

# FORM LM-20

## AGREEMENT AND ACTIVITIES REPORT

Form approved  
Office of Management  
and Budget  
No. 1245-0003  
Expires 10-31-2013



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.

514 723

1. File Number: C- 00322

### Person Filing

2. Name and mailing address (include ZIP Code):

Name Peter A List  
Title Founder & CEO  
Organization Kulture Consulting, LLC  
P.O. Box, Bldg., Room No., if any  
Street 759 Bloomfield Avenue, #301  
City West Caldwell  
State New Jersey ZIP Code + 4 07006

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 305 Eisenhower Parkway  
City Livingston  
State New Jersey ZIP Code + 4 07039

4. Date fiscal year ends:

Dec / 13

5. Type of person:

a. ☐ Individual b. ☐ Partnership c. ☐ Corporation d. ☒ Other (Specify): LLC

### Nature of Agreement or Arrangement

6. Full name and address of employer with whom made (include ZIP Code):

Name  
Organization Laboratory Corporation of America  
Trade Name, if any  
P.O. Box, Bldg., Room No., if any  
Street 59 First Avenue  
City Raritan  
State New Jersey ZIP Code + 4 08869-1800

7. Date entered into:

2 / 12 / 2013

8. Name of person(s) through whom made:

Name Carl Eppie  
Name  
Name  
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 VI on penalties in the instructions.)

13. Signed

Title President

President  
(If other title, see instructions)

14. Signed

Title Other (Specify)

Manager of Administration

Treasurer  
(If other title, see instructions)

On 2/26/2013 973-403-9901  
Date Telephone Number

On 2/26/2013 973-403-9901  
Date Telephone Number

Filer: Peter List	Kulture Consulting, LLC	File Number C- 00322
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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.):

Company was employed on a per hour basis with no formal written agreement relative to duration or amount of hours to be performed. Fee schedule based on a per hour rate.

<b>Specific Activities to be Performed</b>	
11. For each activity, separately list in detail the information required (See instructions):	
a. Nature of activity:	
Presented informational meetings to company employees relative to the process of unionization, the role of the NLRB, and collective bargaining.	
11.b. Period during which performed:	11.c. Extent performed:
2/13 - 3/13	2/13
11.d. Name and address through whom performed:	Additional Name and address through whom performed, if any:
Name Peter List	Name James Hulsizer
Organization Kulture Consulting, LLC	Organization Kulture Consulting, LLC
P.O. Box, Bldg., Room No., if any	P.O. Box, Bldg., Room No., if any
Street 759 Bloomfield Avenue, #301	Street 759 Bloomfield Avenue, #301
City West Caldwell	City West Caldwell
State New Jersey ZIP Code + 4 07006	State New Jersey ZIP Code + 4 07006
12.a. Identify subject groups of employees:	12.b. Identify subject labor organizations:
Site Coordinator, Team Leader, patient Service Technician, In-Office Phlebotomist in the Northern Region	AFSCME, NUHHCE, District 1199J

<b>Specific Activities to be Performed (Continuation Page)</b>			
11. For each activity, separately list in detail the information required (See instructions):			
<div style="margin-left: 20px;">a. Nature of activity:</div> <div style="margin-left: 40px;">Presented informational meetings to company employees relative to the process of unionization, the role of the NLRB, and collective bargaining.</div>			
11.b. Period during which performed: 2/13 - 3/13		11.c. Extent performed: 2/13	
<div style="margin-left: 20px;">11.d. Name and address through whom performed:</div> <div style="margin-left: 40px;">Name Ronn                      English</div> <div style="margin-left: 40px;">Organization Kulture Consulting, LLC</div> <div style="margin-left: 40px;">P.O. Box, Bldg., Room No., if any</div> <div style="margin-left: 40px;">Street 759 Bloomfield Avenue, #301</div> <div style="margin-left: 40px;">City West Caldwell</div> <div style="margin-left: 40px;">State New Jersey                      ZIP Code + 4 07006</div>		<div style="margin-left: 20px;">Additional Name and address through whom performed, if any:</div> <div style="margin-left: 40px;">Name John                      Henderson</div> <div style="margin-left: 40px;">Organization Kulture Consulting, LLC</div> <div style="margin-left: 40px;">P.O. Box, Bldg., Room No., if any</div> <div style="margin-left: 40px;">Street 759 Bloomfield Avenue, #301</div> <div style="margin-left: 40px;">City West Caldwell</div> <div style="margin-left: 40px;">State New Jersey                      ZIP Code + 4 07006</div>	
<div style="margin-left: 20px;">Additional Name and address through whom performed, if any:</div> <div style="margin-left: 40px;">Name Quentin                      Nelson</div> <div style="margin-left: 40px;">Organization Kulture Consulting, LLC</div> <div style="margin-left: 40px;">P.O. Box, Bldg., Room No., if any</div> <div style="margin-left: 40px;">Street 759 Bloomfield Avenue, #301</div> <div style="margin-left: 40px;">City West Caldwell</div> <div style="margin-left: 40px;">State New Jersey                      ZIP Code + 4 07006</div>		<div style="margin-left: 20px;">Additional Name and address through whom performed, if any:</div> <div style="margin-left: 40px;">Name Joanne                      Gitto Davis</div> <div style="margin-left: 40px;">Organization Kulture Consulting, LLC</div> <div style="margin-left: 40px;">P.O. Box, Bldg., Room No., if any</div> <div style="margin-left: 40px;">Street 759 Bloomfield Avenue, #301</div> <div style="margin-left: 40px;">City West Caldwell</div> <div style="margin-left: 40px;">State New Jersey                      ZIP Code + 4 07006</div>	
<div style="margin-left: 20px;">12.a. Identify subject groups of employees:</div> <div style="margin-left: 40px;">Site Coordinator, Team Leader, patient Service Technician, In-Office Phlebotomist in the Northern Region</div>		<div style="margin-left: 20px;">12.b. Identify subject labor organizations:</div> <div style="margin-left: 40px;">AFSCME, NUHHCE, District 1199J</div>	

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<p>11.b. Period during which performed:</p> <p>2/13 - 3/13</p>	<p>11.c. Extent performed:</p> <p>3/13</p>
<p>11.d. Name and address through whom performed:</p> <p>Name Juan Negroni</p> <p>Organization Kulture Consulting, LLC</p> <p>P.O. Box, Bldg., Room No., if any</p> <p>Street 759 Bloomfield Avenue, #301</p> <p>City West Caldwell</p> <p>State New Jersey ZIP Code + 4 07006</p>	<p>Additional Name and address through whom performed, if any:</p> <p>Name Mark Lema</p> <p>Organization Kulture Consulting, LLC</p> <p>P.O. Box, Bldg., Room No., if any</p> <p>Street 759 Bloomfield Avenue, #301</p> <p>City West Caldwell</p> <p>State New Jersey ZIP Code + 4 07006</p>
<p>Additional Name and address through whom performed, if any:</p> <p>Name John Bellis</p> <p>Organization Kulture Consulting, LLC</p> <p>P.O. Box, Bldg., Room No., if any</p> <p>Street 759 Bloomfield Avenue, #301</p> <p>City West Caldwell</p> <p>State New Jersey ZIP Code + 4 07006</p>	<p>Additional Name and address through whom performed, if any:</p> <p>Name</p> <p>Organization</p> <p>P.O. Box, Bldg., Room No., if any</p> <p>Street</p> <p>City</p> <p>State ZIP Code + 4</p>
<p>12.a. Identify subject groups of employees:</p> <p>Site Coordinator, Team Leader, patient Service Technician, In-Office Phlebotomist in the Northern Region</p>	<p>12.b. Identify subject labor organizations:</p> <p>AFSCME, NUHHCE, District 1199J</p>

Kulture Consulting, LLC  
759 BLOOMFIELD AVENUE, #301, WEST CALDWELL, NJ 07006  
PH: (973) 403-9901 ♦ FAX: (973) 403-0817

**Consulting Services Agreement by & between**

**Kulture Consulting, LLC**

**&**

**Laboratory Corporation of America Holdings ("LabCorp")**

This agreement is made on **February 19, 2013** between Kulture Consulting, LLC ("Kulture Consulting") and **LabCorp** and sets forth the terms and conditions for engagement of the services of Kulture Consulting.

**Background & The Current Climate**

On January 20, 2009, when President Obama took office, one of the first appointments he announced was the naming of National Labor Relations Board (NLRB) member and former Teamsters attorney Wilma Liebman as chairperson of the NLRB. Since that time, the union-dominated National Labor Relations Board has become dominated by union attorneys who are using the NLRB as a means of advocating through rulings and policy-making for its friends in Big Labor.

This represents a significant and profound shift in the historical direction of the NLRB, its policies and its rulings. Given this, unions and their officers, organizers and business agents, knowing that the landscape in Washington is highly favorable to them are widely utilizing the NLRB's processes to win rulings against employers and their agents that heretofore would have been unattainable.

In light of the political developments that have taken place in Washington, DC, it is incumbent on both parties to this agreement to understand that the legal interpretation of the National Labor Relations Act can, and likely will change with any ruling that is heard before the NLRB. As a result of this, what may be construed as lawful speech today may be deemed to be unlawful speech tomorrow.

# Kulture Consulting, LLC

759 BLOOMFIELD AVENUE, #301, WEST CALDWELL, NJ 07006

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While Kulture Consulting and its individual consultants will continually strive to ensure that all services including, but not limited to written materials, speeches, the coaching of managers and supervisors, conversations, discussions, as well as informational meetings for employees will be conducted with the utmost respect and adherence to the law, as applied at the time of engagement of services, the following must be understood and agreed to prior to the performance of services by Kulture Consulting or any of its individual consultants:

1. Kulture Consulting shall provide campaign persuasion services to LabCorp including but not limited to devising a union election campaign strategy and plan, supplying sufficient personnel to provide campaign persuasion services, providing campaign persuasion services and consulting with LabCorp and its counsel regarding campaign issues and strategies. All such services shall be provided in accordance with recognized professional standards.
2. It should be recognized and acknowledged that, given the aggressiveness of today's union leaders on a national and local level, Unfair Labor Practices (ULPs) and election objections are to be expected in labor campaigns. As part of Kulture Consulting's *Client Commitment*, efforts will continually be made, in concert with labor counsel, to avert sustained ULP charges and/or election objections. Given the expected increase in pro-union case rulings, it should be expected that Unfair Labor Practices and/or election objections, may be filed and potentially sustained, even on the basis of well-established and/or legally-sanctioned written material, and/or presentations made by persons *internal (e.g., supervision/management)* or *external (e.g., consultants)*. Although efforts will continually be made and precautions taken to avert the filing of ULP charges and/or objections, it should be understood that individuals within and/or external to **LabCorp** have no control to what a union alleges or takes action on through the National Labor Relations Board. Therefore, Kulture Consulting, LLC and any or all of its shareholders, employees, contractors, and/or individual consultants ("Kulture Indemnitees") shall be held harmless and indemnified for any unfair labor practice charge ("ULP") and/or election objections arising from the services provided herein, except that LabCorp shall not hold harmless and indemnify the Kulture Indemnitees for any claim, ULP and/or election objections arising from wonton, willful or grossly negligent acts by Kulture Indemnitees as finally determined by an administrative agency or court, in each case, of competent jurisdiction, with appeals thereof exhausted.

# Kulture Consulting, LLC

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## Invoice & Payment Policy

3. LabCorp shall pay Kulture Consulting the agreed upon hourly fee plus actual and reasonable expenses. Payment shall be made within 15 days after submission.
4. This agreement may be terminated, at any time, by either party involved, with payment for work hours expended since the last billing through dates/times of termination, plus all reasonable and necessary expenses incurred up through the date of termination.

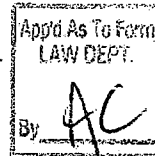
Upon engagement of our services, please acknowledge receipt and approval of the above stipulations regarding representation/consulting services, invoicing, and payment.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Kulture Consulting, LLC

By: *Ernie D. van der Vaart*  
Senior Vice President and General Counsel  
Laboratory Corporation of America Holdings



Date: \_\_\_\_\_