JASON RABINOWITZ, SBN 183822
BEESON, TAYER & BODINE, APC
1404 Franklin Street, Fifth Floor
Oakland, CA 94612
Telephone: (510) 625-9700
Facsimile: (510) 625-8275
Email: jrabinowitz@beesontayer.com

Attorneys for Petitioner
TEAMSTERS LOCAL 70

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

WASHINGTON, D.C.

TEAMSTERS LOCAL 70, Petitioner, v. STERICYCLE, INC., Respondent.	Case No. 32-RC-5603 **DECLARATION OF JASON RABINOWITZ, ESQ. IN SUPPORT OF UNION'S MOTION FOR LATE FILING OF BRIEF**

I, JASON RABINOWITZ, declare and, if called as a witness, would competently testify as follows:

1. I am an attorney and shareholder at the law firm of Beeson, Tayer & Bodine, and I am counsel to Teamsters Local 70 in this matter.

2. The ALJ issued his Report on Objections in this matter on April 24, 2009. The Report stated that exceptions were due on May 8, 2009. At the Employer's request, this deadline was extended to May 22, 2009, and the Employer filed its Exceptions on this date. Section 102.69 of the Board's Rules and Regulations provides that a brief in opposition to exceptions to a report on election objections is due seven (7) days after the due date for the exceptions. Therefore, my calculations indicate that the Union's brief was due on May 29, 2009.

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3. Due to an error, legal staff in my office incorrectly calendared the response for 14 days, rather than seven days, incorrectly applying the rule applying to unfair practice proceedings (Section 102.46), rather than that applying to representation proceedings.

4. I was out of the office on business and vacation from May 11 - May 25. Due to this absence, as well as the press of business, I neglected to check the calendaring of the brief until June 2, when I discovered the error.

5. Herewith, I offer the brief for filing the next day after discovering the error. I apologize to the Board and to counsel for any inconvenience, and respectfully request that the brief be accepted for filing.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 3rd day of June, 2009, at Oakland, California.

/s/ Jason Rabinowitz
JASON RABINOWITZ, ESQ.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I declare that I am employed in the County of Alameda, State of California. I am over the age of eighteen (18) years and not a party to the within cause. My business address is 1404 Franklin Street, Fifth Floor, Oakland, CA 94612. On this day, I served the foregoing Document(s):

DECLARATION OF JASON RABINOWITZ, ESQ.
IN SUPPORT OF UNION'S MOTION FOR LATE FILING OF BRIEF

☐ **By Mail** to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(a), by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. At Beeson, Tayer & Bodine, mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business in a United States mailbox in the City of Oakland, California.

☒ **By Personal Delivery** of a true copy thereof, to the parties in said action, as addressed below in accordance with Code of Civil Procedure §1011.

Alan B. Reichard
NLRB Region 32
1301 Clay Street, Room 300N
Oakland, CA 94612-5211

☒ **By Overnight Delivery** to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(c), by placing a true and correct copy thereof enclosed in a sealed envelope, with delivery fees prepaid or provided for, in a designated outgoing overnight mail. Mail placed in that designated area is picked up that same day, in the ordinary course of business for delivery the following day via United Parcel Service Overnight Delivery.

Arch Y. Stokes, Esq.
Shea Stokes Roberts & Wagner
510 Market Street, 3rd Floor
San Diego, CA 92101

Bruno Katz
Shea Stokes Roberts & Wagner
510 Market Street, Third Floor
San Diego, CA 92101-7025

☐ **By Facsimile** Transmission to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(e).

I declare under penalty of perjury that the foregoing is true and correct. Executed in Oakland, California, on this date, June 3, 2009.

/s/ Korin M. Becraft
Korin M. Becraft