

1 they don't take them seriously. I would hope that each  
2 individual on the caucus team as well as each individual  
3 that's Executive Board, Trial Committee, any position of  
4 the Local, takes their obligations seriously. I mean,  
5 that's what we expect. I think that's what the  
6 membership expects.

7 So I don't see where there's any room for  
8 anybody to say that they are ignorant of the rules or  
9 that the rules have not been enforced as written when  
10 issues arise. I just don't think that's the case.

11 Q 'Cause just as a Union member, I sat through  
12 every last Union member during the caucus and I remember  
13 it explicitly being told, "Don't put your fucking shit on  
14 Facebook. Don't talk about it on the Internet and do  
15 not" -- "do not talk to anybody outside this Union." I  
16 mean, I remember it being drilled into our heads.

17 A And I can tell you that that came from me  
18 because that was what was drilled into my head from our  
19 International president and the Coast Negotiating Team.

20 Q But from what -- just my observation, like  
21 George said, as an individual, from what George said,  
22 it's kind of not as drilled in nobody's head up there;  
23 but as a Local member, it's being drilled into my head  
24 here. So I can't see why it's not drilled into  
25 everybody's head up there.

1           A    Listen, I can't explain or try to interpret what  
2   anybody else says or testifies to in this case in front  
3   of the membership or really in any venue for that matter.  
4   What I can tell you is that the rules are written as is  
5   and --

6           Q    What I'm trying to get at, Bobby, was it as  
7   impressed upon you guys up there as it was us guys down  
8   here, even close?

9           A    It was impressed upon me without any -- without  
10   putting Bob on blast, I mean, Bob chewed my ass pretty  
11   clearly because he knows that Local 13 seems to have a  
12   very rampant social media. I'm not opposed to social  
13   media. I think it's good in certain cases; but, you  
14   know, I'm not the International president --

15          Q    Okay.

16          A    -- and I work as directed and when I'm told what  
17   to limit and what not to limit as far as discussions to  
18   the membership, discussions to the E-Board, I try to push  
19   the envelope as much as possible because I believe that  
20   it's best that we keep the membership informed, but I can  
21   only push the envelope to a certain extent so I don't  
22   violate rules that I fully am aware of and I've been told  
23   face-to-face by the International president about.

24          MR. LEWIS:   Okay.   Any other questions?

25          MS. ZAKS:   I have a question.   Just to get a feeling

1 about what's going on up north for those of us that  
2 aren't up there, for those of us that have put others in  
3 office to do what we can't do, right, so you guys are all  
4 up there and you're in the room. Now, from down here, my  
5 perspective is you're -- the caucus was divided this last  
6 time. There was half of you that were partying, you  
7 know, and just going with the wind, whichever way the  
8 wind was blowing. Because we were going to drink that  
9 night, we're going to blow with the wind because the wind  
10 wants to blow this way. And then I got the impression  
11 that the other half of the group was there for our  
12 Contract. Would you say that's a fair assumption?

13 THE WITNESS: I would not characterize it as a fair  
14 assumption. I would like to think that individuals were  
15 doing their due diligence.

16 MS. ZAKS: Well, I know you would like to, but what  
17 is the feeling up there?

18 THE WITNESS: The feeling was, myself, I felt like  
19 there was only a few of us who wanted to hit the mic and  
20 stand for those things that the membership of Local 13  
21 had sent us to do.

22 It got to the point during the caucus, and I  
23 guess we're going off in the weeds now, but it got to the  
24 point in the caucus where there was literally arguments  
25 in the aisleways between myself and some other delegates

1     because of their intent to just kind of blow by what  
2     Local 13 desired and was trying to bargain for.

3             So were there individuals that didn't feel like  
4     the things that our Local had passed as far as  
5     resolutions that were important? I think there's always  
6     that divide. Unfortunately, now -- I think in the past  
7     you would see a divide in a caucus delegation and they  
8     would hash it out; right? They'd get down right there.  
9     If they had to caucus and take the whole Local 13 team up  
10    into a room and get down, they'd get down and discuss  
11    their differences, but there was explanation and there  
12    was discussion and dialogue about what they didn't either  
13    believe in or what they didn't feel like was important to  
14    fight for.

15            I can say with this last caucus delegation,  
16    partly because it was a young delegation in the sense of  
17    I think it was just JoJo, George and I, I think, were the  
18    only three come-back people. We had some good people on  
19    there, but some people just chose not to speak up.

20            MS. ZAKS: Okay. Thank you.

21            MR. LEWIS: Excuse me. Before we go any further,  
22    let's stick on point, anything that relates to what's  
23    going on with Eric.

24            I don't -- as chairman, I don't want to hear  
25    anything about what they did as a caucus. I just want to



1 hear if there's got anything to do with the wind blowing  
2 Eric's way. That's all I want to hear.

3 MR. DUARTE: I second.

4 MR. TRIMMER: I mean, so this can be short answers.  
5 They don't have to be long ones.

6 I know it's been a long time since I've taken my  
7 oath, but you swear people in all the time. We take an  
8 oath not to divulge information from the meetings or  
9 Union business. Do they have a similar type of swearing  
10 in or oath that people take at caucus?

11 THE WITNESS: Not to that extent, no.

12 MR. LEWIS: All right.

13 MR. TRIMMER: Just --

14 THE WITNESS: Just your oath at the Local and the  
15 rules that are adopted by the caucus on the first day.

16

17 FURTHER EXAMINATION

18 BY MR. SEIXAS:

19 Q Okay. At this point I'm going to ask a question  
20 about the flyer, Bulletin 29-14, in which you put the  
21 Facebook message on there and also keeping things for  
22 the --

23 MR. TOLEDO: I was not asked to ask a question about  
24 the subject that you were talking about.

25 MR. SEIXAS: Hold your thought on it and I'll come

1 back to both you and Eric on this witness like I did  
2 before.

3 BY MR. SEIXAS:

4 Q So could you describe what was going on and why  
5 you guys put out a social media memo and how often you  
6 discussed it at the Local level at the Union meetings?

7 A So we've been discussing the utilization of  
8 social media as far as our workplace and our industry for  
9 a long time. It's nothing new. We've been talking about  
10 this both at the membership meetings and at the Executive  
11 Boards. So this wasn't specifically directed towards  
12 negotiations, although it came out during negotiations,  
13 but I think it's a -- not a side effect, but it's a -- it  
14 kind of resulted out of this debate that we've had  
15 internally as a Union as to what's good and what's not  
16 good. When you see people injured or, God forbid, killed  
17 on the job and pictures are up before the B.A.s have a  
18 chance to notify family, that's a perfect example where  
19 social media is a detriment to us.

20 During negotiations, there were individuals that  
21 took pictures or posted video that showed at a point in  
22 time during their workday or work night that there didn't  
23 seem to be anything for them to do, not that we have jobs  
24 where we don't do anything because obviously we're always  
25 working. When we're getting paid, we're always working.

1 But it plays to the media and the Employers' advantage  
2 when individuals put things on social media where it  
3 says, "Look, I'm not working" or "I'm just sitting here  
4 and there's no cargo in the yard and the Employer keeps  
5 paying me. Keep doing it." It's things like that that  
6 this was borne out of.

7 But most definitely we put it out during this  
8 period of time because of the process of negotiations and  
9 based on discussions we had had both with the officers at  
10 the International, the Coast Committee, and the officers  
11 here locally about how careful we needed to be as a Local  
12 and, too, how we needed to make sure that our membership  
13 understood that the things that they say and do  
14 especially on social media can have a direct impact on  
15 the Coastwide negotiations, can have a direct impact on  
16 Local negotiations, and we've seen it here just in the  
17 last two weeks.

18 We've seen how postings on social media or  
19 websites during the course of negotiations for agreements  
20 can hamper the Union's ability to even reach those  
21 agreements.

22 When we're handed flyers and screen shots of  
23 websites by PMA officials across the table, it's  
24 upsetting. It's upsetting to me as the president of this  
25 Local, just as I think it was upsetting to Bob at the

1 International to have the Employer push across a screen  
2 shot of a website or a flyer.

3 Q And the follow-up is did you get the feeling  
4 from Big Bob or did you get the feeling that Eric's flyer  
5 with the "All in we can win" was detrimental to  
6 negotiations?

7 A I didn't get the feeling. I listened to what  
8 our International president said on the microphone and he  
9 said very clearly that the flyer cost us money. It cost  
10 us an ability to bargain a higher wage package than what  
11 was ultimately agreed to.

12 So I wouldn't assume, because I didn't sit at  
13 the big table but for periodic times, certain periods of  
14 time, but Big Bob was as clear as a person could be that  
15 this flyer was a detriment to negotiations.

16 MR. SEIXAS: Okay. Thank you.

17 Was there anybody else who had a question?

18 Okay. What I'm going to do is I'm going to  
19 recognize David Toledo. I'll recognize the person  
20 bringing the charges first, and then I'll recognize Eric,  
21 if you wanted to --

22 MR. LEWIS: Just before you start, Eric, David, one  
23 other question.

1 FURTHER EXAMINATION

2 BY MR. LEWIS:

3 Q At any time, is any caucus delegate given, let's  
4 say, the authority to exercise his own judgment without  
5 asking anybody first?

6 A Is a caucus delegate --

7 Q As a caucus delegate, could you in any way  
8 construe that anything in these rules can be adhered to  
9 or passed away because of your own personal judgment of  
10 what you thought should be put out there on social media?

11 A Absolutely not. You take an oath as a caucus  
12 delegate, as a sitting delegate at the caucus. You  
13 acknowledge that the rules that are contained and adopted  
14 by the caucus are standing rules and should be --

15 Q Adhered to.

16 A -- adhered to.

17 MR. LEWIS: That's all.

18 MR. TRIMMER: One quick question. Are caucus  
19 delegates paid?

20 THE WITNESS: Yes, they are.

21 MR. TRIMMER: How?

22 THE WITNESS: They are paid in accordance with the  
23 Constitution of Local 13 and they are paid per diem.  
24 Lodging's in accordance with the directions that are sent  
25 to us from the Coast Committee.

MR. LEWIS: All right, Dave. Go ahead. The Chair recognizes Dave.

MR. TOLEDO: Thank you.

## EXAMINATION

BY MR. TOLEDO:

Q That paper that -- that is being shown, is it something that's signed by the caucus delegates?

A I'm not sure which --

MR. LEWIS: Which one are you talking about?

MR. TOLEDO: The one that John Seixas was showing everyone else.

MR. LEWIS: The caucus rules?

MR. TOLEDO: I believe so, yes. I don't have a copy of it.

THE WITNESS: I think the easier answer is that when you appear at a caucus, you have a packet that they give you. There's a table, kind of like a sign-in table; and as you receive your packet, they sign in that you've received the packet. So by your acceptance of the caucus packet, it is my understanding that you understand what's contained within the packet. They go through the packet, line item -- or page by page the first day. Usually the chairman will go through and say on page one is your -- if you get health problems, you go to this doctor.

1 Page two is, you know, this document. Page three is  
2 this.

3 So they don't sign this actual document, but  
4 when you appear as a caucus delegate, you don't just get  
5 your packet. You have to go to the table and receive  
6 your packet.

7 MR. LEWIS: So by accepting the pay and the position,  
8 you automatically accept the rules?

9 THE WITNESS: I don't see how -- I don't think it's  
10 written anywhere where it says when you accept this  
11 package and when you go on payroll, you must adhere to  
12 the rules contained herein.

13 MR. LEWIS: It's a given though.

14 THE WITNESS: Nobody tells me in the morning I have  
15 to breathe in and out. I just know that I have to do it.

16 MR. LEWIS: Go ahead, Ernie.

17 MR. DUARTE: In your personal opinion, when you run  
18 for a job as a caucus delegate, you know the rules when  
19 you're running for it. You know what it means to  
20 represent the membership and you know what's right and  
21 what's wrong. In your personal opinion, do you think  
22 that's --

23 THE WITNESS: Well, I won't give you my personal  
24 opinion because my personal opinion is my personal  
25 opinion and I've been the subject of attacks for the last

1 five years on Mr. Aldape's website.

2 What I will tell you is that Mr. Aldape did take  
3 the microphone at the caucus and apologize to the body.  
4 I'm not sure I've ever heard Eric actually apologize for  
5 anything, so hearing him apologize, I have to take it for  
6 what it's worth, that he was apologizing for the conduct  
7 that he talked about.

8 So my personal opinion I don't think is relevant  
9 here, but I will tell you that Eric did take the  
10 microphone at the caucus and apologize to the caucus  
11 delegates in their entirety for his conduct.

12 MR. DUARTE: Thank you.

13 MR. LEWIS: Any other questions?

14 MR. MOLINA: Did you say receiving compensation for  
15 services provided as a caucus member and also being sworn  
16 in as a caucus member does create a fiduciary  
17 responsibility to the Union to protect the Union?

18 THE WITNESS: I think it creates even more than a  
19 fiduciary responsibility. I think it creates a  
20 responsibility to uphold the standards of this Local, to  
21 uphold what the membership has tasked you to do with.

22 So whether it is paid or unpaid, whether it is  
23 in San Francisco or Hueneme or Los Angeles or at PMA, any  
24 time any individual member of this Local is representing  
25 somebody other than themselves, they have a



1 responsibility to the Local as a whole. They have a  
2 responsibility to do what is asked of them, to abide by  
3 the rules, and there was no -- there was no lack of  
4 direction by myself that was given to caucus delegates  
5 about their conduct. We didn't have to go into it  
6 specifically so as not to try to have anyone feel that it  
7 was directed specifically at them. It was a generalized  
8 statement to the caucus delegation of, you know, You guys  
9 know the rules. You know what you need to be doing.  
10 Don't be on Facebook while we're in caucus. Don't be,  
11 you know, putting -- checking in at Pete's Coffee House  
12 at 11:30 a.m. when we're at caucus, not because we don't  
13 care that you went to get coffee, but you're here to do a  
14 job. You're not here to post on social media. You're  
15 not here to do that. So --

16 MS. ZAKS: So it was said?

17 THE WITNESS: It was absolutely said.

18 MS. ZAKS: Thank you.

19 MR. LEWIS: Any other questions?

20 MR. SEIXAS: David had a question.

21 MR. LEWIS: You got another question, Dave?

22 MR. TOLEDO: No, that was it.

23 MR. SEIXAS: And then ask Brother Aldape if he has  
24 questions.

25 MR. LEWIS: Eric?

1 MR. ALDAPE: No, I have no questions.

2 MR. LEWIS: Thank you.

3 All right. Thanks, bro.

4 THE WITNESS: Thanks, guys.

5 MR. SEIXAS: JoJo, do you mind coming up? Because  
6 for the sake of the court reporter, we just wanted to ask  
7 you a couple questions.

8 MR. LEWIS: We do or -- it's Eric's witness.

9 MR. SEIXAS: Well, it's Eric's witness. I apologize.

10 MR. LEWIS: You want him called up, Eric?

11 MR. ALDAPE: Nope.

12 MR. LEWIS: I'm sorry, Joe.

13 MR. SEIXAS: You know what, Joe? Eric requested that  
14 you be here, so we're just going through. And then  
15 the --

16 MR. LEWIS: And then JoJo is dismissed from this  
17 then; right?

18 MR. SEIXAS: Eric, are you going to have any  
19 questions for JoJo later?

20 MR. ALDAPE: Yeah, when I put my case on.

21 MR. LEWIS: I'm sorry. Don't let me overstep my  
22 bounds.

23 MR. SEIXAS: And then the final witness I'd like to  
24 call in is Bobby Elliot.

25

1 BOBBY ELLIOT,  
2 called as a Witness, was examined and testified as  
3 follows:  
4

5 EXAMINATION

6 BY MR. SEIXAS:

7 Q Bobby, I was wondering if for the room you could  
8 describe your experience at the Home Depot Center with  
9 what you witnessed with Brother Aldape and the admission  
10 to what he did up in San Francisco.

11 A I had hit the mic at Home Depot Center. After I  
12 finished, I had sat down 'cause I had wanted to add  
13 another point. Somebody else had went up to the mic.

14 At that point, I didn't -- somebody else had got  
15 to the mic because I had got back in line -- when I was  
16 waiting in line.

17 As I was sitting there, it got brought up about  
18 everything that -- the releasing of the information and  
19 things like that I guess with Eric Aldape. As I was  
20 sitting there at the stage, Eric went to the mic, tried  
21 to speak on the mic, and at that point that's when -- I  
22 believe it was Bobby Olvera informed him that he was  
23 censured and was not allowed to speak and had the  
24 sergeant --

25 (Interruption in the proceedings)

1 BY MR. SEIXAS:

2 Q Go ahead. Continue.

3 A And called the sergeant-at-arms because he would  
4 not stop speaking as he was directed. Sergeant-at-arms  
5 had to come get him.

6 MS. ZAKS: Come get who?

7 THE WITNESS: Come get Eric Aldape off the mic. He  
8 wouldn't stop speaking. He went back to try to grab the  
9 mic and the sergeant-at-arms grabbed the mic and  
10 physically like literally had it.

11 Eric Aldape was three feet or so in front of the  
12 mic towards the stage. He put his arms out and said,  
13 "Yeah, I did it. What the fuck are you going to do about  
14 it?" to all the caucus members and all our elected  
15 officials sitting on stage.

16 That's what I heard. I didn't know at the time  
17 what was going on and what had happened in San Francisco  
18 and, you know, that's all I knew.

19 MR. SEIXAS: Okay. Thank you.

20 THE WITNESS: Can I leave? I've gotta --

21 MR. BLACK: Well, we've got to let Mr. Aldape get --

22 THE WITNESS: I've got to get my daughter from  
23 school.

24 MR. SEIXAS: I understand.

25 Does anybody have any questions for Brother

1 Bobby?

2 MR. LEWIS: Anybody have any other questions?

3 Because we're going to excuse him for the rest of the

4 meeting.

5 MR. SEIXAS: Brother Aldape, do you have any

6 questions for Mr. Aldape?

7 MR. ALDAPE: I am Mr. Aldape.

8 MR. SEIXAS: I'm sorry. It's been a long day,

9 Brother Aldape. Eric, did you have any questions for

10 Brother Elliot?

11 MR. LEWIS: No? Thanks, Bob.

12 MR. SEIXAS: Have a nice day.

13 MR. LEWIS: Is that it?

14 MR. SEIXAS: Yeah, that's it.

15 MR. LEWIS: All right. The Chair is going to

16 recognize Brother Aldape.

17 MR. ALDAPE: Brother chair, I'm going to need another

18 15-minute caucus.

19 MR. LEWIS: And why? We want to know why, because

20 we're trying to roll through this so we can get through

21 this and everybody's being held up.

22 MR. ALDAPE: Because I need to take a caucus.

23 MR. LEWIS: You've already taken one.

24 MR. ALDAPE: I need to take another one.

25 MR. LEWIS: Come on, Eric. 15 minutes.

1 MR. ALDAPE: 15 minutes.

2 MR. LEWIS: 3:35, folks, and hopefully we can end  
3 this.

4 (Recess from 3:18 p.m. to 3:41 p.m.)

5 MR. LEWIS: All right. Let's call this Trial  
6 Committee meeting back to order and now we recognize  
7 Brother Eric Aldape.

8 MR. SEIXAS: Hold on a second.

9 MR. LEWIS: Hold on.

10 MR. SEIXAS: I'm sorry. I'm having a -- my brain --

11 MR. LEWIS: Is there a reason why we can't turn the  
12 floor over to Eric?

13 MR. SEIXAS: Yeah.

14 Eric -- yeah, that's not a problem. I just  
15 wanted to make sure I was proceeding in the right order.  
16 I didn't know if it was --

17 MR. LEWIS: That's where we were at when he called  
18 the caucus.

19 MR. SEIXAS: Okay. All right.

20 MR. LEWIS: The Chair recognizes -- The Chair  
21 recognizes Ernie.

22 MR. DUARTE: Is he going to enter a plea? He never  
23 entered a plea.

24 MR. LEWIS: Point of order real quick, Eric. You  
25 never entered a plea verbally to the charges. Is it --

1 MR. ALDAPE: Is it my turn to put on my case?

2 MR. LEWIS: As soon as you enter a plea.

3 MR. ALDAPE: Is it my turn to put on my case?

4 MR. LEWIS: You know what, Eric? Go ahead.

5 MR. ALDAPE: Thank you.

6 All right. First of all, I'm going to challenge  
7 this Committee. The rules are clear. There's supposed  
8 to be 12 guys on this committee. There's 11 here.  
9 Correct? All the rules say that. It's 12 plus three  
10 alternates.

11 And then I'm going to challenge Mr. Seixas for  
12 bias. Brother Seixas is Bonnie Olvera's boy toy and I  
13 can make a claim to it. He was Bobby's witness in a  
14 grievance against me. He came in there and lied. The  
15 Grievance Committee found him to be a liar and ruled in  
16 my favor because Mr. Olvera filed a complaint against me,  
17 says I was tearing down his flyers in the hall, used  
18 Seixas over there for his witness.

19 Mr. Seixas is a member of the Grievance  
20 Committee which I sit on, he and Brother Toledo. They  
21 made three motions -- two motions in a row to remove me  
22 from the Grievance Committee, because if I'm absent three  
23 times in a row, then I've gotta get removed.

24 I had to write Brother Bob, Bobby, the  
25 president, and ask him for an interpretation. I never

1 got my interpretation. But guess what? When it came  
2 down for the third grievance for them to make their  
3 motion, they didn't make it. I stayed.

4 That brother right there (indicating), I'm  
5 removing him for bias. He needs to get up and leave.

6 That brother right there (indicating), no  
7 disrespect --

8 MR. TRIMMER: Me?

9 MR. ALDAPE: That brother right there (indicating),  
10 no disrespect, the rules are clear. You can't be a  
11 member of a Grievance Committee or any other committee  
12 and volunteer for a Trial Committee. I know we've done  
13 it before in the past. I'll put on a witness that'll  
14 testify to the fact that we don't let brothers that are  
15 on other committees serve on Trial Committees.

16 So here's where we're at right now. We're at a  
17 committee that doesn't have enough people to proceed.

18 Seixas, you might as well get up and leave  
19 because you are out. You get challenged for bias.  
20 You're out and you know it. You were a witness for this  
21 man who's walking out the door right now, because his  
22 whole thing is thrown apart right now and he knows it.

23 (Whereupon Mr. Olvera exited the proceedings)

24 MR. ALDAPE: So I'm moving that we stop these  
25 proceedings until you guys get a real committee in here



1 and follow your own rules. It says 12 guys with three  
2 alternates. You've got 11 guys sitting right here and I  
3 just challenged two.

4 MR. TRIMMER: Are you challenging me for bias?

5 MR. ALDAPE: Yes.

6 MR. TRIMMER: Bias?

7 MR. ALDAPE: No, not bias, only for what the rules  
8 say, Brother. Like I said, no disrespect to you. The  
9 rules are clear.

10 MR. TRIMMER: Are you challenging me for bias? You  
11 said no?

12 MR. ALDAPE: I'm challenging you for what the rules  
13 say. The rules say you can't --

14 MR. TRIMMER: I'm not on the Grievance Committee.

15 MR. LEWIS: Trimmer, hold on.

16 First and foremost, okay, you're challenging him  
17 (indicating) for bias.

18 MR. ALDAPE: Correct.

19 MR. LEWIS: We'll go down the line. I don't know of  
20 any rule that says he can't sit as attorney-of-facts. If  
21 you could show it to me, if you can show it to me, I'm  
22 not biased at all.

23 MR. ALDAPE: I just challenged him for bias. Either  
24 you can remove him, he's going to remove himself -- I  
25 already made the case he's biased. It's true he was a

1 witness for Bobby to try to bring a grievance against me  
2 and they both lost. And you think I want to sit here?  
3 How am I getting a fair shot?

4 You guys might want to look at your rules. It  
5 says -- in your rules, it says, if a person is being  
6 found biased and is not removed and we go on with the  
7 hearing, then you've got a no-good hearing.

8 MR. BLACK: You did say define bias, which means that  
9 you've got to prove with evidence --

10 MR. ALDAPE: I did.

11 MR. BLACK: You're just claiming, but you've got to  
12 prove it, too. You have to prove it.

13 MR. DUARTE: I have a question.

14 MR. SEIXAS: No. No. Hold on. Let the Chair.

15 MR. LEWIS: The Chair recognizes Brother Ernie. I'm  
16 going to be up -- you know what? Let's go off record.  
17 Let's shut down for a minute. I want to read this.

18 MR. DUARTE: I second to go off record.

19 MR. LEWIS: Executive Session. We're going to take a  
20 break for five minutes. Five minutes.

21 (Executive Session)

22 MR. LEWIS: On record. We sent the sergeant-at-arms  
23 looking. It's past his five minutes.

24 MR. DUARTE: Brother JoJo, in your personal opinion  
25 and the experience you have, do we have to wait for a

1 member as long as we wants to show up or can we proceed?

2 MR. CORTEZ: That's a good question. I mean, he has  
3 a right. I don't know who he's talking to. I don't know  
4 who he's talking to. He could also be talking to his  
5 attorney.

6 MR. DUARTE: He didn't call for a caucus. We needed  
7 five minutes. But if he needs more time, he could come  
8 and ask for more time; right?

9 MR. LEWIS: At this time, he's been given 55 minutes  
10 of caucus time, at this point.

11 MR. DUARTE: More. No. An hour and --

12 MR. LEWIS: We gave him 35 the first time, 15 the  
13 second time, and it's been 5 this time, although he took  
14 15 minutes last time.

15 MR. DUARTE: Yeah.

16 MR. SEIXAS: We can be off record. Motion to be off  
17 record so she doesn't have to record this. Here we go.  
18 Motion to go back on. All in favor, say "aye"? None of  
19 us consent.

20 (Whereupon Mr. Aldape reentered the proceedings)

21 MR. LEWIS: All right. Trial Committee comes back  
22 into session.

23 Brother Eric, just so you know, from the gate,  
24 we used the guidelines. We voted from the gate that we  
25 weren't going to use 12 members. We were only going to

1 use six.

2 MR. ALDAPE: As long as you've got it on the record;  
3 right?

4 MR. LEWIS: Yeah.

5 MR. ALDAPE: That works for me. Do whatever you  
6 want.

7 MR. LEWIS: Okay. You can appeal this any time you  
8 feel like it, my brother.

9 As far as your first point goes about the 12,  
10 that's been -- we've just addressed that. I'm letting  
11 you know we decided to go with six with an alternate of  
12 what?

13 MS. ZAKS: Three.

14 MR. LEWIS: Three. All right.

15 Second point, just because this man (indicating)  
16 parked in your parking space 12 years ago and denied you  
17 a parking spot to your house doesn't mean that you've  
18 got -- that he's biased against you.

19 Second of all, Brother Trimmer is on the  
20 Executive Board and not on the Grievance Committee like  
21 you said.

22 So I don't see any conflict of interest with  
23 either one of these brothers.

24 Brother Trimmer?

25 The Chair recognizes Brother Trimmer.

1           MR. TRIMMER: I'd like to know -- you said it's our  
2 rules that I can't serve on two committees. Do you have  
3 proof? I didn't see it anywhere in here.

4           MR. LEWIS: If you can highlight it and pass it down  
5 to us, I'll give you a spare copy.

6           MR. TRIMMER: And I'll be happy to recuse myself.

7           MR. LEWIS: So I'll review it.

8           MR. SEIXAS: He's chosen not to speak.

9           MR. LEWIS: At this point right now, every time you  
10 choose not to respond, I'm going to have it put on  
11 record. Okay?

12           You know what? Just for everybody in here, I'm  
13 tired of this child bullshit. I really am. There's  
14 procedures to this shit. We're trying to stick to  
15 procedures and you've taken more time than you did with  
16 your second caucus. Now you've taken two more minutes  
17 past your five minutes so I could review what you said.  
18 I'm trying to be fair. I really am.

19           MR. ALDAPE: What do you want me to answer for when  
20 you already said he's not going and he's not going? I've  
21 got nothing to say, bro.

22           MR. LEWIS: You can appeal it later, but now it's  
23 your turn to put --

24           MR. ALDAPE: What do you want me to say?

25           MR. LEWIS: Okay. Now go beyond that, because that's

1     been addressed.

2           MR. TRIMMER:  Wait a minute.  You never said I'm not  
3     going to go.  I asked you to prove that it's in our  
4     constitution that I can't serve on two and I'd be happy  
5     to recuse myself and you chose not to answer.

6           MS. ZAKS:  Very nice.

7           MR. LEWIS:  The Chair recognizes Brother Arthur.

8           MR. LOWE:  I'll ask.  I don't know if I'll ask a  
9     little bit nicer or know how I can ask you.  Everybody's  
10    trying to take this as serious as possible.  Hopefully  
11    you can take it as serious as we are.  Do you have  
12    anything that you can show us to where we can excuse  
13    these gentlemen, anything?

14          MR. ALDAPE:  I think I was clear the first time,  
15    brother.

16          MR. LOWE:  Okay.  He feels that's an answer.

17          MR. ALDAPE:  The Chair made a statement.  He said  
18    they're not going.

19          MR. LEWIS:  I did not say they're not going.  We're  
20    asking you to show -- you showed me the trial procedure  
21    thing.  Me and Brother Arthur stepped out.  We read it  
22    independently.  We don't see anything --

23          MR. ALDAPE:  No, brother.  I showed you the trial  
24    procedure and you guys already came back and said, No, we  
25    changed that to six.

1 MR. LEWIS: We don't see anything.  
2 MR. ALDAPE: All right. Fine then. Let's go on.  
3 MR. LEWIS: All right. Let's go on.  
4 MR. LOWE: Could you bring that up so we can read it,  
5 sir?  
6 MR. ALDAPE: It's the one you guys sent me in the  
7 mail, the same one you guys sent me.  
8 MR. LOWE: Could you bring that up so I can read it?  
9 MR. LEWIS: We don't see it.  
10 MR. LOWE: Hold on for a second.  
11 Bring it up so I can read it, please.  
12 MR. ALDAPE: What do you want to read, bro? It's the  
13 same trial procedure you sent me.  
14 MR. LOWE: I want to read what you said to where we  
15 have to excuse these gentlemen.  
16 MR. ALDAPE: I can challenge any member for bias on  
17 this committee.  
18 MR. LOWE: I want to read what you say you have.  
19 Thank you. Where's it at?  
20 MR. ALDAPE: Right there (indicating), the second  
21 paragraph. You can challenge any member for bias.  
22 MR. TRIMMER: But you didn't challenge me for bias.  
23 MR. ALDAPE: I didn't challenge you for bias. I told  
24 you that already, Trimmer. Jesus.  
25 MR. LOWE: For the record, he's looking at the second

1 paragraph on trial procedures.

2 MR. LEWIS: It just says he has the right to question  
3 any witness before the Trial Committee. He questioned  
4 them.

5 I don't see -- we can put it to the table. I  
6 can't see any bias because one brother happens to be on  
7 another committee and another brother happened to be part  
8 of another trial somewhere.

9 MR. ALDAPE: Brother, wait a minute.

10 MR. LEWIS: Excuse me. Just a minute, Eric. Let me  
11 finish, please. All right?

12 I don't see that he had another case -- I don't  
13 see how that's going to bias. He's attorney-of-facts.  
14 All he can do is put before us what the charges were and  
15 whether he found them -- you know, there's ten other  
16 intelligent fuckers in here that didn't see any bias in  
17 what he put before us.

18 Go ahead, Brother Ernie.

19 MR. DUARTE: Could we read him our motion that we  
20 made? Because this motion says:

21 "A motion should be made for a number  
22 of people to serve on a trial committee. 12  
23 people with three alternates is the  
24 recommendation."

25 It's a recommendation, but we made it -- we --



1 MR. LEWIS: Well, I've explained that to him.  
2 MR. DUARTE: No, but we have our --  
3 MS. ZAKS: Minutes.  
4 MR. DUARTE: Yeah, our minutes.  
5 MS. ZAKS: Yes, we do.  
6 MR. DUARTE: And we can read them to him so he knows  
7 we're not being --  
8 MR. LEWIS: Sorry. No. Paula's out sick and she has  
9 the minutes. I want that explained to him.  
10 So Eric, put on the rest of your case, please.  
11 MR. ALDAPE: Thanks. Thanks, guys.  
12 MR. TRIMMER: You're being impatient with us?  
13 MR. LEWIS: Where's JoJo?  
14 MR. DUARTE: He had to go. He had to go somewhere.  
15 MR. ALDAPE: There's copies for the court reporter.  
16 You can do with them what you want. This is the  
17 first letter they sent me. It's numbered like I always  
18 give them to you. And they can get their own copies. I  
19 didn't come here for them.  
20 MR. OLVERA: Brother Chair, point of order.  
21 MR. LEWIS: Brother, the Chair recognizes Brother  
22 Olvera.  
23 MR. OLVERA: Just as an outside observation,  
24 documents that are presented -- are submitted to the  
25 Trial Committee, not the court reporter. The court

1 reporter has no official standing here in these  
2 proceedings.

3 MR. LEWIS: Ten-four. Do you mind if I grab these,  
4 Eric? All right. You don't have to get up. I don't  
5 have a problem with them.

6 MR. ALDAPE: Make yourself some copies. Those are  
7 the copies for the court reporter.

8 MR. LEWIS: And you are submitting these for what  
9 reason?

10 MR. ALDAPE: Those are the letters that you sent to  
11 me and I sent to you.

12 MR. LEWIS: Okay.

13 MR. ALDAPE: Those are all the letters that I sent to  
14 you.

15 MR. LEWIS: And you're submitting them for what  
16 reason?

17 MR. ALDAPE: This is part of my case.

18 MR. LEWIS: Okay. Continue on.

19 MR. ALDAPE: Thank you.

20 Before I start my defense, I demand a  
21 clarification from the president on the question of  
22 double jeopardy as defined by our Constitution and how it  
23 applies to this charge related to a letter that was read  
24 by Big Bob at the caucus for which I accepted censure at  
25 the caucus.

1            Depending on the president's answer in writing  
2            or transcribed by a court reporter, I'm going to need the  
3            following documents before I proceed: a copy of the  
4            transcripts from the afternoon session of the caucus  
5            where my letter was discussed and my censure was made a  
6            part of the record. There you will find that Bob didn't  
7            say that he was getting \$7, because I was there, too; a  
8            copy of the list of members who signed up for the Trial  
9            Committee at the first Union meeting where it was  
10          announced; a copy of the list of members who signed up  
11          for the Trial Committee at the third Union meeting where  
12          it was announced.

13           The second matter that I request for  
14          clarification: whether or not this is a valid Trial  
15          Committee, because according to the Constitution, the  
16          charge shall be read at a membership meeting and a Trial  
17          Committee picked at that membership meeting. In this  
18          case, the charge was never read. The secretary-treasurer  
19          just announced that there was a trial committee against  
20          me and members were asked to sign up, but not enough  
21          people signed up to go ahead with the trial. At the next  
22          Union meeting, there was not a quorum, so members were  
23          asked not to sign up. But that didn't stop Bobby from  
24          talking shit about me, including accusing me of screwing  
25          up the Child of Deceased rule because I'm happy --

1 helping Rapid Fire's daughter.

2 At the third Union meeting, members were asked  
3 again to sign up for the Trial Committee with the charge  
4 being read as required by the Constitution -- without the  
5 charge being read as required by the Constitution. I  
6 will need a written clarification from the president as  
7 to whether this is a valid Trial Committee charge, as the  
8 charge was never read to the membership as required by  
9 the Constitution and the committee was not picked in  
10 accordance with the Constitution.

11 The third matter that needs clarification from  
12 the president is whether or not I have the right to be  
13 provided the transcripts from the caucus meeting where he  
14 announced that I had accepted censure and Big Bob  
15 explained how he used my letter to get another \$1 per  
16 hour.

17 Before going forward, I will need these  
18 clarifications that I've requested in writing or  
19 transcribed by the court reporter because only the  
20 president can interpret the Constitution, not this  
21 committee.

22 MR. LEWIS: Was that it?

23 As far as the transcripts are concerned -- we'll  
24 go down the list one by one.

25 MR. TOLEDO: I have a point of order.

1           MR. LEWIS: Go ahead.

2           MR. TOLEDO: I take it that that's his defense. Is  
3 it my turn now?

4           MR. SEIXAS: Just a second. We have rights to ask  
5 questions, and I'm going to go ahead and ask the first  
6 question to your defense.

7           Could you go to the article of our Constitution  
8 that speaks of no double jeopardy?

9           MR. ALDAPE: Are you talking to me?

10          MR. SEIXAS: Yes.

11          MR. LEWIS: Yes, sir.

12          MR. SEIXAS: I'm allowed to ask you questions. I'm  
13 asking you a question.

14          MR. ALDAPE: You're only allowed to ask me questions  
15 if I'm a witness. I'm not a witness, but I'll give you  
16 the page number and I'll give you the letter. I'll even  
17 bring it up to you. It's on page 12, letter B of the  
18 Constitution. Right after that word (indicating).

19          MR. SEIXAS: Yeah.

20          MR. ALDAPE: I'll submit page 12 into the record,  
21 please.

22          MR. SEIXAS: Before you submit it, please note that  
23 it's Section 9 (sic), which is dealing with Grievance  
24 Committee. This is a trial.

25          MR. ALDAPE: I submit it for the record as part of my