

**BMW Grand Lodge Officers' Statement
on Department of Labor's Complaint to Overturn Convention Elections**

October 3, 2003

The Brotherhood of Maintenance of Way Employees Grand Lodge Officers have completed a preliminary inquiry and made some important determinations in connection with the Department of Labor's complaint concerning the elections of three Grand Lodge Officers elected at our Convention in July of 2002. Any further inquiries or possible action on the part of the Grand Lodge Officers has been postponed until further information is presented by the Department of Labor. The fact of the matter is, the Department of Labor has been less than forthcoming with specifics regarding what information it may have which purportedly provides the basis for the complaint. While the Grand Lodge Officers are no less intent on doing whatever is necessary to place the operation of the Brotherhood above and beyond reproach, it seems premature to take any action until more factual information is developed. Again, based on the information developed thus far, or the lack thereof from the Department of Labor, the Grand Lodge Officers believe no additional action is appropriate at this juncture.

In connection with the progression of the case in court by the Department of Labor, the Brotherhood's Legal Counsel filed an answer to the Department of Labor's amended complaint on September 22, 2003, requesting that the Court dismiss the complaint or, alternatively, grant defendant BMW judgment in its favor. BMW further requested that it be awarded its costs in defending against this action. Such requests were filed because it is BMW's position, in part, that the Court lacks jurisdiction, and the Department of Labor Secretary lacks standing to challenge elections in this case; the complaint is untimely and, therefore, invalid; the alleged violations are not supported by the facts developed thus far or by the law; and there is no legal basis for granting the relief requested by the Department of Labor due the fact that BMW believes that any alleged violation that may have occurred, which, to date, has not been established, did not affect the outcome of any election.

In line with our previous advice, as further information in this regard develops, we will advise the Membership accordingly.