

# United Technicians' Pension and Profit-Sharing

## Lawsuit Update April 24, 2020

We appreciate the overwhelming and sincere interest everyone has taken in the progress of the litigation. We have received many emails, phone calls, and questions regarding the recent Order issued by the U.S. District Court on Tuesday, April 21, 2020, in the pending litigation.

We have also received many questions regarding Mr. Vincent Graziano's opinions regarding the legal significance of the Order. This update will clarify, to the extent allowed under the law, the consequences of the Order, the relevance of Mr. Graziano's statement, and the next steps in the litigation.

First, a little background on the litigation process. Following the filing of a complaint, the party or parties being sued, the defendant or Defendants must respond to the complaint. The Defendants may respond in an answer that admits or denies each of the Plaintiffs' allegations in the complaint, may offer defenses, and/or may assert other claims. Sometimes, as in this case, nowadays seemingly every time, the Defendants may respond to a complaint by filing a *motion* in lieu of an answer, and that motion will seek the immediate dismissal of all or part of the complaint on some specific basis.

The Plaintiff is then given an opportunity to respond to the Defendants' motion. Thereafter, the Court will then grant or deny the motion. If the court allows claims to continue after the motion to dismiss, the Defendants will then be required to answer the complaint, and the parties will continue on to the next steps in the litigation process. If the court dismisses some or all of the Plaintiff's claims in the complaint, the court can permit the plaintiff to amend their complaint to try and cure the deficiencies. If the Plaintiff chooses to amend the complaint, the Defendants must respond to the complaint by answer or by motion.

In this case, as you are all aware, the Plaintiffs filed a complaint and instead of answering that complaint, all the Defendants filed motions to dismiss. The Plaintiffs opposed the dismissal motions, and the matter was submitted to the court for consideration.

The April 21, 2020 order is the Court's decision on the Defendants' motions to dismiss. Specifically, the court granted the Defendants' motions in part and denied the Defendants' motions in part.

Most importantly, the Court granted the Plaintiffs the right to amend their complaint to cure the deficiencies which resulted in the partial dismissal.

The Plaintiffs have every intention of amending the complaint and will submit this amended complaint to the Court at time set by Court. We will provide you with that date as soon as we know it. The one thing to remember is that case is not over by any measure and is it proceeding largely as planned and expected by the plaintiffs.

Second, with respect to Mr. Graziano's statement regarding the Order. Mr. Graziano expressed his nonlegal opinion as to the meaning of the April 21, 2020 Order. Unless Mr. Graziano has a personal relationship with the Court and was told explicitly why the court decided the motions in the manner it did, any statements or interpretations made by Mr. Graziano to that effect are merely his nonlegal opinion and nothing more.

We would also encourage you to consider what would motivate Mr. Graziano to put out such a statement when he is neither an attorney for the Defendants nor, at least not presently, a defendant in this case. All Mr. Graziano was doing was expressing his layman's opinion as to how he read the Order.

Lastly, as stated previously, the Plaintiffs are now in the process of amending the complaint. We look forward to your support in this endeavor as we have only just begun this complex litigation. Thank you for showing such an interest and for all of your questions and comments - those are always welcome. We will continue to update the website as the case proceeds. The case is not over by any measure.