

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**MILUM TEXTILE SERVICES CO.**

**and**

**Cases 28-CA-20898  
28-CA-20906  
28-CA-20973  
28-CA-21050  
28-CA-21203**

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**COUNSEL FOR THE GENERAL COUNSEL'S  
MOTION TO STRIKE RESPONDENT'S REPLY BRIEF**

Respondent has once again disregarded the Board's Rules and Regulations governing the page limits for briefs.<sup>1</sup> In this instance, Respondent has filed a reply brief that exceeds the 10-page limit imposed by Section 102.46(h) by 14 pages. More specifically, on January 22, 2007, Respondent filed a document entitled "Respondent's Reply Brief to the Cross-Exceptions Filed by the General Counsel," which is in reality a reply brief to the General Counsel's Answering Brief to Respondent's Exceptions. This reply brief consists of 10 pages of argument, plus a 14-page, single-spaced "Exhibit A" containing quotations from the record and additional argument in an attempt to refute issues raised by the General Counsel in its Answering Brief relating to the credibility of Respondent's President and CEO.

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<sup>1</sup> This is Respondent's second attempt to disregard the page limitations set forth in the Board's Rules. On January 7, 2007, Respondent filed a 98-page brief in response to the General Counsel's exceptions. This brief was rejected by the Associate Executive Secretary on January 9, 2007, because it exceeded the 50-page limit imposed by Section 102.46(j). Respondent was granted an extension of time to file a brief that complied with the Rules.

For example, in Exhibit A Respondent states:

In response to GC questioning on page 32 regarding what documents Mr. Milum reviewed prior to the hearing to prepare for his testimony, Mr. Milum responded besides affidavits given to the board, he had looked at correspondence between himself and the company attorney, himself and customers, union leaflets, and articles appearing in the media. Then when questioned as to whether there was anything else, Mr. Milum responded, "Not that I recall." (Reply at 12) . . .

Ultimately, on page 2209 the General Counsel discovers that he has made a mistake . . . and the General Counsel withdraws the exhibit, and moves on to the next question. (Reply at 24) . . .

There is nothing on page[s] [ ] of the transcript that seems to be in anyway related to a lack of a full response by Mr. Milum to the General Counsel's questioning.

(Reply at 22, 23, 24, 25)

Section 102.46(h) is explicit:

Any reply brief filed pursuant to this subsection shall be limited to matters raised in the brief to which it is replying, and shall not exceed 10 pages. No extensions of time shall be granted for the filing of reply briefs, nor shall permission be granted to exceed the 10 page length limitation.

By attaching the 14-page, single-spaced exhibit in reply to the General Counsel's arguments, Respondent has exceeded the maximum length allowed under the Board's rules. See also Section 102.114(d) (papers filed with the Board shall be double-spaced, except for quotations and footnotes). The Board should not countenance Respondent's attempt to again skirt the rules governing the filing of briefs. It is respectfully requested that the Board strike Respondent's reply brief for failing to comply with Section 102.46(h), or in the alternative, strike or otherwise disregard Exhibit A. See *Baker Electric*, 351 NLRB No. No. 35 slip op. 1,

n.2 (2007) (Board disregards exhibits containing legal argument which exceed the Board's page limitation).

Dated at Phoenix, Arizona, this 23<sup>rd</sup> day of January 2008.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of COUNSEL FOR THE GENERAL COUNSEL'S MOTION TO STRIKE RESPONDENT'S REPLY BRIEF, in MILUM TEXTILE SERVICES CO., Cases 28-CA-20898 et al., was served via E-Gov, E-filing and by facsimile this 23<sup>rd</sup> day of January 2008, on the following:

**E-Gov, E-Filing to:**

Lester A. Heltzer, Executive Secretary  
Office of the Executive Secretary  
National Labor Relations Board  
1099 14<sup>th</sup> Street, NW, Room 11602  
Washington, DC 20570-0001

**Via Facsimile and e-mail (by permission) to:**

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