

**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

SAGE HOSPITALITY RESOURCES,  
LLC,

Appellant,

v.

H.E.R.E. LOCAL 57,

Appellee.

CASE NO. 03-4168

**DECLARATION OF DAVID HARLICH IN SUPPORT OF MOTION TO  
INTERVENE OR, ALTERNATIVELY, TO FILE A BRIEF AMICUS  
CURIAE**

David Harlich, pursuant to Section 1746 of the Judicial Code, 28 U.S.C.

§1746, declares as follows:

- 1) I am an employee of Sage, employed at the Renaissance Hotel ("Hotel") in Pittsburgh. I became employed at the Hotel in February, 2001, as part of the initial employee orientation. The Hotel opened for business shortly after I was hired. At the Hotel, I work as a part-time bartender.
- 2) I know that Local 57 of the Hotel Employees and Restaurant Employees Union ("HERE") has been trying to unionize myself and other employees of the Hotel.

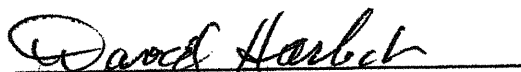
3) I was approached several times by HERE union representatives and urged to sign a union authorization card. I was told by the HERE union representatives that this was the union that would be coming in to represent the employees. However, at no time was I told that by signing this union authorization card, the HERE union and my employer could waive a secret ballot election and bring in the union automatically.

4) I did not sign the union authorization card because I do not want to become a member of the HERE union or be represented by this union in any manner.

5) I hear rumors, but do not know for sure, about the existence of any agreements that the HERE union may have signed with my employer regarding the unionization of the hotel. However, I do know that if the HERE union was going to come into my workplace, I would absolutely want to have a secret ballot election so that myself and my fellow employees could vote our consciences in private, without being pressured by the union representatives. I would also want to hear all sides of the story, not just the union's side.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 19, 2003.

  
David Harlich