

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

RATHGIBSON, INC.)	
)	
Employer,)	
)	
and)	Case No. 30-RC-6747
)	
INTERNATIONAL UNION OF OPERATING)	
ENGINEERS LOCAL 139, AFL-CIO)	
)	
Petitioner.)	

**PETITIONER INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 139' S UNOPPOSED REQUEST FOR EXTENSION OF
TIME IN WHICH TO FILE ANSWERING BRIEF TO EMPLOYER'S EXCEPTIONS**

Petitioner, International Union of Operating Engineers Local 139, AFL-CIO (hereinafter "Local 139"), pursuant to Section 102.69 of the National Labor Relations Board's Rules and Regulations hereby requests a seven (7) day extension in which to file an Answering Brief to the Employer's Exceptions and supporting brief. In support of this request, Local 139 states:

1. On May 1, 2009, after conducting an investigation, Region 30 issued a Notice of Hearing on objections and challenged ballots filed by Local 139 over an election conducted on April 2, 2009. Consistent with the Notice, hearings were held on May 21 and 22, and June 2, 3 and 4 before Hearing Officer Anita O'Neil, resulting in a transcript of nearly 1,400 pages. The parties filed their respective Post-hearing briefs on June 22, 2009. On August 3, 2009, Hearing Officer O'Neil issued a 119 page Report on Challenged Ballots and Objections to Conduct Affecting the Results of the Election with Findings and Recommendations. Any exceptions to the Report were due by August 17, 2009.

2. On August 17, 2009, Local 139's counsel received the Employer's Exceptions to the Hearing Officer's Report on Challenged Ballots and Objections to Conduct Affecting the Results of the Election with Findings and Recommendations, and supporting Brief. Consequently, Petitioner Local 139 only has seven (7) days, or until August 24, 2009, in which to file an Answering Brief.

3. Counsel for Local 139 has been diligently working on preparing an Answering Brief to the Employer's Exceptions and brief in support of the Exceptions but will be unable to complete it by August 24, 2009 due to the voluminous nature of the record and due to the press of other matters. Specifically, counsel for Local 139 has been engaged in the preparation of a day-long bargaining session set for Thursday, August 20, 2009; preparation for filing a supplemental position statement in an unfair labor practice case, Althoff Industries, Inc. (Sheet Metal Workers, Local Union 265), Case No. 13-CA-45395; and continued involvement in a Charge of Discrimination in Operative Plasterers' and Cement Masons', Local 11 (Ronald Green, et al.), EEOC Charge No. 846-2008-59397, EEOC Charge No. 846-2008-59390, and EEOC Charge No. 440-2009-00045. In addition, counsel for Local 139 has been out of the office tending to various matters on behalf of Local 139 in Wisconsin.

4. Consequently, Local 139 requests a seven (7) day extension of time to and including August 31, 2009, in which to file its Answering Brief. This Motion is brought in good faith and not to unduly delay these proceedings.

5. On August 18, 2009, counsel for Local 139, Pasquale A. Fioretto, contacted Irving E. Gottschalk, the Regional Director of Region 30, who indicated that Region 30 has no objection to this request. Likewise, on August 18, 2009, counsel for Local 139 contacted the Employer's

counsel, Tony Dombrow, who indicated that the Employer does not oppose Local 139's request for a seven (7) day extension of time.

WHEREFORE, for all the foregoing reasons, the International Union of Operating Engineers, Local 139, hereby requests that the period of time for its Answering Brief to the Employer's Exceptions to the Hearing Officer's Report on Challenged Ballots and Objections to Conduct Affecting the Results of the Election with findings and Recommendations be extended to and including August 31, 2009.

Respectfully submitted,

/s/Pasquale A. Fioretto
International Union of Operating Engineers,
Local 139, AFL-CIO

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Dated: August 18, 2009

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that he electronically filed with the Board via its electronic filing system and sent three copies via regular mail upon:

Lester A. Heltzer
Executive Secretary
National Labor Relations Board
Franklin Court, Room 11602
1099-14th Avenue, N.W.
Washington, D.C. 20570
Telefax: (202) 273-4270

on or before the hour of 5:00 p.m. this 8th day of August, 2009, and upon:

Mr. Irving E. Gottschalk, Regional Director
E-Mail: irving.gottschalk@nlrb.gov
Ms. Ms. Anita C. O'Neil, Hearing Officer
E-Mail: anita.o'neil@nlrb.gov
National Labor Relations Board, Region 30
310 West Wisconsin Avenue, Suite 700
Milwaukee, WI 53203-2211

and

Mr. Anthony Dombrow, E-Mail: adombroe@lanermuchin.com
Mr. Lawrence Weiner, E-Mail: lweiner@lanermuchin.com
Mr. David A. Moore, E-Mail: dmoore@lanermuchin.com
Laner Muchin Dombrow, Becker, Levin and Tominberg, Ltd.
515 North State Street, Suite 2800
Chicago, Illinois 60654

via e-mail and regular U.S. mail, postage pre-paid on or before the hour of 5:00 p.m. this 8th day of August, 2009.

/s/Pasquale A. Fioretto _____

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