## Microsoft Outlook

**From:** Kearney, Barry J.
**Sent:** Thursday, October 07, 2010 4:25 PM
**To:** Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
**Subject:** FW: Boeing as a runaway shop?

More from our distinguished colleague

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**From:** Ferguson, John H.
**Sent:** Thursday, October 07, 2010 3:55 PM
**To:** Kearney, Barry J.
**Subject:** RE: Boeing as a runaway shop?

Sure I would like to see the memo when it is done—as indicated in my email, there is a lot to get your head around in this area, and I need to dig deeper.

Whatever Scalia does will be ugly, combining Milwaukee Springs II mid contract relocation bargaining and the hardnosed HK Porter/TWA/Lockout cases perspective that the free play of economic weapons notion makes it easy to understand why unions want to strike in summer and employers want to lockout in winter and why the IAM loves Seattle and Boeing's new love is Alabama. So far as Scalia is concerned, the fact that one side or the other is seeking higher ground on which to fight, having been earlier bloodied in the valley, is in the nature of economic warfare and of no concern to the courts.

[redacted]

*Exemption 5*

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**From:** Kearney, Barry J.
**Sent:** Thursday, October 07, 2010 2:55 PM
**To:** Ferguson, John H.
**Subject:** RE: Boeing as a runaway shop?

Boeing doesn't at least for now contend that striking makes for higher labor costs and that is why they are moving. In fact it is cheaper and more efficient to put the work in Puget Sound. They contend that strikes make it harder for them to deliver planes to their customer and that is a sufficient business justification to move because the Union won't agree now mid-contract to a 22 year no strike pledge. What do you think Scalia will do with that? Do you want to see the memo when it is done?

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**From:** Ferguson, John H.
**Sent:** Thursday, October 07, 2010 2:29 PM
**To:** Kearney, Barry J.
**Subject:** Boeing as a runaway shop?

[redacted]

*Exemption 5*

Exemption 5