

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	X	
	:	
Plaintiff,	:	
	:	
-Against-	:	88 Civ. 4486 (LAP)
	:	
INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA AFL-CIO, et al.,	:	
	:	
Defendants.	:	
	:	
	X	

**DECLARATION IN SUPPORT OF THE CHIEF INVESTIGATOR’S  
APPLICATION FOR THE ISSUANCE OF SUBPOENAS DIRECTING UBER  
USA, LLC, UBER U.S. and UBER TECHNOLOGIES, INC. TO PRODUCE  
SPECIFIED RECORDS**

1. I am Assistant Counsel to Charles M. Carberry, the Chief Investigator for the Independent Review Board (“IRB”). I submit this declaration in support of the Chief Investigator’s Application pursuant to the March 14, 1989 Consent Order in United States v. International Brotherhood of Teamsters, 88 Civ. 4486 (“Consent Order”), the court-approved Rules and Procedures for Operation of the Independent Review Board, (“IRB Rules”), 18 U.S.C. § 1965(c) and the All Writs Act, 28 U.S.C. § 1651, for subpoenas directing Uber USA, LLC, Uber, U.S. and Uber Technologies, Inc. to produce to the Chief Investigator no later than January 29, 2016, or within ten days after service of the subpoena whichever comes later, the documents detailed in the attached Application.
  
2. The Consent Order and the IRB Rules empower the IRB to investigate any allegations of corruption in the IBT including, but not limited to, bribery, embezzlement,

extortion, loan-sharking, violations of the Landrum Griffin Act, the Taft Hartley Act, acts of racketeering and allegations of organized crime association. (Exs. 1, at pg. 19, and 2)

3. Pursuant to the IRB Rules, when just cause exists, the IRB may seek this Court's permission to obtain through subpoena information from outside the union, its members and officers. For example, the IRB Rules empower the IRB, upon application for cause to this Court, to take the sworn statements or sworn in-person examinations of persons not covered in the IRB Rules. See, IRB Rules, Para. H(3)(d). (Ex. 2)

4. Pursuant to the Consent Order and the IRB Rules, the IRB Chief Investigator has initiated an investigation into an IBT employee concerning, among other things, her expenditures of union funds for what appears to be personal items that are not documented as required in the records.

5. Title 29 U.S.C. 436, requires every labor organization to maintain records on the matters, such as expenses, required to be reported to the Department of Labor, which will provide in sufficient detail the necessary information from which the reports filed can be verified, explained, clarified and checked for accuracy and completeness. The Union was required to maintain the following information about credit card expenditures the Union made: 1) All credit card statements and payment information for amounts paid to credit card vendors; 2) All original, itemized receipts for *each* credit card charge, including itemized hotel invoices, transportation costs, and itemized meal receipts from restaurants; and 3) for group meal expenses, (a) a written explanation of the specific union business conducted; (b) the full names and (c) titles of all persons present.

6. Moreover, the Department of Labor's Office of Labor Management Standards has also repeatedly instructed unions to explain in their records the union purpose for an

expense. OLMS has advised it is not sufficient to simply record “union business”- the explanation must be more specific.

7. The IBT has a credit card account and issued union credit cards to its officers and employees. The individual cardholder was required to submit all receipts to the union’s Accounting Department, who was to check them against the monthly credit card statements.

8. The employee under investigation works at Teamsters Headquarters, located at 25 Louisiana Avenue, N.W., Washington, D.C. She held a union credit card. From January 1, 2013 through October 1, 2013, she held a union-issued MasterCard credit card with an account number ending in XX-79012645. From October 1, 2013 to the present, she held a union-issued MasterCard credit card with an account number ending in XX-79013676.

9. According to a review of the union’s expense reports and credit card statements the employee under investigation has had a pattern of not filing expense reports timely and of using the card for personal expenses.

10. Among other things, she frequently used the card to pay for Uber rides. However, the receipts she submitted to the IBT do not match the format of Uber receipts issued to other Uber riders in the Washington, D.C. area and other cities.

11. The records sought to be subpoenaed will assist in determining whether her charges were valid and whether there were union purposes for the charges.

12. The foregoing demonstrates that just cause exists for the issuance of subpoenas directing Uber USA, LLC, Uber U.S. and Uber Technologies, Inc. to produce the specified records which would assist the Chief Investigator in the ongoing investigation


of the IBT. Accordingly, just cause exists for the issuance of the subpoenas directing the production of the specified records.

I declare under penalty of perjury the foregoing is, to the best of my knowledge, true and correct.

Dated: New York, New York  
January 14, 2016

Respectfully submitted,

Charles M. Carberry  
Independent Review Board  
Chief Investigator

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Uber U.S.  
Uber Technologies, Inc.

## ATTACHMENT

For the period from January 1, 2013 to the present, any and all records, documents, emails and electronically stored information reflecting charges and payments including but not limited to:

- 1) Account profile information, including credit card account information, email addresses and cell phone numbers for Nicole Brener-Schmitz, [REDACTED]  
[REDACTED]
- 2) Records of all Uber ride charges and payments, by date and amount for Nicole Brener-Schmitz.
- 3) Receipts for all Uber rides, including pick-up and drop-off locations, times of rides, distances traveled and cost of rides for Nicole Brener-Schmitz.
- 4) Copies of all emails sent to account holder for Uber ride receipts and charges for Nicole Brener-Schmitz.