

## NO FORCED MERGERS

1. Twelve (12) of fourteen (14) of BMWED's Federations have now joined the complaint as plaintiffs filed against Defendant Simpson and his co-conspirators. The twelve federations are representatives of 85% or more of the BMWED's membership.
2. The amended complaint was filed August 25, 2021 and discloses numerous new and relevant historical documents that prove the historical rulings on the bylaws disallows the BMWED President and other ND Officers to forcibly change the structures of the federations. They must respect the membership and their decisions within their respective federations and divisions!
3. Several historical letters were written by previous BMWED Presidents on the same issue. For example, a BMWED President's letter written September 26, 1995 reads:

Article XXII, of the Grand Lodge Constitution and Bylaws, provide [now renumbered as Article XIX of the current BMWED-IBT National Division Bylaws] provides for the formation of a new system or federation, following the establishment of a joint protective board, only, on a newly-organized railway system, which has reached a stage or organization warranting the establishment of a joint protective board. [Emphasis in original]. **As such, the Grand Lodge Constitution and Bylaws do not allow for the removal or transfer of members from an existing system or federation for the purpose of establishing a new system or federation. Thus, while the Grand Lodge Constitution and Bylaws provide for the establishment of an independent joint protective board on a newly-organized property, members within the jurisdiction of an existing system or federation are required to participate in that respective protective department, subject to the provisions of its constitution and bylaws and those of the Grand Lodge Constitution and Bylaws.** [Emphasis supplied].

4. Additional documents included in the amended complaint support the plaintiffs' case. Sadly, several of President Simpson's co-conspirators were serving as officers of the union when these rulings were given and they did not dispute the rulings then. It is clear they know, or should have known, the long standing and consistent rulings on this topic preserving the integrity of existing system federations and divisions.
5. It appears the National Division defendants plan on continuing this expensive anti-member action that clearly violate the BMWED Bylaws, the system federation and division bylaws and the Merger Agreement with the IBT. The outgoing leaders who have one foot out of the door of our Union should leave structural decisions of our Union to those of us who have a future here.

[Amended Complaint](#)