

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
WASHINGTON, DC

WHITESELL CORPORATION,	)	
	)	
Respondent,	)	
	)	
and	)	18-CA-19008
	)	18-CA-18965
GLASS, MOLDERS, POTTERY, PLASTICS	)	18-CA-18540
AND ALLIED WORKERS INTERNATIONAL	)	
UNION, LOCAL 359,	)	
	)	
Charging Party	)	
	)	

**RESPONDENT’S MOTION FOR LIMITED RECONSIDERATION**

NOW COMES Whitesell Corporation, Respondent herein, and files, pursuant to NLRB Rules and Regulations 102.48(d), its Motion for Limited Reconsideration of the Board’s decision, which issued on September 30, 2011. In support of this Request, Respondent makes the following showing:

1. In its decision, the Board *sua sponte* adopted an additional remedy not requested by the General Counsel. Specifically, the Board directed that the Notice to Employees be read aloud to employees by either Chief Operating Officer Robert Wiese or Director of Human Resources John Tate or a Board agent.<sup>1</sup>

2. On September 29, 2011—one day before the Board’s decision—the Respondent and the Union reached a tentative agreement on a complete collective bargaining agreement. This agreement is subject to ratification by the Union’s members, which is scheduled to occur

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<sup>1</sup> Tate is no longer employed by Respondent.

before the end of October 2011. Respondent will promptly notify the Board when ratification occurs.

3. In light of the parties having reached a complete agreement after five years of difficult negotiations, the underlying basis for the extraordinary reading remedy disappears. Indeed, this remedy will be counter-productive in allowing the parties to begin administering a new collective bargaining agreement and building a relationship. In these circumstances, the reading remedy is unnecessary and punitive in nature.

4. Respondent further notes that the Board's reliance on the fact that the federal district court ordered Respondent to read (and post) its order in the section 10(j) proceeding actually undermines the need for such a remedy in this case. The district court's order was actually broader than the Board's order. Requiring Respondent to read the Board's notice aloud becomes duplicative of the district court's order and further indicates the punitive nature of this remedy.

WHEREFORE Respondent respectfully requests that the Board grant this motion for limited reconsideration and that it revise its order to delete the extraordinary reading remedy.

Respectfully submitted, this 26<sup>th</sup> day of October 2011.

/s/ Charles P. Roberts III

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