



## KEY EVENTS IN THE *ENERSYS v JACKSON LEWIS* MALPRACTICE CASE

DATE	EVENT	ADDITIONAL INFORMATION
1994	Workers at the EnerSys (formerly called Yuasa) plant in Sumter, SC began to seek union representation.	
1994 - October 2003	EnerSys retains the Greenville, SC office of Jackson Lewis to assist in defeating the organizing drive.	Jackson Lewis is a well-known union-avoidance law firm.
1994 - 2002	EnerSys executed an eight-year anti-union campaign, fraught with illegal activities.	From the outset of the organizing campaign and continuing through the settlement, the company "relied exclusively on Jackson Lewis for all legal dealings with the Union and employees at the Sumter Plant."
February 23, 1995	A majority of the 400 EnerSys production employees at the Sumter plant voted for union representation.	Employees choose IUE (International Union of Electronic, Electrical, Salaried, and Machine and Furniture Workers, AFL-CIO) as their bargaining representative.
1995 - February 1997	EnerSys appeals results of the election.	EnerSys employs stall tactics and takes advantage of appeal system. Attempts to throw out election results by appealing to the NLRB, then appeals NLRB decision to the Circuit Courts.
February 1997	4 <sup>th</sup> Circuit for the U.S. Court of Appeals orders EnerSys to comply with bargaining order.	Collective bargaining begins between EnerSys and IUE.
April 1998	Contract agreement reached between EnerSys and IUE.	Three-year contract signed. Union reluctantly agreed to a 'gainsharing' incentive pay plan. Contract explicitly states gainsharing plan would allow workers the opportunity to earn more money.
April 1998	Company improperly implements gainsharing plan and results in 16% pay reduction.	Union files several grievances that lead to arbitration. Eventually arbitrator rules on May 14, 1999, EnerSys breached the parties' agreement on gainsharing, orders EnerSys to recalculate employee pay. Company appeals decision all the way to the Supreme Court, which denied its petition seeking to overturn 4 <sup>th</sup> Circuit's decision upholding arbitrator's award in December 2000.
2000 - 2002	EnerSys fires seven union leaders employed at the plant.	NLRB issues complaint alleging that the company's termination of seven union leaders is illegal and related to union organizing.
Fall 2000	Decertification petition begins to circulate at plant.	EnerSys, with the advice and implementation of Jackson Lewis, orchestrates illegal decertification campaign.
June 2001	EnerSys withdraws recognition of the union without official decertification of the union by the NLRB.	Unlawful, employer backed anti-union committee gets 50% of workers to sign cards to reject union. Committee hands

		over cards to management, not NLRB, and EnerSys stops recognizing union.
<b>September 10, 2001</b>	EnerSys announces the closing of the Sumter plant.	The company did not notify the union of the closing, allegedly based on Jackson Lewis' advice.
<b>November 1, 2001</b>	Sumter plant closes	Sumter's unemployment rolls grew by three percentage points to 7.3% when the plant closed.
<b>December 14, 2001</b>	Union files class action WARN Act case complaint in U.S. District Court for the District of South Carolina	Complaint alleges EnerSys failed to provide notice about the plant closure to the union in violation of the WARN Act. EnerSys claims in malpractice suit Jackson Lewis advised it to ignore union's request for information so it did not notify the union of the closing, turned down union requests for information about the closing as well as requests to bargain over the closing.
<b>January 7, 2004</b>	EnerSys signs a settlement agreement with the IUE in which the company agrees to pay \$7.75 million to settle the lawsuits and the many Unfair Labor Practice charges pending against it.	The settlement covered the unlawful firings, the improper implementation of gainsharing under the contract, the illegal withdrawal of recognition of the union as the employees' representative, the failure to give notice of the plant closing and the refusal to bargain with the union about the closing.
<b>April 23, 2004</b>	Malpractice suit filed by EnerSys against its law firm, Jackson Lewis, for having "engineered" a "relentless and unlawful campaign to oust the union."	The case is currently in discovery.