 20, 25          |
| 21:18             | <b>\$700,000</b>  | 242:9         | 202:21           | <b>11:41</b>    | 34:5, 11        |
| 192:21            | 270:19            | 245:5, 10     | 273:11           | 91:25           | 36:9            |
| 245:6             | <b>\$8,000</b>    | 251:22, 23    | 275:17           | <b>11th</b>     | 52:14, 16,      |
| 284:11            | 114:7, 15         | 252:4, 13,    | <b>10-minute</b> | 179:4           | 24 53:12,       |
| <b>\$2,000</b>    | <b>\$86,000</b>   | 14, 15, 21,   | 181:9            | <b>12</b>       | 16, 17          |
| 276:23            | 165:1, 18         | 23, 24        | <b>100</b>       | 54:17           | 54:10, 16       |
| 277:6             | <b>\$87,000</b>   | 254:3, 24     | 45:21            | 62:2            | 56:5            |
| <b>\$2.2</b>      | 42:18             | 255:16        | 152:21           | 63:15           | 57:2, 11        |
| 244:8, 18         | <b>\$90,000</b>   | 260:2         | 236:20           | 65:10, 18       | 59:4, 6         |
| <b>\$200,000</b>  | 158:24            | 279:15        | <b>106</b>       | 241:25          | 63:8            |
| 244:15            | <b>\$982,000</b>  | 282:3         | 270:4, 6         | 277:3           | 64:24           |
| <b>\$24,000</b>   | 21:22             | 284:6         | <b>10:00</b>     | 285:15          | 68:23           |
| 207:1             | 46:20             | <b>1(c)</b>   | 155:24           | <b>12-month</b> | 72:15, 22       |
| <b>\$25,000</b>   | <b>\$982,437.</b> | 12:21         | 179:20           | 270:25          | 73:11           |
| 122:16            | <b>70</b>         | <b>1,000</b>  | 286:7            | <b>120</b>      | 74:9            |
| <b>\$39,000</b>   | 21:22             | 159:25        | <b>10:17</b>     | 42:16           | 77:25           |
| 41:10             | 284:12            | 160:2, 3, 9   | 51:7             | 43:18           | 78:3 89:6       |
|                   |                   | 166:25        | <b>10:25</b>     | 45:3, 9, 22     | 90:24           |
|                   |                   | 167:8         | 51:7             | 46:3 49:5       | 129:7           |
|                   |                   | 168:9         |                  | 72:5            | 178:19, 20      |
|                   |                   | 169:1         |                  |                 | 240:11          |
|                   |                   |               |                  |                 | 241:3, 11,      |
|                   |                   |               |                  |                 | 15              |
|                   |                   |               |                  |                 | 244:11, 13      |



|                  |                |                 |                  |                 |             |
|------------------|----------------|-----------------|------------------|-----------------|-------------|
| 247:10           | 253:24         | 64:8 70:3       | 119:4, 6         | <b>2009</b>     | <b>2021</b> |
| 259:12           | 254:9          | 78:10, 21       | 124:2            | 52:20           | 27:21       |
| 260:8, 13        | 271:3          | 79:1            | 251:21           | 69:1            | 28:13, 16   |
| 263:25           | <b>15,000</b>  | 84:10           | 253:17, 19       | <b>2012</b>     | 37:14, 21   |
| 265:12, 18       | 160:11         | 111:2, 5        | 254:23           | 25:8, 10        | 112:25      |
| 268:13           | <b>150</b>     | 211:1           | 256:21           | <b>2016</b>     | 242:2       |
| 270:9, 11        | 113:8          | 217:1           | 259:13           | 54:21           | 269:8       |
| <b>1224's</b>    | <b>157</b>     | 224:1           | 260:3            | 63:6            | 270:3, 6    |
| 25:14, 16,       | 194:3          | 226:10          | 261:1, 4,        | <b>2016/'17</b> | 271:18      |
| 20, 23           | <b>157,000</b> | <b>18-month</b> | 8, 13            | 63:7            | 285:9       |
| 26:1             | 199:23, 25     | 27:17           | 263:4, 11,       | <b>2017</b>     | <b>2022</b> |
| 31:16            | 222:4          | 30:24           | 18 273:3         | 237:12          | 26:19       |
| 32:3, 17,        | <b>157,808</b> | <b>180</b>      | 275:16           | 240:5           | 28:7        |
| 24 55:2, 7       | 205:6          | 113:8           | 279:13, 18       | 241:15          | 29:11       |
| 241:11           | <b>15H</b>     | <b>19</b>       | 283:3, 7         | <b>2018</b>     | 72:3        |
| 247:11           | 283:22         | 12:21           | 284:23           | 31:8 33:6       | 89:11       |
| 262:4            | <b>16</b>      | 14:21           | 285:8            | 35:14, 22       | 128:14      |
| <b>1224-paid</b> | 35:22          | 27:21           | <b>2,500-ish</b> | 36:12           | 137:15      |
| 72:23            | 36:12          | 63:17           | <b>2-1</b>       | 44:8            | 157:25      |
| <b>126</b>       | 67:17          | 84:11           | 85:7, 8          | 54:21           | 158:2       |
| 275:16           | 177:5          | 173:19          | <b>2-3</b>       | 64:1            | 161:13      |
| <b>12:14</b>     | 193:23         | 177:5           | 254:13           | 67:18           | 164:8       |
| 95:13            | 275:3, 9       | 200:18          | <b>2-9</b>       | 84:5, 12        | 196:18      |
| <b>12:24</b>     | 281:18, 22     | 201:11          | 254:3            | 237:13          | 207:7       |
| 95:15, 17        | 282:2          | 218:20          | <b>2.1</b>       | 240:7           | 242:10      |
| <b>13</b>        | <b>165</b>     | 220:18, 20      | 163:11           | 258:22          | 269:17      |
| 10:15            | 80:8           | 234:21, 23      | <b>2.86</b>      | 260:7           | 270:4, 6    |
| 123:23           | <b>168</b>     | 237:19          | 46:1             | 264:1           | 280:6       |
| <b>130</b>       | 80:8           | <b>190</b>      | <b>20</b>        | 266:10          | 281:15      |
| 44:25            | <b>16E</b>     | 235:20          | 135:1, 2,        | <b>2019</b>     | <b>2023</b> |
| <b>14</b>        | 282:22         | <b>1990</b>     | 12, 14           | 84:13           | 39:9        |
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