

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
Region 20

901 Market Street, Suite 400
San Francisco, California 94103-1735

Telephone: 415/356-5130
FAX: 415/356-5156
Website: www.nlr.gov

June 29, 2010

Mr. Dennis MacLeod
2480 Casa Dell Oro Way
Rocklin, CA 95677

Re: Thunder Valley Casino
Case 20-RD-2488

Dear Mr. Macleod:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

After voluntarily recognizing UNITE HERE Local 49 (Union) as the collective bargaining representative of certain of its employees, Thunder Valley Casino (Employer) posted a Notice to Employees on April 29, 2010 advising them of their right under *Dana Corporation*, 351 NLRB 434 (2007) to petition for an election within 45 days from the date of the posting of the Notice. As the petition in this case was filed on June 14, 2010, more than 45 days from the date of the posting of the notice, a decertification bar is operative and the Union's status as the unit employees' bargaining representative will not be subject to challenge for a reasonable period of time to permit the Union and the Employer an opportunity to negotiate a collective bargaining agreement. Accordingly, I am dismissing the petition.

Right to Request Review: Pursuant to the provisions of Section 102.67 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, you may obtain review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, DC 20570-0001. This request for review must contain a complete statement setting forth the facts and reasons on which it is based.

Procedures for Filing a Request for Review: Pursuant to the Board's Rules and Regulations, Sections 102.111 – 102.114, concerning the Service and Filing of Papers, the request for review must be received by the Executive Secretary of the Board in Washington, DC by close of business on **July 13, 2010** at 5 p.m. (ET), unless filed electronically. **Consistent with the Agency's E-Government initiative, parties are encouraged to file a request for review electronically.** If the request for review is filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time** on the due date. Please be advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of a request for

review by facsimile transmission. Upon good cause shown, the Board may grant special permission for a longer period within which to file.¹ A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, select the E-Gov tab and then click on E-filing link on the pull down menu. Click on the "File Documents" button under Board/Office of the Executive Secretary and then follow the directions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Very truly yours,

/s/ Tim Peck

Tim Peck
Acting Regional Director

wc

cc: Office of the Executive Secretary

Ms. Lisa Grewohl
Thunder Valley Casino
1200 Athens Avenue
Lincoln, CA 95648

Jill C. Peterson, Esq.
Korshak, Kracoff, Kong & Sugano, LLP
2430 J Street
Sacramento, CA 95816□

UNITE HERE Local 49
1796 Tribute Road, Suite 200
Sacramento, CA 95815

Kristin L. Martin, Esq.
Davis Cowell & Bowe LLP
595 Market Street Suite 1400
San Francisco, CA 94105□

¹ A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.