

Printers Union Claims Teamsters Repudiated Their Merger

By **Ali Sullivan**

Law360 (November 17, 2023, 9:56 PM EST) -- A printing workers union told a D.C. federal judge during a Friday hearing that the International Brotherhood of Teamsters repudiated a merger agreement affiliating the two labor organizations, urging the court to rule that the printers union is free from Teamsters authority.

The Printing Packaging & Production Workers Union of North America, formerly the Teamsters Graphic Communications Conference, **wants** U.S. District Judge Timothy J. Kelly to issue a court order stating that the PPPWU is totally separate from the Teamsters due to the termination of their 2005 merger agreement. The Teamsters **contend** the merger is still in force.

The underlying contract linking the unions did not give either party the option to unilaterally end it, but the PPPWU's attorney Kyle Wood told Judge Kelly that the Teamsters' termination still occurred because wrongful termination ends a contractual relationship.

The situation is "textbook repudiation," Wood, a Kellogg Hansen attorney, said.

Judge Kelly questioned how the PPPWU's position squares with its monthslong negotiations following a June 2022 letter from Teamsters General Secretary-Treasurer Fred Zuckerman. In the letter, Zuckerman confirmed to the then-GCC that the international union planned to end the merger agreement by Dec. 31 of that year.

The GCC attempted to mend the relationship after the notice, according to court filings. It was not until negotiations stalled and the IBT refused to budge that the GCC **went to federal court** in November 2022, the PPPWU says. There, the union obtained a preliminary injunction barring the Teamsters from ending the merger agreement until the dispute could be hashed out in arbitration.

The GCC was well within its rights to attempt to salvage the merger, Wood said — especially because union members' healthcare and other benefits were tethered to the agreement.

"We never ignored the IBT's repudiation," Wood said.

Meanwhile, Teamsters' counsel Michael Feinberg, of Feinberg Dumont & Brennan, told Judge Kelly that the resulting arbitration award is critical to the case.

"It seems to me the GCC cannot have its cake and eat it, too," Feinberg said.

In the Sept. 14 award, arbitrator Mark Irvings concluded that the Teamsters couldn't unilaterally end the merger agreement "with or without reasonable notice." The arbitrator also found that the GCC couldn't obtain damages "that might have flowed from the termination of the merger agreement."

The Teamsters' top brass may have intended or desired to extinguish the merger, Feinberg said, but there was ultimately never a termination of it — a point backed up by the arbitration award.

Judge Kelly appeared doubtful that the award offered a pathway to resolve the dispute, remarking that he was unsure whether the arbitration decision "moves the ball in any direction" given the PPPWU's repudiation argument.

The judge did not issue a ruling from the bench Friday.

Feinberg told Law360 following the arguments that the hearing went well and that he looks forward to Judge Kelly issuing a favorable ruling.

PPPWU President Steve Nobles similarly thought the oral arguments went well, adding that it's a "shame it's more of the same from the IBT."

The International Brotherhood of Teamsters is represented by Michael A. Feinberg and Gabriel O. Dumont Jr. of Feinberg Dumont & Brennan.

The PPPWU is represented by Steven F. Benz, Mark P. Hirschboeck, Kyle M. Wood of Kellogg Hansen Todd Figel & Frederick PLLC.

The case is Printing Packaging & Production Workers Union of North America et al. v. International Brotherhood of Teamsters, case number 1:23-cv-01872, in the U.S. District Court for the District of Columbia.

--Additional reporting by Beverly Banks. Editing by Jeremy Abrams.