

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA, :

Plaintiff, :

-v- :

ORDER

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AFL-CIO, et al., :

88 CIV. 4486 (DNE)

Defendants. :

-----X

EDELSTEIN, District Judge:

WHEREAS on September 28, 1991, the Investigations Officer filed disciplinary charges against IBT Local 239 executive board members Maddaloni and Mastando; and

WHEREAS in Charge One, the Investigations Officer charged Maddaloni with embezzling \$54,924.92 and Mastando with embezzling \$52,964.33 from the Local 239 retirement plan; and

WHEREAS in Charge Two, Maddaloni and Mastando were charged with violating the IBT constitution by remaining in IBT office after receiving plan disbursements; and

WHEREAS in Charge Three, Maddaloni and Mastando were charged with embezzling \$13,455 from Local 239 for voting improper severance payments to Local 239 member Spada; and

WHEREAS on January 17, 1991, this Court approved and so ordered an affidavit and agreement settling disciplinary charges brought against Maddaloni and Mastando whereby they agreed to permanent debarment from the IBT; and

WHEREAS Maddaloni and Mastando now move this Court to vacate their agreement because they allege that they did not understand the full ramifications of their agreement, and because they allege that the Independent Administrator's decision in Bedell v. Musso, et al., 91-Elec. App.-37, would preclude Charge Two; and

WHEREAS this district's strong policy against upsetting voluntary settlements absent extreme circumstances specifically is applicable in situations where an issue affecting the settlement is the subject of a subsequent judicial decision, Anita Foundations v. ILGWU Nat. Retirement Fund, 710 F. Supp. 983, 987 (S.D.N.Y. 1989); see ABKCO Music, Inc. v. Harrisongs Music, Inc. 722 F.2d

