

## **MEMORANDUM**

TO: Sean O'Brien, General President, International Brotherhood of Teamsters

FROM: Timothy S. Hillman, Independent Investigations Officer

DATE: September 15, 2026

RE: Proposed Charges Against L-399 Secretary-Treasurer/Principal Officer Lindsay DOUGHERTY, President Kenneth FARNELL; and Member Flint HARDMAN

### **I. RECOMMENDATION**

The Independent Investigation Officer (IIO) refers this report to the IBT General President with the recommendation that charges outlined herein be adopted related to an assault of a union member by a fellow union member: that is, that Flint HARDMAN, a member of Local 399, physically assaulted a fellow union member, Franz Holzinger. The assault resulted in serious injuries to Holzinger, including multiple displaced fractures of the left zygomatic arch, lateral maxillary sinus wall, and lateral orbital wall. The assault took place at the Marriott hotel which was the site of Local 399's General Membership Meeting and occurred immediately after the Meeting but while union members were still using the facility, with members speaking with other union members and officials. The assault was in violation of IBT Constitution Art. XIX, § 7(b)(6) and Local 399's Bylaws Section 30.

The IIO also recommends charges against Secretary-Treasurer/Principal Officer Lindsay DOUGHERTY and former President Kenneth FARNELL alleging that both brought reproach upon the Union due to their failure to properly investigate the alleged assault upon a Union member. It is alleged that both officials had a duty to inquire about this misconduct which took place in their presence, directly after the Meeting while members and other Union officials were still in the facility. Neither Union officer interviewed the victim nor took any steps to independently determine the facts. Moreover, steps were taken by both of the officials which

hampered any investigation, including providing false information to the alleged victim that there was a 10-day deadline for making a complaint; making unsupported allegations about the alleged status of the victim's mental health; consulting multiple times with the alleged assailant but refusing to speak with the victim; relying upon personal and unsupported opinions, and failing to confirm or seek advice regarding the role of the Local in an investigation. They also improperly shared information with others about the alleged assailant; including, in Dougherty's case, her view that the alleged victim was "on the spectrum"; was "pretty aggressive; and was "mentally unstable."

## **II. JURISDICTION**

Pursuant to Paragraph 32 of the Final Agreement and Order, the IIO designates this as a matter within the jurisdiction of the General President. The Final Order requires that within 90 days of the IIO's referral to him, the General President must file with the Independent Review Officer ("IRO") written findings setting forth the specific action taken and the reason for such action.

## **III. RELEVANT REGULATIONS/BYLAWS FRAMEWORK**

The IBT Constitution, at Article II, Section (2)(a), provides that each person who is member is "to comply with all rules and regulations for the government of the International Union and the Local Union;" and "that each person is to conduct himself or herself at all times in such a manner as to not to bring reproach upon the Union; and to never knowingly harm a fellow member. Article XIX, Sec. 7(b)(6) prohibits the "[d]isruption of union meetings or assaulting or provoking assault on fellow members . . . in or about union premises or places used to conduct union business . . . ."

Additionally, Local 399's Bylaws (Exh. 1) at Section 30, sets forth obligations of members, including that the member "will never knowingly harm a fellow member." Exh. 1 at § 30 (page 47 of Exhibit).

Article XIX, §§ 7(b)(2) and 7(b)(3) further provide that charges may be brought for violations of the oath of office and breaching a fiduciary obligation to a labor organization. Those fiduciary duties require an investigation into the matter where an officer has reason to believe a member may have engaged in criminal activity.<sup>1</sup>

The property where the assault took place had just hosted a Union event and Union members were present after that event. Prior decisions make it clear that, even if the matter to be investigated took place outside of Union facilities or locations used for the Union activities, at a minimum, Union officers have a duty to investigate the allegations if it comes to their attention that Union members may be involved. The deliberate failure to investigate and act brought reproach upon the Union.

#### **A. Charges:**

##### **1. Lindsay Dougherty:**

*Breaching her fiduciary duty by failing to investigate allegations that a member had engaged in criminal conduct, in violation of IBT Const. Art. XIX, § 7(b)(3) and the Local Union Bylaws 21.*

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<sup>1</sup> See *United States v. Int'l Br'd of Teamsters [Ross]*, 826 F. Supp 749, (S.D.N.Y. 1993), wherein Ross, President of the Local, was found to have breached his fiduciary duty when he failed to investigate and act when confronted with information that a union member had engaged in criminal activity; that being an assault upon a 76-year-old victim while on an airplane. In failing to make any inquiry, the court upheld the finding that Ross violated both the membership oath of the IBT Constitution and Section 13(B) of Local 97's Bylaws. See also *United States v. Int'l Br'd of Teamsters [Sansone]*, 981 F.2d 1362, 1387-88 (2d. Cir. 1992); *United States v. Int'l Br'd of Teamsters [Ligurotis]*, 814 F. Supp. 1165, 1182 (S.D.N.Y. 1993).

**2. Kenneth Farrell:**

*Breaching his fiduciary duty by failing to investigate allegations that a member had engaged in criminal conduct, in violation of IBT Const. Art. XIX, § 7(b)(3) and the Local Union Bylaws Section 21.*

**3. Flint Hardman:**

*Bringing reproach upon the Union and knowingly harming a fellow member, to wit: assaulting or upon a fellow member in a place used to conduct union business in violation of Article XIX, Sections 7(b)(2) and 7(b)(6).*

**IV. INVESTIGATIVE FINDINGS**

**A. The Meeting**

Local 399, known as the Hollywood Teamsters, is headquartered in North Hollywood, California, and currently has more than 4,700 members. Its membership includes drivers, location professionals, animal trainers and wranglers, casting professionals, dispatchers, assistant chefs, and mechanics.

On January 28, 2024, Local 399 held its General Membership Meeting (“the Meeting”) at the Burbank Airport Marriott located at 2500 North Hollywood Bay, Burbank, CA, beginning at 9:00 a.m. The hotel ballroom was set up for a large meeting space with banks of chairs set up in the audience section, a raised platform, a dais, and a podium. *See Farnell Tr.*<sup>2</sup> 10; *Duffy Tr.* 9. *See also* Exh. 2 (photos of the event). According to multiple attendees, the membership meeting followed the usual course of events which occur at the meetings, including the reading of the

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<sup>2</sup>At the time of the events described in this Report, the estimate of members was about 6,000. *See generally*, Staheli, Tr. 34. For reference, all footnotes with quotes are from sworn statements; the notation relates to the last name of the individual and the page on which the quoted language can be located.

minutes, old business, new business, and the opportunity for members to put questions to the board. See Duffy Tr. 12.

Farnell was Local 399's President<sup>3</sup> at the time of the Meeting. He presided over the Meeting and confirmed that the Meeting was conducted pursuant to the Local's bylaws and the quarterly meeting schedule of the Local. *See* Farnell Tr. 9-10. As President, Farnell had responsibility to hold the gavel, run through the agenda and call on individuals. Dougherty Tr. 13. Dougherty was Secretary-Treasurer and Principal Officer. She described her role at the meeting as being the person responsible for reading the Secretary-Treasurer's financial report as well as giving "an overall report which is not listed in [the] by-laws but it's a report that we [referring to herself and then-Vice President Joshua Stahli] give." *See* Dougherty Tr. 11. Dougherty described the report as "overall what's happening at the Local Union . . . ." *Id.* In addition to the officers, business agents were on the dais, and some would also present reports. *Id.* Dougherty noted that "we had special guests at the meeting", Dougherty Tr. 6. Dougherty explained that there were "international reps for the Motion Picture Division" as well as a "representative out of the Southern Region" and another representative from the Eastern Region. Dougherty stated that "we gave an overall report of not just what's happening in, you know, Local 399 for Hollywood, but also overall for the industry." Dougherty Tr. 17. Dougherty described the event as "a very important meeting to update the membership because obviously they want a lot of answers. They've been laid off work for, you know, many months at that point . . . ." Dougherty Tr. 18. Dougherty further stated that "[i]n this specific meeting I want to say people were probably looking for work which is often what brings people to meetings as well especially during this time." Dougherty Tr. 19. "[T]hey're there to mingle and see their fellow

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<sup>3</sup> In Local 399, the President is the second-most senior officer; Secretary-Treasurer is the principal officer.

brothers and sisters that they may not have seen for months on end as well.” Dougherty Tr. 20. When asked if members “tend to linger after a meeting because they have specific questions of board members or business agents or because they simply want to meet and greet?” Dougherty replied, “yeah, that’s typical” and went on to say “[t]here was nothing abnormal about that meeting, no.” Dougherty Tr. 21.

Following the usual sequence of reports and events, and as expected, members having questions did approach other members and speakers at the front of room at the close of the presentations. *Id.*

## **B. The Assault**

### **1. Immediately After the Meeting**

After the meeting had concluded, Union members were speaking with other members and/or people who had been on the dais. One of the speakers still up at the dais was Edward Duffy, a Business Agent for casting directors and locations managers and the Political Coordinator. Duffy Tr. 6. Duffy explained that he deals with legislation on filing tax credits, which he described as “it’s important to keep our jobs in California.” Duffy Tr. 14-15. Holzinger approached Duffy to discuss the tax credits. Duffy Tr. 13. Duffy described his conversation with Holzinger as “fundamental” in that Duffy was explaining the reasons for tax credits; why they are important, and what other states have. Duffy Tr. 14-15. Duffy recognized Holzinger “[f]rom other meetings and other conversations. Never anything more than that. At times he would call and ask a question.” Duffy Tr. 13. When asked if there were other members who were queued up behind [Holzinger] waiting their turn to speak with [him]” Duffy replied, “There were a few.” Duffy Tr. 16.

At about the same time, Dougherty had stepped off the platform “[b]ecause I don’t like speaking to members where I’m talking down to them.” She stated she would “get on the floor. So as soon as I exit, I was speaking to members, taking photos.” Dougherty Tr. 24. Dougherty spoke with Hardman, and then with another person who had questions about training. Dougherty Tr. 25. Two other members, including Hardman’s stepmother and stepbrother, also spoke with Dougherty at that time. Dougherty Tr. 26. Dougherty made no mention of Holzinger approaching her at the Meeting.

When the meeting ended, Local 399 member Calvin McDowell (“McDowell”), who is a part-time Business Agent and was on the dais as a Business Agent during the meeting, was still in the room. Although McDowell was not tasked with the responsibility of security in any form,<sup>4</sup> he claimed that when he saw Holzinger was present at the meeting, he decided to “make a point of keeping an eye on him to see what he was doing . . . .” Tr. 24. McDowell claimed not to have discussed his concerns about Holzinger’s presence at the Meeting with anybody else at the Local. McDowell Tr. 24.

## **2. The Kingdom Day Parade**

McDowell’s stated reason for concern about Holzinger was that he [McDowell] “had an interaction<sup>5</sup> with [Holzinger] at a parade, 3 to 4 weeks earlier,” referring the Kingdom Day

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<sup>4</sup> L-399’s Bylaws provide for the Chair of a general membership meeting may “detail members or other persons to remove persons. . . or to prevent attendance of members who are ‘under the influence’ or disorderly without calling upon the police”; Bylaws § 19(A)(2) (Exh. 1 at page 29). The Bylaws further provide that the Chair may appoint a “Warden” who “shall assist the Chair in maintaining order.” Id. at § 13(D) (Exh. 1 at page 11). There is no indication that McDowell or Hardman were “detail[ed]” to remove disorderly members, or appointed as Wardens to “assist . . . in maintaining order.”

<sup>5</sup> McDowell’s “interaction” with Holzinger at the Parade was the only meaningful contact he had with Holzinger prior to the January 28 Meeting. McDowell Tr. 18 (“[The Parade] was my first time interacting with Franz. \* \* \* I had seen [him], as I said, in general membership meetings, but he wasn’t . . . one of my members that works . . . in my world.”)

Parade in South Central Los Angeles.<sup>6</sup> McDowell Tr. 17. McDowell described a conversation he observed between Holzinger and Dougherty at the Parade:

And Franz walked up to where Lindsay and I were marching, and they began a conversation, which was fine. They were just talking. And then the conversation got heated. Franz got loud. And I at some point stepped in and said, that's enough, we're done here. And he turned and walked away.

McDowell Tr. 19-20.

McDowell did not describe the interaction as an argument; he did not testify that Holzinger became aggressive; and he did not elaborate on why he characterized the conversation as "heated" or why "Franz got loud". McDowell Tr. 20. McDowell did not see any physical interaction between Holzinger and Dougherty or between Holzinger and any other individual at the Parade.

McDowell repeatedly denied subsequent discussion of the incident with Dougherty:

Q: After that march did you have any conversation with Lindsay about what had happened?

A: No, I don't think we talked about it.

Q: Did she express anything to you about Franz Holzinger?

A: No.

Q: And when I say after that march, I mean the day of for the next few weeks leading up to the general membership meeting, did you have any conversation with Lindsay Dougherty about Holzinger?

A: No.

Q: Did you have a conversation with any other board member about Holzinger and what had happened at the march?

A: No, I did not.

McDowell Tr. 23.

McDowell's testimony directly contradicts Dougherty's: "Calvin [McDowell] and I – we definitely talked about it. I don't know whether it was at the after-party or a week later. But

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<sup>6</sup> The Kingdom Day Parade is held annually on Dr. Martin Luther King, Jr. Day, which fell on January 15 in 2024.

yeah, we talked about it.” Dougherty Tr. 64. Dougherty explained that she was “sure” she had talked with McDowell about the Parade incident because she was uniquely upset by it. Tr. 63-64 (“[I]t was awkward and uncomfortable. And typically I don’t take any bullshit from any man. But with [Holzinger], I think he’s mentally unstable. So I was concerned.”) Although McDowell testified that Dougherty appeared to him to be “a little distressed” and that Holzinger looked to be “agitated”, McDowell Tr. 21, he denied having had any conversation with Dougherty about the incident or Holzinger’s mental state. McDowell Tr. 23, *supra*, page 8.

### **3. Flint Hardman**

At some point after the formal conclusion of the Meeting, McDowell needed to take a break from his self-assigned task of “keeping an eye on” Holzinger to use the bathroom. McDowell Tr. 29. On his own initiative, he deputized Flint Hardman to take over the task in his absence.<sup>7</sup>

Hardman is a self-identified member of the Oakland Hell’s Angels. Hardman Tr. 88-89, He stands 5’11” and weighs 330 lbs. Hardman Tr. 87. He has a history of complaints from other members stemming from alleged assaultive behavior.<sup>8</sup> Hardman freely admits that during his time with Local 399, he has been involved in multiple physical altercations. He testified that an individual came up to him and, in Hardman’s words, “and then I fuckin’ socked him.” Hardman Tr. 99. When asked if the individual was injured, Hardman believed so and believed the

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<sup>7</sup> McDowell testified that he “put [Hardman] on the task of making sure nothing happened”, McDowell Tr. 32, expecting Hardman to “keep an eye on [Holzinger] . . . just to make sure that [Dougherty] was going to be okay while I stepped away because I knew that [Holzinger] was in the room.” McDowell Tr. 32

<sup>8</sup> See Exh. 3, David Robb, “Hollywood Teamster Files Assault Complaint Amid Heated Local Election”, *Deadline* (Sept. 19, 2016). Available at <https://deadline.com/2016/09/teamsters-assault-election-steve-dayan-flint-hardman-1201822928/>.

individual went to the hospital. Tr. 99-100. When an internal memo based on the altercation was published in an online forum, Hardman posted a comment that read, “All you men complaining about Teamsters or a little fist fighting are the kind of men that let their wives hold their balls in their purses. We are old school. We do things different than spineless cowards. Flint Hardman, Teamsters, 399”. Hardman Tr. 133.

Hardman also admitted that he had previously assaulted a retired member of L-399 who was passing out flyers for a candidate whom Hardman did not support. Hardman stated that the individual “stepped to me like he was going to do something, and I slapped him.” Hardman Tr. 107-108.

When first questioned about his criminal record, Hardman stated he had been convicted for possession of a firearm. He then stated that he was convicted of resisting arrest and that conviction was later expunged. Hardman Tr. 84.

McDowell denied any knowledge of previous incidents where Hardman was alleged to physically assaulted others. McDowell Tr. 34-35. McDowell claimed that he simply chose Hardman to do take over for him in “keeping an eye on [Holzinger]” because Hardman was the closest person in proximity. McDowell Tr. 32. McDowell’s testimony is unclear as to how he communicated his specific concern about Holzinger to Hardman:

Q: Did you ask [Hardman] at the January meeting in the aftermath of the January meeting to keep an eye on Franz Holzinger?

A: Yes.

Q: Tell me about that.

A: I was going to the bathroom. I said, hey, would you just keep an eye on Lindsay while I go to the bathroom.

Q: Keep an eye on Lindsay?

A: Yeah.

Q: Okay. So you didn’t mention [Holzinger]?

A: No.

Q: Did you gesture to or refer to [Holzinger]?

A: I don't remember. I just – I knew that I needed [Hardman] to keep an eye on – on Lindsay or I don't know if I told him to keep an eye on [Holzinger].

\* \* \*

Q: [W]hat did you expect [Hardman] to do?

A: Well, I didn't expect him to do anything honestly. I expected him to just keep an eye on her like I asked. Just –

Q: Keep an eye on her or keep an eye on [Holzinger]?

A: [Holzinger], her, just to make sure that she was going to be okay while I stepped away because I knew that [Holzinger] was in the room. I had had an interaction with [Holzinger] at the parade.

Q: At the parade.

A: Yeah. So when I saw [Holzinger] there, my logic was maybe he is here to continue what he was doing at the parade.

Q: Okay. And so you put [Hardman] on the task of making sure that nothing happened?

A: Yes.

McDowell Tr. 29-30, 32.

#### **4. Hardman's Actions**

Hardman however is clear that McDowell directed him to watch Holzinger: “[McDowell] goes, hey, Flint, this guy over here, watch him for me. I have to go to the restroom.” Hardman Tr. 48. Hardman further added that “[McDowell] never ever says hardly anything. So for him to say something it put the hair on the back of my neck, you know. I was alert. So I kept watching [Holzinger].” Hardman Tr. 48-49.<sup>9</sup> Hardman also claims to have been concerned because Holzinger “got a little crazy with Lindsay at a Martin Luther King parade.”

Hardman, who was not at the Parade, did not provide the basis for either of these statements and did not provide a basis for why he described Holzinger's behavior in those words.

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<sup>9</sup> Although Hardman did not initially remember Holzinger's name, he claimed that to have known him from previous encounters, having had “had run-ins with [Holzinger] . . . I've seen him around. And he is just a little bit nuts, you know.” Hardman Tr. 48. “[W]hen [McDowell] pointed him out, I knew the face. And I was like, okay, this guy is a wack job . . .” Hardman Tr. 59. Hardman apparently based this opinion on a seemingly nonviolent encounter with Holzinger “years, years ago” when Holzinger said “some . . . things” that “were just off the wall.” Hardman Tr. 58.

See, Hardman Tr. 48. However, Hardman testified that he discussed the assault with Dougherty “more than one time” prior to his sworn statement; in fact, they talked “multiple times” Tr. 61. Phone records indicate that there were multiple calls between Dougherty and Hardman prior to the sworn statements being taken. Exh. 4. Hardman said “I was talking to her about maybe bringing a business agent or lawyer, discussing that. And then when she said – she said she might – she could, you know....” Hardman stopped midsentence, saying “let me back up.” Hardman then said he could not recall. He was reminded that he had an obligation to tell the examiner what he remembered. Hardman Tr. 62. Hardman testified that Dougherty said, “maybe she could talk to Jason.” When asked who Jason was, Hardman replied that he “thought he was a business agent.” Hardman Tr. 63. Hardman said the conversation was about having an individual identified as Jason come with Hardman to examination. Eventually, Hardman hired an attorney.

Hardman gave his account of what happened after McDowell left:

[Holzinger]’s fixated on Lindsay [Dougherty]. Lindsay has her back to this guy. And he starts getting closer and closer and closer. So I stepped in front of him. And I go, hey, how’s it going. And he goes, what’s your name? And I don’t answer. And all of a sudden the dude goes, I remember you. You told me you didn’t like me. And then he fuckin’ reached for his knife. And I fuckin’ hit him.

Hardman Tr. 49.

Prompted by his attorney as to whether Holzinger said anything, Hardman then recalled, “Oh, yeah. He said he was going to stab me, you know. And I go – I’ll stick you, you know, something along those lines.” Hardman Tr. 49-50.

After he struck Holzinger in the face, Hardman “immediately looked for an exit”, Hardman Tr. 72, because he “saw a weapon, it – that just takes it to whole nother [*sic*] level, you know.” Hardman Tr. 72. Hardman “did not recall” warning others about Holzinger’s putative

knife. Hardman Tr. 145. When asked if he told any member of the board afterward that Holzinger had a knife, Hardman replied, “I don’t recall, it happened so quick. And it was a long time ago, you know.” Hardman Tr. 145. Hardman was reminded that this incident was only a month before his sworn examination. Hardman’s explanation was that he was on medication that affected his ability to recall “in some incidents.” Hardman Tr. 146.

Hardman, who alleged that Holzinger was “off” and had “aggression towards” Dougherty, *see* Hardman Tr. 66, did not tell Dougherty – or any person in the vicinity – that Holzinger allegedly still had a knife. Instead, he beat a hasty retreat, allegedly because he “wanted to get away from a threat of a knife or possibly anything escalating into a bigger problem.” Hardman Tr. 73. He used what he described as an emergency exit to leave the room, but there was no alarm, and he ended up in the kitchen. Hardman Tr. 77. Along the way, Hardman met his stepmother and stepbrother, who Hardman claimed expressed concern for his safety: “And they were like are you okay. We heard he had a knife, you know.” Hardman Tr. 51.<sup>10</sup>

When asked if he remembered telling anybody on the board between the date of the incident and the examination that Holzinger had a knife, Hardman testified that he “and Lindsay talked about a knife, yeah, yes” but that Hardman did not believe Dougherty had seen it herself.<sup>11</sup> Hardman Tr. 147.

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<sup>10</sup> It is unclear how Hardman’s stepmother and/or stepbrother could have heard about a knife. Hardman did not tell anyone.

<sup>11</sup> Dougherty denies having seen a knife: “Q: [A]ny evidence of [Hollzinger] having a knife can’t come from you because you didn’t see it? A: **Not at all.**” Dougherty Tr. 41 (emphasis added). Dougherty claimed to have heard about Holzinger’s alleged knife from then-Vice President Joshua Staheli. Staheli testified to a “pretty confident . . . assum[ption]” Holzinger had a knife, and to being “98 percent sure” he had seen Holzinger draw the knife, before finally conceding, “It is an assumption. I never saw it.” Staheli Tr. 64, 69, 70.

In fact, the only person who admitted to having a knife on his person was Hardman himself. He was asked if he himself had a weapon; he replied “I believe I did. \* \* \* I had a pocket knife.” Hardman described his knife “a pocketknife on his right side.” Hardman Tr. 72.

## **5. Holzinger’s Account**

When Franz Holzinger attended the Meeting in 2024, it had been almost a year since he had a job as a driver on movie locations. He, like many other Teamsters, attended the meeting to hear what was happening in the industry and to find out when they could expect to go back to work. Holzinger said he was attending the meeting “to find out what’s going on with work and, you know, kind of eager to go back to work.” Holzinger Tr. 11-12. Holzinger described the meeting as well-attended and “‘cause the room was so packed I was standing in the back.” Holzinger Tr. 18. Holzinger saw Hardman, who was also standing, but said “he [Hardman] was facing the podium and all the way to the right . . . but near the front.” Holzinger Tr. 19. Holzinger said that the Meeting lasted about two hours after which time he “went around and started, you know, catching up with people.” Holzinger Tr. 23. Holzinger went up to the front of the room to “speak with some of the business agents.” Holzinger Tr. 24. He also “had a question for Ed Duffy [a business agent] about the whole taxes and so forth and whatnot, yeah, yeah.” Holzinger Tr. 24.

Holzinger then saw Hardman: “And I was like, hey, I – I didn’t know his name at the time . . . as I explained, we go from job to job to job, and sometimes it’s – it’s a little difficult to remember names.” Tr. 24. Holzinger asked his name, but Hardman did not answer the question. Tr. 26. Another person then walked up to Hardman and Holzinger stepped back “and then let them talk.” Holzinger Tr. 26. After that individual left, Holzinger spoke to Hardman saying “I remember you saying something that after you – after we spoke, you said something that you

didn't – you didn't like me. And as soon as I said that, as soon as I said that, he hit me. And I don't know with what." Holzinger Tr. 29. Holzinger denies saying anything disparaging or insulting. Holzinger Tr. 31. "I was looking down in deep thought trying to recollect the time that we worked together. I was trying to get a name and trying to be the social person." Holzinger Tr. 30. Holzinger said he did not fall but "I got broken bones on my face... and I can barely hear out of my left ear." Holzinger Tr. 29. According to the medical records, see Exh. 5 {Medical Records} Holzinger suffered multiple fractures including displaced fractures of the left zygomatic arch (cheek bone arch), the lateral maxillary sinus wall, and the lateral orbital wall, which protects the eye. There was also a nondisplaced acute left nasal bone fracture.

Holzinger was not knocked down or knocked out but recalls being "in complete shock." Holzinger Tr. 35. While Hardman was still in front of him, Holzinger stated that he tried to pull out a can of mace that he had in his left pocket. Holzinger Tr. 38. He denied having any other weapon. He brought the mace can to the sworn examination, and a photo of the mace is attached as Exhibit 6. When he pulled out the mace, he testified that "and I said to myself I think this is the time to go and at least pull out my mace. That would – that was my first reaction . . . as a defensive . . . prepare myself if he was going to come – come at me a second time, yeah, I pulled it out and held . . . it to my left with my left hand." Holzinger Tr. 39.

After Holzinger pulled out the mace, he testified that he saw Hardman pull what Holzinger thought was a gun using his right hand. Holzinger described Hardman as "keeping it at the low and ready." Holzinger Tr. 40. Holzinger thought it was a gun because it looked like it had a chrome hammer on it. Holzinger Tr. 41. Holzinger said Hardman did not raise the weapon towards him. Holzinger Tr. 41.

At that point, Holzinger stated that Dougherty “jumped in right of front of me.” Holzinger Tr. 42. Holzinger recalls Dougherty saying, “no, no, no.” Holzinger Tr. 42. Holzinger believes other Union officials were still around. Union member Philip Quansah (“Quansah”), who was described by Holzinger as genuinely concerned about his well-being, walked with Holzinger as they exited that room. Holzinger Tr. 48-49. Holzinger said there were still a number of people in the room. Holzinger Tr. 51. Holzinger called 911 and waited in his car until the police arrived because he did not feel safe inside. Holzinger Tr. 54. When uniformed officers appeared, Holzinger then got out of his car and went back into the lobby to speak with the police. Holzinger Tr. 55. According to Holzinger, the officer went into the meeting room, but when the officer came back out, he told Holzinger that Hardman was gone and no one was willing to cooperate. Holzinger Tr. 59. Holzinger did not see Dougherty, Farnell, Duffy, Quansah, or Staheli at that time. Holzinger Tr. 60. Holzinger declined medical treatment at that time but later, he felt unwell, called family members and went to Hollywood Presbyterian a few hours after the incident. Holzinger Tr. 64.

## **C. THE AFTERMATH**

### **1. Quansah Helps Holzinger Out of the Building**

Quansah testified that he did not see the altercation, only what he described as the “commotion” and the “aftermath.” Quansah Tr. 13. When asked what drew his attention to the commotion, he stated it was “Lindsay [Dougherty] telling some individuals not to fight.” Quansah Tr. 16-17. At this point, Quansah saw Holzinger, whom he described as looking “a bit flustered.” Quansah Tr. 16-17. Before the “commotion”, Quansah saw Holzinger at the meeting. When asked if he observed what, if anything, Holzinger was doing at the meeting, Quansah stated, “Doing the same thing as everyone else, just everybody is kind of catching up or seeing

people that they work with or – most of the people in there were probably talking to someone. Most of the people in there were probably talking to some people on the dais, asking more specific questions or statements, so – ” Quansah Tr. 20-21. Quansah was asked if he thought Holzinger had been fighting or had been hit. He replied, “yes, yes” but stated he did not know who the other participants in the fight were. Quansah Tr. 29. Quansah walked Holzinger out of the conference room meeting and into the lobby of the hotel. Quansah, observing Holzinger moments after the assault, said he did not see Holzinger carrying anything. Quansah Tr. 34. Quansah later had a conversation with Holzinger over the phone during which Quansah found out about the injuries to Holzinger’s face. Quansah Tr. 42-44.<sup>12</sup>

Subsequently, Quansah “heard that Flint [Hardman] was involved. And I heard that Franz was hit. And I heard that Franz called the police.” Quansah Tr. 40.

## **2. Staheli Gathers Information on Past Incidents Involving Holzinger**

At the time of the incident, Joshua P. Staheli was Vice President and the Staff Director at Local 399, and a Business Agent, having been a member of L-399 since 1996. Staheli Tr. 6.<sup>13</sup> Staheli confirmed that, after the Meeting, “people would line up right in front of the dais to ask questions and say hello.” Staheli Tr. 40. It was during this time that Staheli testified that he saw Holzinger speaking with Duffy. Staheli said that Holzinger is what actually “drew my attention before I ever heard Lindsay shout.” Staheli Tr. 42. The first thing he saw was “Franz... was probably ten feet away from the table - - he appeared moving backwards. Like I thought maybe

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<sup>12</sup> Holzinger said Quansah called to check on him after the incident. Holzinger then had additional calls with Quansah and specifically updated him on what the doctors had found at Hollywood Presbyterian. Holzinger confirmed that Quansah knew about the medical findings and that police had responded. Holzinger Tr. 81–82.

<sup>13</sup> As of the date of the filing of the Charge Report, Staheli is the President of Local 399.

he had been pushed or something. And he was - - I was looking at his left side. And he seemed stunned or disoriented. And he was trying to pull what I assume, pretty confidently, was a pocket knife.” Staheli Tr. 63-65. Despite Staheli’s “confiden[ce]”, however, upon further examination, Staheli testified that he did not actually see a knife. “It is an assumption. I never saw it.” Staheli Tr. 70. When asked if it was possible that what he saw was a container of mace, Staheli responded, “It could have been. I am not familiar with it....” Staheli Tr. 70. Staheli testified that “I did think that Franz might stab somebody.” However, when asked if he spoke to police about Holzinger allegedly having a knife, Staheli said, “It really didn’t occur to me.” Staheli Tr. 76.

Staheli did not know that anyone had been physically injured until he was told by Quansah:

Q: Did you subsequently learn that Flint Hardman had punched [Holzinger]?

A: I talked to Philip [Quansah]. \* \* \* Philip then told me that he had talked to Franz [Holzinger]. That is the first time that I realized that it could have possibly been a more serious incident.

Q: And what did Philip tell you that caused you to believe that?

A: Philip told me that Franz had said that he had hearing damage, hearing loss, and some sort of fracture.

Q: To his face?

A: Yeah . . . . I didn’t necessarily know if that was true because based on what I had seen I didn’t see any kind of evidence like that in the moment.

Staheli Tr. 82-83.

Staheli said he then told Dougherty “that I thought the injuries could be more serious than we had thought.” He added: “But I still – until – until I hear from a reliable source that that actually happened I don’t know what his injuries are. I would – I would honestly be surprised.” Staheli Tr. 108-109.

Notwithstanding the possibility that a member had sustained serious injuries, Staheli denied believing that the union should investigate further. Staheli Tr. 109. Despite claiming to believe that no investigation was necessary, on February 15, 2024, Staheli sent an email suggesting he was gathering derogatory information on Holzinger. Staheli wrote that Holzinger had been “acting erratically, especially when it comes to [Lindsay Doherty], and I am gathering my old files on him . . . . Burbank PD is getting involved and I may want to share the incident with them.” Exh. 7 at 2. The “incident” to which Staheli referred occurred in 2018. Holzinger had been suspended pending an investigation and Staheli was the Business Agent who represented Holzinger. The incident did not involve violence although Staheli was quick to point out that the Teamster who reported Holzinger “thought he was going to be physically violent in the middle of the night.” Staheli Tr. 47.<sup>14</sup>

While Staheli was aware of other assaults committed by Hardman, Staheli Tr. 88, he did not seek documentation of those.

### **3. Farnell’s Response to the Assault**

Farnell was the President of Local 399 at the time of the assault incident. Farnell had been a Teamster for over 39 years. He was a Business Agent for ten years and President for eight years at the time of this event. He presided over the events at the Meeting.

When asked if there was an incident at the conclusion of the Meeting, Farnell replied that “apparently, there was.” Farnell Tr. 11. According to Farnell, the meeting had been adjourned for about 20 minutes or so. The room had “pretty much cleared out.” Farnell Tr. 11. However, Farnell’s description of the room at the time of the incident is at odds with the testimony of

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<sup>14</sup> The actual report is clear that Holzinger did not behave violently: “[the ranking Teamster on the scene] thought [Holzinger] was going to get physical with him. **That, however, did not happen.**” Exh. 7 at 3.

others, including, for example, Staheli, who was still seated on dais after the meeting and speaking with members, and Dougherty, who had stepped down to talk with members and take photos. Farnell was in the lobby when “we heard there was a commotion . . . . As I turned, walked in, looked around, people were just like saying there was a verbal argument. I asked if everything was okay. Everyone said, yes, they were, what straggling members that were there. I said, okay, have a great day, went out to my car and went home.” Farnell Tr. 12. That appears to be the extent of Farnell’s inquiry and interest.

Holzinger called Farnell the next day and asked what the Teamsters were going to do. Farnell Tr. 21. Farnell stated that he told Holzinger that he [Holzinger] could request that charges be brought and that he also explained “what steps he [Holzinger] needed to take.” Farnell Tr. 22. In essence, Farnell placed the task of bringing charges entirely upon the injured individual and, additionally, gave him an arbitrary deadline of 10 days to file. Farnell Tr. 25. Farnell did not believe that the Local had any responsibility in this regard. Tr. 26. Farnell admitted that he was unaware of any rule either in the Local’s by-laws or the IBT’s Constitution that stated that a member has a time limit of 10 days to file charges. He admitted that “I might have used that [the 10-day limit] as my own term just to try to quicken the process if he wanted to do it or not.” Farnell Tr. 33. He claimed to be “pretty sure” that the Local could not initiate charges on its own in a “member versus member situation.” Farnell Tr. 35. When asked if the Local did anything to investigate, Farnell stated, “Not that I – no that I know of, no sir.” Farnell Tr. 30. Farnell never inquired about Holzinger’s injuries, stating “I have no reason to nor need any information about his injuries.” Farnell Tr. 46. However, Holzinger expressly testified that he told Farnell the extent of his injuries: “I told him I have some broken bones in my face, and I

had to go to the emergency room afterwards and so forth.” Holzinger added that Farnell “didn’t ask how I was doing” and showed “no concern about that.” Holzinger Tr. 100-101.

As noted, Farnell told Holzinger that Holzinger had to start the process with a complaint in writing to the Principal Officer, Dougherty. Farnell Tr. 24.

#### **4. Dougherty’s Response to the Assault**

Dougherty has been a member of Local 399 since about 2008. She is currently the Secretary-Treasurer and Principal Officer of L-399 and has been since May of 2022. She has been an International Vice-President since March 22, 2022. As a speaker at the Meeting, she indicated that “[a]fter a meeting adjourns I myself will stay as long as it takes to talk to members typically, if I don’t have a flight to catch or something else.” Dougherty Tr. 19. One of the first members that Dougherty spoke to after she exited the stage was Hardman. Dougherty Tr. 25. She also spoke with Hardman’s stepmother and stepbrother. Dougherty Tr. 26. When she was speaking to the members, she “heard a smack. And it seems like the chairs – like the banquet chairs clanking.” Dougherty Tr. 26. She heard someone say, “I think they’re fighting.” Dougherty Tr. 27. She “had to look over because there were other people in front of what my view . . . . So I’m looking that way where this incident occurred.” Tr. 27. “And then I walked over there. And I was like no, no, no, no fighting. \* \* \* I didn’t know who the fuck was fighting. And then when I look, I see Franz [Holzinger] visibly upset.” Dougherty Tr. 27. And then I see Flint [Hardman].” Dougherty Tr. 28. She described Hardman as “visibly like – you know, they were both puffed up . . . .” Dougherty Tr. 28.

Dougherty testified that she heard that someone said Franz had a knife. Dougherty Tr. 39. She did not initially identify the person who allegedly said this and did not testify that she saw a knife. Dougherty also testified that “his [Hardman’s] mom said to me he was talking

about me, Franz was.” Dougherty Tr. 45. To clarify this statement, it appears that [Hardman’s] mother told Dougherty that [Holzinger] was talking about her [Hardman’s mother].

Q: She, [Hardman’s] mother, told you that [Holzinger] was talking about

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A: Her, yes.

Q: — [Hardman’s] mother?

A: Yes, exactly, which I don’t know if it was what perpetuated the fight. I don’t know.

Dougherty Tr. 46.

Dougherty did talk to Hardman about Holzinger after the assault, stating

And then when — and I don’t know if I said this, but when I was in this catering area and I had I said to him about I heard he had a knife and he said, yeah. And then I said to him, you know, he was pretty aggressive with me a few weeks back. And he said I heard. And I was — I didn’t ask any more ‘cause I was surprised that he knew ‘cause he wasn’t there. But then I learned later how he knew.

Dougherty Tr. 48.

Dougherty claimed she was surprised but said she found out that Calvin McDowell “had talked to [Hardman] apparently prior to going to the bathroom and told him watch out for Lindsay, Franz is coming this way, and he’s been aggressive with her at the MLK parade.”

Dougherty Tr. 48-49. Dougherty claimed that McDowell had told her this after the incident.

Dougherty Tr. 49. Despite having spoken to Dougherty numerous times between the assault and his sworn exam, McDowell did not testify to any “aggressive” behavior by Holzinger at the Parade.<sup>15</sup> Furthermore, McDowell denied having a conversation with Dougherty at the time of the assault, or after the Parade.<sup>16</sup>

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<sup>15</sup> As noted, Hardman and Dougherty spoke multiple times between the time of the incident and the time of the sworn statements. *See supra*, page 11 n. **Error! Bookmark not defined.**; Exh. 4.

<sup>16</sup> According to McDowell, he testified that he did not discuss the parade incident with Dougherty afterward. *See* Section IV.B.2, page 8, *supra*.

Dougherty took no action with respect to Holzinger. She did not speak with him; she did not return his calls; she did nothing independently to determine the nature and extent of his injuries. Rather, she spoke with Hardman multiple times and coordinated the arranged representative for the other individuals who were summonsed for the sworn statements. Exh. 8. Dougherty also spoke with Staheli according to Staheli's testimony.<sup>17</sup>

Dougherty's testimony confirms that she had been told at least some specifics about the assault. When asked if she became aware of Holzinger's injuries, Dougherty replied: "I don't know of his injuries specifically, no. I know Philip talked to him. And he said that he – his jaw – there's something wrong with his jaw and his eye. But other than that, I do not know anything specifically." Dougherty Tr. 102.

Dougherty also made it a point to testify during the examination regarding her opinion of Holzinger, "I believe Franz to be on the spectrum." Dougherty Tr. 56. She then qualified that statement on the same page: "Again, I think that's part of being on the spectrum, but I'm not a doctor, so I can't say whether or not he is. But I treat him as such. I'm mindful of that." Dougherty Tr. 56.

Dougherty's use of the phrase "on the spectrum" was inappropriate." There is no supported basis for her opinion. Moreover, her use of that label is tethered to her other stated,

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<sup>17</sup> From Staheli's testimony:

- Q: Now, you've told us that Philip Quansah relayed to you a conversation that he had with Franz Holzinger about his injuries?  
A: Yes.  
Q: And did you have any conversation with Lindsay Dougherty about that?  
A: I did.  
Q: Tell me about that.  
A: I relayed what – what Philip had said and that I thought the injuries could be more serious than we had thought.

Staheli Tr. 108-109.

and unsupported, opinion that the potential victim of an assault was “mentally unstable.” Dougherty Tr. 64. (“But with [Holzinger] I think he’s mentally unstable. So I was concerned. Because no matter what I said to him it just seemed like he wasn’t getting it.”) In context, the linked phrases were derogatory and dismissive. The cavalier and inappropriate use of both phrases to describe a member – particularly by a person in a position of authority – clearly indicates prejudgment and a lack of interest in conducting an appropriate investigation into the assault.

A meaningful investigation is not a one-sided gathering of individuals to have their stories align. The victim of the assault, at the very least, was entitled to be heard and neither Farnell nor Dougherty listened to him or even solicited his side of the story. Farnell admitted to conjuring up a false deadline; expecting the victim to give his version in writing to the Secretary-Treasurer who, in turn, had already determined who was at fault and who would not take or return his calls.

Neither Farnell nor Dougherty inquired as to the nature of the injuries or to hear Holzinger’s version of events. Both allegedly expected that law enforcement alone would address this situation. Moreover, neither made any inquiry as to whether or not they, as Union officials, had a duty to inquire. Neither cooperated with law enforcement yet expected that law enforcement would address the assault. Dougherty testified to the following:

Q: Okay. Were you still at the Marriott Burbank when the police arrived?

A: Yes.

Q: Did you speak with the police?

A: No.

Dougherty Tr. 91-92.

She was further questioned:

Q: And you didn’t think it was important or appropriate for you to approach the police officers and say, yes, he left, and, yes, there was a

problem but it's no longer a problem, nothing to see here kind of thing?

A: Well, I'm going to tell them that I didn't see anything because I didn't see anything.

Q: Right.

A: So, no.

Q: But you heard it and you intervened?

A: Right.

Q: So that would be useful information to a responding officer, wouldn't you think?

A: I suppose.

Q: Have the police contacted you since this incident?

A: A detective called and left me a message, yeah.

Q: Have you returned the message?

A: No.

Q: Why not?

A: Because I wasn't a witness to the fight.

Q: Okay. So, you wouldn't return the call to say I'm not a witness –

A: No, and –

Q: – but I do have information about it?

A: No.

Dougherty Tr. 94-95.

Dougherty claimed that she did not see “anything”, but that is not wholly accurate. She admitted she saw the individuals who were allegedly involved and agreed that she heard the incident, and intervened with the admonition of no fighting.

## **V. CONCLUSION**

The IIO respectfully requests that the charges set forth be accepted and that appropriate actions are taken and appropriate sanctions imposed that ensure that (1) a physical assault by one member against another which results in serious physical injury is, at a minimum, given serious and appropriate consideration. Additionally, IIO respectfully requests that appropriate action be taken with respect to Union officials who are charged with the duty to enforce the Union bylaws and the IBT Constitution. Union officials have a duty to act in the best interest of its members and as such, this duty requires them to act in good faith.

Respectfully submitted,

THE HON. TIMOTHY S. HILLMAN (RET.)  
*Independent Investigations Officer*

DATED: September 15, 2026

By: /s/ ~~Nadine~~ Pellegrini

Nadine Pellegrini  
*Senior Counsel*

## Exhibit List

| Exhibit Number | Exhibit Description                        |
|----------------|--------------------------------------------|
| 1              | LU-399 Bylaws                              |
| 2              | Photos of Venue                            |
| 3              | Sept. 19, 2016 <i>Deadline</i> Article     |
| 4              | Phone Records Produced by Local            |
| 5              | Holzinger Medical Records (redacted)       |
| 6              | Photo of Mace                              |
| 7              | Feb. 15, 2024; Oct. 29 2018 Staheli Emails |
| 8              | Feb. 26, 2024 Dougherty Email              |