

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	:	88 Civ. 4486 (DNE)
	:	
Plaintiff,	:	APPLICATION XXXIX OF THE
	:	INDEPENDENT REVIEW BOARD
v.	:	-- AGREEMENT BETWEEN THE
	:	INDEPENDENT REVIEW BOARD
INTERNATIONAL BROTHERHOOD	:	AND ANIELLO MADONNA
OF TEAMSTERS, et al.	:	
	:	
Defendant.	:	

Pursuant to Paragraph O. of the Rules and Procedures for Operation of the Independent Review Board ("IRB") for the International Brotherhood of Teamsters ("IRB Rules"), the IRB files this Application submitting the Compromise Agreement with Aniello Madonna ("Madonna"), member and former On-site Steward of IBT Local Union 282 in Lake Success, New York. This Agreement was approved by the IRB and is submitted to Your Honor for review and, if appropriate, to be entered as an order. The Agreement seeks to resolve the matter of The Independent Review Board v. Aniello Madonna. The Agreement, with a copy of the charges annexed thereto as Exhibit A, is enclosed herewith.

This Application recognizes the importance of Your Honor's February 2, 1994, Order in which Your Honor stated that all IRB Compromise Agreements shall "contain a paragraph informing signatories that the agreement will be reviewed and may be rejected." The Agreement reached between the IRB and Madonna satisfies this procedure for Your Honor's review.

Madonna was charged with bringing reproach upon the IBT and violating his membership oath in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(1), (2) and (9) by knowingly

associating with members of La Cosa Nostra including, but not limited to, Edward Garafola.

Madonna was further charged with bringing reproach upon the IBT in violation of Article II, Section 2(a) and Article XIX Section 7(b)(1) and (2) and Section 14(i) of the IBT Constitution for obstructing, interfering and unreasonably failing to cooperate with the duties of the IRB. In his sworn examination, Madonna testified that he had never met Edward Garafola when in fact he had previously admitted to the FBI in an 1994 interview that he had met with Garafola shortly after being appointed as a Local 282 Business Agent in April of 1992.

Effective the date the IRB approved the Agreement, November 4, 1996, Madonna has agreed to resign permanently from membership in the IBT.

Madonna has further agreed not to:

(1) hold any position with Local 282, any positions mentioned in paragraphs 3(a)-(c) of the Agreement, and any other employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 282 or any IBT Entity;

(2) accept any salary, severance payment, allowance, fee or compensation of any kind;

(3) receive benefits, gratuities, severance payment or gifts of any kind whatsoever from Local 282 or IBT Entities, nor shall he accept any contributions from Local 282 or any other IBT Entities on his behalf to any pension, health and welfare, severance or other benefit fund;

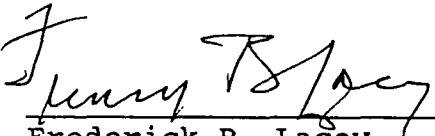
(4) participate in any manner in any of the activities or affairs of Local 282 or any other IBT Entities, including, but not limited to, meetings, discussions, consultations, negotiations, votes or any other business or activity of Local 282 or any IBT Entities.

We have found the Agreement comports with Your Honor's February 2, 1994, Order and serves to resolve the charge in a fair and equitable manner.

Therefore, we respectfully request that Your Honor execute the Agreement on the line provided. This will, in effect, serve to have this Agreement "so ordered" by the Court. Thereafter, it is respectfully requested that a member of Your Honor's staff file the fully executed original Agreement with the Clerk.

Dated: November 4, 1996

By:



Frederick B. Lacey
Member of the
Independent Review Board

-----X
In the Matter of
ANIELLO MADONNA
Before the
INDEPENDENT REVIEW BOARD
-----X

AFFIDAVIT AND AGREEMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

ANIELLO MADONNA, being duly sworn, deposes and says,
and agrees as follows:

1. The Independent Review Board ("IRB"), appointed pursuant to the Consent Order entered March 14, 1989 in United States v. International Brotherhood of Teamsters, 88 Civ. 4486 (DNE) (S.D.N.Y) (the "Consent Order"), has filed charges against me alleging that I knowingly associated with a La Cosa Nostra member.

2. I make this Affidavit and Agreement (the "Agreement") to permanently resign my International Brotherhood of Teamsters ("IBT") membership and all IBT affiliated positions in order to resolve the IRB charges described in paragraph 1. This agreement does not constitute an admission of the IRB charges.

3. I represent and agree to the following:
(a) I am a member of the IBT and a member of IBT Local 282;
(b) I was an On-site Steward for IBT Local 282;

(c) I currently hold no elected or appointed offices of any kind, paid or unpaid, in the IBT or any of its affiliated entities including any locals, superior bodies, conferences, councils, pension, health, welfare or severance plans or other such entities (collectively "IBT Entities");

(d) I currently receive no salary, allowances, or remuneration of any kind from any IBT Entity.

4. I hereby permanently resign from the IBT and Local 282 and all IBT Entities, effective upon the date this agreement is approved by the IRB ("the effective date"). From the effective date forward, I agree never to hold membership in the IBT. From the effective date of this agreement forward, I further agree never to hold any position with Local 282, any positions mentioned in paragraphs 3(a)-(c) above, and any other employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 282 and any IBT Entities.

5. From the effective date of this agreement forward, Local 282 and any other IBT Entities shall not pay to me, nor shall I accept, any salary, severance payment, allowance, fee or compensation of any kind, except that I may receive my fully vested benefits.

6. I will receive no benefits, gratuities, severance payment or gifts of any kind whatsoever from Local 282 or IBT Entities. From the effective date of this agreement forward, Local 282 and any other IBT Entities shall not make, nor shall I

accept, any contributions on my behalf to any pension, health and welfare, severance or other benefit fund.

7. From the effective date of this agreement forward, I shall not participate in any manner in any of the activities or affairs of Local 282 or any other IBT Entities, including, but not limited to, meetings, discussions, consultations, negotiations, votes or any other business or activity of Local 282 and IBT Entities.

8. This agreement is permanent.

9. I have entered this agreement on the understanding that the IRB agrees that it will not proceed with the charges described in paragraph 1 above.

10. I understand that the IRB's agreement is limited to the charges described in paragraph 1 and it expressly reserves the right to pursue charges against any other officer, member, employee or entity of the IBT and Local 282 arising out the allegations contained in the charges described in paragraph 1 or any other investigation.

11. I understand and agree that this agreement will be submitted to the IRB for its review and, if approved by the IRB, it will be submitted to the United States District Court for the Southern District of New York for review. I understand that, if this agreement is approved by the United States District Court for the Southern District of New York, it will be entered as a Court Order. I understand that no representations have been made as to whether this agreement will be approved by the IRB or the

United States District Court for the Southern District of New York.

12. I make this agreement freely, under no duress or coercion of any kind and after consultation with my attorney.

13. I have authorized my attorney to transmit this agreement, signed by me, to the IRB. When it is signed by the IRB it will be submitted to the Court for review.

Aniello Madonna
ANIELLO MADONNA

Sworn to before me this
7th day of October 1996

Paula Schag

PAULA SCHAAP
Notary Public, State of New York
No. 31-02SC5032364
Qualified in New York County
Commission Expires Aug. 22, 1998

Witnessed

Pat Wilk

Agreed:

Jimmy Hare
for the Independent Review Board

Dated 11/4/96

So Ordered:
Hon. David N. Edelstein

David N. Edelstein
United States District Judge

Dated 11/18/96