

## AFFIDAVIT

STATE OF NEW YORK

COUNTY OF WESTCHESTER

I, James DeMarzo, having been duly sworn hereby depose and state:

1. I am President of the Newspaper & Mail Deliverers' Union of New York and Vicinity ("Union") and have held that position since May, 2011. Prior to assuming the office of President, I was the Union's Vice-President from 2001-2011, and a Business Agent for the Union from 1995 until 2001. I have been in the Union since 1968 and, prior to May 1995, I was continually employed in a collective bargaining unit in the newspaper industry in the New York City area ("Newspaper Industry").

2. The Union has collective bargaining agreements with employers in the Newspaper Industry, among them are the New York Times ("Times") and the NYP Holdings Inc. d/b/a New York Post ("Post"), who deliver newspapers to retail establishments in the New York City area. The Times and Post units are correctly set forth in the Complaints.

3. As alleged in the Complaints, the Times offered cash buyouts to employees and the Post granted certain promotional opportunities to its employees.

4. A criterion for receipt of these benefits was where those employees appeared on a seniority list ("Industry-wide Seniority").

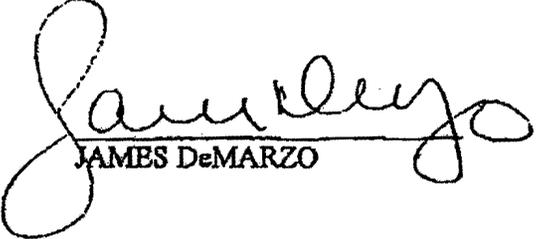
5. In my capacity as President, and in my prior positions with the Union, I gained knowledge of the method used for the calculation of Industry-wide Seniority, used by both the Times and the Post as the basis for the grant of said benefits to their respective unit employees.

6. Industry-wide Seniority is earned based on time worked in a bargaining unit in the Newspaper Industry. Union membership or non-membership was and remains irrelevant to placement on that seniority list. Thus, non-members of the Union, working in the Newspaper Industry, receive Industry-wide Seniority in the same manner as Union members.

7. To my knowledge, the General Counsel has never ever asserted that Union membership was relevant to an employee's placement on the Industry-wide Seniority list.

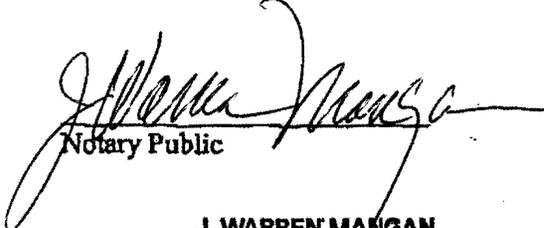
8. The Times and the Post did not deny Industry-wide Seniority placement to any employee for time worked in any bargaining unit in the Newspaper Industry.

I have read the foregoing and swear that it is true and correct to the best of my knowledge and belief.



JAMES DeMARZO

Sworn to and subscribed before me  
this <sup>24</sup> day of August, 2011



Notary Public

**J. WARREN MANGAN**  
Notary Public, State of New York  
No. 02MA4903285  
Qualified in Westchester County  
Commission Expires August 03, 18 2013