

FORM LM-20 AGREEMENT AND ACTIVITIES REPORT

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 439 or 440. Required of persons, including Labor Relations Consultants and Other Individuals and Organizations, Under Section 203(b) of the Labor-Management Reporting and Disclosure Act of 1959, as amended. (LMRDA)

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT.

1. File Number: C- 513 405680

Person Filing	
2. Name and mailing address (include ZIP Code): Name <u>Robert Tiernan</u> Title <u>owner</u> Organization <u>Tiernan & associates</u> P.O. Box, Bldg., Room No., if any Street <u>205 Evergreen Street</u> City <u>Luke Oswego</u> State <u>Oregon</u> ZIP Code + 4 <u>97034</u>	3. Any other address where records necessary to verify this report are kept: Name Title Organization P.O. Box, Bldg., Room No., if any Street City State ZIP Code + 4
4. Date fiscal year ends: <u>12 / 31</u>	5. Type of person: a. <input type="checkbox"/> Individual b. <input type="checkbox"/> Partnership c. <input checked="" type="checkbox"/> Corporation d. <input type="checkbox"/> Other (Specify):

Nature of Agreement or Arrangement	
6. Full name and address of employer with whom made (include ZIP Code): Name <u>Berkeley Bowl Produce, Inc.</u> Organization Trade Name, if any <u>Berkeley Bowl</u> P.O. Box, Bldg., Room No., if any Street <u>2020 Oregon Street</u> City <u>Berkeley</u> State <u>California</u> ZIP Code + 4 <u>94703-2213</u>	7. Date entered into: <u>05 / 27 / 10</u> 8. Name of person(s) through whom made: Name <u>Glenn H. Yasuda</u> Name <u>Diane I. Yasuda</u> Name <u>Don Kataoka</u> Name

Signatures

Each of the undersigned declares, under penalty of perjury and other applicable penalties of law, that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete. (See Section VII on penalties in the instructions.)

13. Signed <u>Robert Tiernan</u> President (If other title, see instructions) Title <u>President</u>	14. Signed <u>Robert Tiernan</u> Treasurer (If other title, see instructions) Title <u>Treasurer</u>
On <u>8/1/11</u> <u>(503) 860-1833</u> Date Telephone Number	On <u>8/1/11</u> <u>503-860-1833</u> Date Telephone Number

9. Check the appropriate box to indicate whether an object of the activities undertaken, is directly or indirectly:

a. To persuade employees to exercise or not to exercise, or persuade employees as to the manner of exercising, the right to organize and bargain collectively through representatives of their own choosing.

b. To supply an employer with information concerning the activities of employees or a labor organization in connection with a labor dispute involving such employer, except information for use solely in conjunction with an administrative or arbitral proceeding or a criminal or civil judicial proceeding.

10. Terms and conditions (Explain in detail; see instructions. Written agreements must be attached.):

To establish a campaign plan to defeat the union organizational drive and win the NLRB election. (See attached outline of agreement.)

Specific Activities to be Performed

11. For each activity, separately list in detail the information required (See instructions):

a. Nature of activity: *During the months of May and June, 2010, to design & direct a successful campaign plan to defeat the Union Campaign. Training of Supervisors on the law, complying with the law, drafting campaign literature and refuting the Unions claims, while minimizing the disruption to the business. I did not speak to employees*

11.b. Period during which performed:
May 27, 2010 to July 31st, 2010

11.c. Extent performed:
activity completed

11.d. Name and address through whom performed:

Name *Bob Tiernan*
 Organization *Tiernan & associates*
 P.O. Box, Bldg., Room No., if any
 Street *205 Evergreen Street*
 City *Lake Oswego*
 State *Oregon* ZIP Code + 4 *97034*

Additional Name and address through whom performed, if any:

Name *x NONE x*
 Organization
 P.O. Box, Bldg., Room No., if any
 Street
 City
 State ZIP Code + 4

12.a. Identify subject groups of employees:
All employees eligible to vote in the NLRB election

12.b. Identify subject labor organizations:
UFCW Local 5

FROM THE DESK OF BOB TIERNAN

205 Evergreen Street, Lake Oswego, Oregon 97034 bobtiernan@msn.com 503.860.1833

Confidential

TO: Dan Kataoka

FROM: Bob Tiernan

SUBJECT: Agreement to Direct and manage the Berkeley Bowl Decertification election scheduled for June 23, 2010

DATE: May 27, 2010

I have put together a rough outline for a campaign plan for Berkeley bowl calculated to defeat the Union in the upcoming NLRB decertification scheduled for June 23.

The plan encompasses all of the following:

1. Setting the Strategy
2. Establishing the plans
3. Training the supervisors
4. Drafting the Scripts
5. Plan implementation
6. Union "countermeasures"
7. Drafting letters and Hit pieces
8. Setting the schedule and calendar
9. Keeping score
10. Senior management training and instruction
11. Two Store coordination, security advice, customer relations.
12. Big Picture, long term strategy and implementation
13. Coordination of effort with retained attorney
14. All meeting with owners or stockholders
15. Anything else that needs to be done to WIN and succeed

Lastly, if a second decertification election needs to be held (a rerun election ordered by the NLRB) I will do all of the above work for that election for ½ the fee listed below.

My flat fee for doing all of the above, starting tomorrow and going through the election is a \$55,000 flat fee. I also request a \$10,000 discretionary bonus assuming the WIN and you were pleased with the effort I put forth. Out of pocket expenses (printing, mailing, gas, or other travel, etc.) is in addition.

If the above is acceptable to you, I will start ASAP (Friday, May 28th). I request ½ the retainer up front, the remainder by the Friday following the election (June 25, 2010). You can call me at 503.860.1833 or E mail me back with your response.