

February 7, 2019

Patricia M. Shea, Esquire
Communications Workers of America
501 Third Street, NW
Washington, DC 20001-2797

Re: PPMWS Colorado Litigation

Dear Attorney Shea:

I am writing to you on behalf of the PPMWS, including Dan Wasser, in response to a letter the Sector received from CWA President Christopher Shelton. Mr. Shelton's letter directed Mr. Wasser to respond to you regarding litigation pending in the state of Colorado. As you know, the primary issue in the Colorado case is whether or not a group of trustees violated their fiduciary duties by improperly amending the underlying trust agreement. Quite obviously, the PPMWS and Mr. Wasser, in his capacity as President of the PPMWS and as trustee, had the legal duty to prosecute this claim, upon receiving verifiable information that other trustees had acted inappropriately and against the interest of the Trust. Moreover, in his capacity both as PPMWS President and as trustee, Mr. Wasser was not only authorized, but also legally obligated to take legal action that would protect the Trust from malfeasance and/or misappropriation. Most importantly, the Sector and Mr. Wasser are protected from interference with the exercise of ERISA rights, as well as being protected from retaliation for the assertion of those same ERISA rights. You are undoubtedly aware of this. As a reminder, you were notified by correspondence dated October 3, 2018 that the Laws & Finance Committee decided to proceed with the Colorado litigation.

As to the viability of the claim, there is a 12(b)(6) Motion pending. The court has received briefs and heard arguments on the Motion. A decision is imminent – in fact, it was expected by the end of January, 2019. Thus, the merits of the case will appropriately be adjudicated by a Court of competent jurisdiction. I am happy to share the ruling on the 12(b)(6) Motion with you as soon as it becomes public.

This explanation should clarify any questions you, President Shelton, or anyone else has regarding the pendency of the Colorado litigation. Thank you.

Yours very truly,
GILARDI, OLIVER & LOMUPO



Richard P. Gilardi

Cc: Dan Wasser