

## Tropicana Seeks Halt to Union's Interference with its Business

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Customer intimidation, misinformation cited as source of multi-million dollar revenue losses

Tropicana Casino and Resort in Atlantic City today filed a complaint asking the U.S. District Court to halt efforts by UNITE HERE Local No. 54 to adversely impact the company's business. Specifically, Tropicana wants the court to issue a temporary restraining order and a permanent injunction to bring an end to customer intimidation, public misinformation and license renewal intervention tactics on the part of the union's leadership, agents and representatives that the casino estimates have resulted in revenue losses in the multi-millions of dollars this year.

The complaint, which was filed this morning, contains accounts of prospective customers who were contacted by the union or its representatives to encourage them to take their convention and meeting business elsewhere. It also itemizes cases where the Union has directly interfered with the Tropicana's business by distributing 'false and misleading' information to investors and by attempting to intervene in the casino's license renewal process.

According to the complaint, all of the activities relate to a series of grievances filed by the Union that are pending in the arbitration process stipulated under the parties' collective bargaining agreement. That agreement requires the union to refrain from engaging in tactics that constitute '... interference with the conduct of Employer's (Tropicana's) business for any reason whatsoever.'

'Not only are the Union's tactics in direct violation of our agreement,' said Tropicana GM Mark Giannantonio, 'but this is a classic case of the union's leadership trying to further its own agenda with callous disregard for employees who must suffer the consequences - both financial and job related - when we cannot maintain certain levels of business.

'These kinds of tactics go beyond advocacy,' Giannantonio said, 'and it's high time that someone stood up for the interests of the 3,700 people working on our property who are being hurt by the union's destructive intent.'

The request for the restraining order and permanent injunction cites staff reductions as the issue underlying the union's misconduct. The complaint says that a UNITE HERE Gaming Research report distributed to investors and media to broadcast its grievances regarding the reductions have the same effect as picketing the resort. According to the filing, the report, which Tropicana labeled faux research in a response dated October 25, 2007, also 'threatened the stability of current and potential investors.'

Local 54 has filed nine grievances related to staff reductions, all of which have been submitted to binding arbitration. The Union also filed parallel unfair labor practice charges with the national Labor Relations Board, Region 4, which deferred action noting that Tropicana was 'willing to, and in good faith participated in, the grievance process for all of Local 54's grievances.'

The complaint charges that UNITE HERE does not have, 'as a matter of law,' the right to interfere with Tropicana's upcoming licensing hearing. In addition, the filing says that the union is bound by terms of the collective bargaining agreement in which it has 'expressly agreed not to oppose (the casino's) petition for renewal of its licenses if such opposition is based upon disputes subject to grievance and arbitration.' Tropicana has filed a motion with the New Jersey Casino Control Commission opposing the union's intervention on the same grounds.

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