

SUPREME COURT OF THE OF NEW YORK
COUNTY OF NEW YORK

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LETITIA BIGGS, LAWSON CHASE, DATSY KHAN,
and EVELYN FERGUSON,

Plaintiffs,

Index No. 159270/2022

-against-

**SETTLEMENT
AGREEMENT AND
DISMISSAL OF
COMPLAINT**

ROBERT CROGHAN, as Chairperson of the
ORGANIZATION OF STAFF ANALYSTS,

Defendant.

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IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

This matter shall be settled as follows:

1. The OSA election will be held on the following schedule:
 - a) The Nominations meeting shall be held on November 17, 2020 at 6:00 pm, at a location large enough to hold 50 members; nominations will remain open until November 28, 2022; a member may self-nominate, or be nominated by another member; if the nominator is another member the nominee must submit an acceptance in writing, Nominations after November 17, 2022 can be made via hand delivery or facsimile to the union office. Members shall be provided with a Zoom link and Zoom details and may attend the nomination and nominate and second nominations via Zoom.
 - b) The ballots will be mailed out on December 9, 2022, and will be counted on December 29, 2022 at the OSA offices ; in order to be counted the ballot must

have been received in the GES P.O. Box on or before 9:00 a.m. on December 29, 2022.

- c) The balloting will be conducted by Global Elections Service (GES); they will assemble, mail the ballots on December 9, 2022, and on the morning of December 29, 2022, collect all the ballots from a post office box. Candidates will be advised of the time and place of mailing, and pick up, and the count so that they may observe. All ballots , in order to be counted, must be mailed. No ballots shall be hand delivered to the union office or GES. Slates and candidates shall have the right to observe the pickup and counting of ballots.
- d) On or before November 8, 2022 a Notice of Nominations and Election shall be sent by First Class Mail to the members of OSA reflecting the above schedule.

2. The Chairperson shall designate 5 members who are not candidates for office as the Election/Tally Committee. This Committee shall have responsibility for administering the election, which shall include preparing the membership list for transmission to GES; advising the membership of how to request from GES a ballot if they have not received one; and addressing any pre-election and post-election appeals and protests from candidates, slates, and/ or members about the election. Post-election protests shall be filed with the Tally Committee no later than January 8, 2023, at 11:59 p.m.. Such protests shall be emailed to: tallycommittee@osaunion.org

3. Ira Cure shall serve as a Neutral Monitor of the election. He shall hear and decide all appeals from rulings by the Tally Committee. His rulings, which shall be in writing, shall be final and binding. Appeals to him shall be in writing and submitted via email to the following email address: icure.nyc@gmail.com. Pre-election protests shall be submitted to the Tally

Committee no more than 72 hours after the event(s) giving rise to the protest. Appeals of a Tally Committee ruling on a pre-election protest shall be submitted to the Neutral Monitor no more than 48 hours after receipt of the Tally Committee ruling on the pre election protest. The schedule for submissions in connection with such appeals shall be set for the Tally Committee, in consultation with the Neutral Monitor. OSA shall bear the cost of the Neutral Monitor. All parties to this litigation agree that they are bound by any decision of the Neutral Monitor and will not seek any further judicial relief arising out of or related to the OSA election of officers.

4. To be eligible to vote in the election and be mailed a ballot, a member must be in good standing and must have paid all arrears in dues and other financial obligations to the Union, on or before November 18, 2022. The final list of the last known names and addresses of all members in good standing of the Local Union shall be delivered to the GES no later than the close of business on December 1, 2022.

5. Each candidate has the right, on one occasion prior to December 1, 2022, to inspect, but not copy, a list containing the last known names and addresses of all members of the Local Union. Such request to inspect must be made in writing to the Tally Committee. The list may be reviewed at the OSA office. Arrangements for review of the list will be made by the Chair of the Tally Committee.

6. All officers, members and staff who are in possession of part or all of the membership list, shall return that list, together with any copies to the Union not later than November 11, 2022, and permanently delete any lists stored digitally. If any such list exists only digitally, and not in physical form, it shall be emailed to the Union not later than November 11, 2022 and then shall be immediately, permanently deleted, along with the transmittal email, with no copies made and no possibility of later retrieval. Each plaintiff shall return all such lists in

their possession sent by overnight mail and/or email, emailed or posted on or before November 11, 2022, shall not retain a copy, and shall provide a sworn affidavit on or before November 11, 2022 stating that they have returned all such lists in their possession, that they have not retained a copy of any such list, that they have permanently deleted all digital versions of such list and made no copies of such list, that they cannot and will not later retrieve and use such lists, and that no one to whom they provided such a list retains a copy of such list.

7. No Local Union or employer services, facilities, equipment or goods—including, but not limited to, time, staff, copying machines, fax machines, telephones, printing and postage—shall be used to promote the candidacy of any individual or slate unless the Local notifies all candidates of the items available for use and all candidates are provided equal access at equal cost to such goods and services. The use of the Local Union’s official stationery, or its logo to promote a candidacy is prohibited, especially in electronic communications, irrespective of compensation or access. Officers and staff may not campaign while on the union payroll; i.e., they must take a vacation day in order to campaign.

8. **Distribution of Campaign Material:** The following shall be the procedures for mailing/emailing campaign literature:

Candidates may distribute campaign material at the expense of the candidate. Each slate shall be permitted two mailings, three texts, and three emails for campaign literature/campaign messages. Any candidate/slate who wishes to mail campaign literature must contact Jimmy Glover at Westerleigh Press. His e-mail address is jglover@wpprinting.com and his phone number is 646 996 6428 . Payment instructions and terms, prices, and other instructions and requirements will be set and provided by Mr. Glover.. Candidates may also send e-mails to the personal e-mail addresses which the OSA has or texts to personal cell phone numbers that OSA

has must contact AMFAX Corporation. The contact person there is John Petallides. A candidate can reach him at 917-806-3456. His e-mail address is jp@amfax.com. Payment instructions and terms, prices, and other instructions and requirements will be set and provided by Mr. Petallides. The Union will not be responsible for any non-payment to any vendor.

9. The Biggs slate and each candidate on that slate agrees to immediately stop sending campaign emails and text messaging by no later than 6:00 p.m. on November 9, 2022. OSA agrees to remove the posting on the union web site and telephone message regarding the Biggs slate emails and texting immediately after receipt of plaintiffs' sworn affidavits referenced in Paragraph 6, above.

10. The parties agree that this complaint is dismissed, matter with prejudice, each side bearing its own costs.

Dated: November 10, 2022.

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SO ORDERED:

Justice
