

International Alliance of Theatrical Stage Employees,
Moving Picture Technicians, Artists and Allied Crafts
of the United States, its Territories and Canada

Affidavit of Charges

State of California
County of Los Angeles

I, Edmond Brown, being duly sworn according to law deposes and states that he is a member in good standing of Affiliated Property Craftspersons, Local 44 ("Local 44") of the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada, AFL-CIO, CLC (the "Alliance"), alleges that Frank Pope, also being a member of that Alliance and Local 44, did on or about March 31, 2009 and continuing through May 6, 2009, commit the following acts:

Specifically, Brother Pope's name appears on the official "*Special Effects/Pyrotechnic Application*" (the "Permits"), filed with the Ventura County Fire Department on or about April 10, 2009. Brother Pope filed the permit request April 10, 2009 permit # UFC09- [REDACTED] was granted April 16, 2009 with an expiration of May 1, 2009. Brother Pope caused the Permit to be filed and granted in connection with his employment as Special Effects for the non-union production "*Mega Storm*," which was then being produced by the non-union producer Larry Levinson Productions, or a subsidiary and/or wholly-owned entity controlled by Larry Levinson Productions (collectively "Levinson"). Brother Pope filed, requested and received permit approval under his California Pyrotechnic Operators License # [REDACTED] during times during which Brother Pope was on notice that "*Mega Storm*" and/or Levinson were the subject of picketing and strike activity sanctioned and authorized by the IATSE.

Further, and from approximately March 31, 2009, through and including May 6, 2009, while Brother Pope was contracted or employed by Levinson for the providing of Special Effects services in connection with the "*Mega Storm*" production, Brother Pope repeatedly, and with full knowledge of his actions, crossed an authorized and sanctioned picket line to perform the above mentioned Special Effects work. I am informed and further allege that in connection with his employment on the "*Mega Storm*" production by Levinson, the struck non-Union employer/producer, Brother Pope performed special effects services through and in connection with a special effects crew which was primarily comprised of non-rostered employees.

In connection with the foregoing, Brother Pope's actions contributed to the ongoing labor dispute between Levinson, the "Unfair" and non-Union production company, and the IATSE and Local 44, thus disrupting, undermining and retarding the organizing drive of the Alliance. Additionally, I further allege that the afore-described conduct engaged in by Brother Pope was a direct cause of the organizing drive not meeting with success.

By and through the above conduct, and during the dates set forth above, Brother Pope violated and breached the following provisions of the IATSE and Local 44's Constitution and Bylaws:

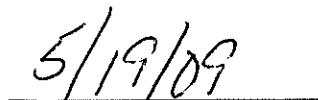
1. Article IV, Section 15 of the Local 44 Constitution, entitled "Disloyalty": to wit, (a) engaging in acts of gross disloyalty to Local 44 and the Alliance; (b) engaging in acts of non-unionism, gross misconduct as well as repeated and willful violations of the Local 44 Constitution and Bylaws and Alliance Constitution and Bylaws; (c) engaging in actions contrary to the best interests and welfare of Local 44 and its members, and; (d) maliciously engaging in conduct intended to disrupt or retard the progress of Local 44, i.e., successfully organizing the Local 44 crafts employed by Levinson on the "Mega Storm" production;
2. Article Seven, Section 14 of the Local 44 Bylaws, entitled "Unfair": to wit, that by performing Special Effects services for and being in the employ of Levinson – in connection with the "Mega Storm" production – Brother Pope worked on a production, within the jurisdiction of Local 44, which had been declared as "Unfair" by the Local 44 Business Representative/Agent and the Alliance;
3. Article Seven, Section 19 of the Local 44 Bylaws, entitled "Working With Non-Rostered Persons": to wit, that by performing Special Effects services for and being in the employ of Levinson – in connection with the "Mega Storm" production – Brother Pope worked with and procured the employment of non-rostered Special Effects personnel within the jurisdiction of Local 44, and;
4. Article 22, Section 7, of the Constitution of the Alliance, entitled "Obeying Strike Call": to wit, Brother Pope failed and refused to heed and abide by Local 44's calling of and declaring a strike against Levinson and/or the "Mega Storm" production.

These charges are made not in levity or out of malice, but in good faith that the laws of this Alliance must be upheld; to the best of my knowledge, information and belief the acts here complained of were committed in the presence of, or are within the personal knowledge of Edmond Brown, Paul Ahrens, Carl Hicks, Peter Marley, Craig Conover, David Ahuna, Paul Paolssso, Thom Davis, Steve Areidas and Tom Ceglia who are members of the Alliance.

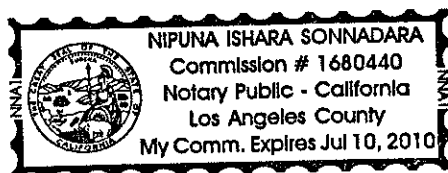
Sworn to and subscribed to this Affidavit of Charges before me on this 12th day of May, 2009, at Valley Village, County of Los Angeles, California.



Signed



Dated



N. I. Sonnadara

Notary Public