UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

C.F. TAFFE PLUMBING CO., INC., Respondent, and MICHAEL SCHMIDT, an Individual, Charging Party.		CASE 13-CA-45890 Arthur J. Amcham Administrative Law Judge

RESPONDENT'S EXCEPTIONS TO THE
SUPPLEMENTAL DECISION OF THE ADMINISTRATIVE LAW JUDGE

Pursuant to §102.46 of the Board's Rules and Regulations, Respondent C.F. Taffe Plumbing Co., Inc. ("Taffe") submits the following exceptions to the Supplemental Decision of the Administrative Law Judge ("ALJ") issued November 10, 2011. A brief in support of these exceptions is being filed contemporaneously herewith.

1. ALJ p. 2, lines 23-24[1] — The ALJ's crediting of Schmidt's testimony that he did not send the subject text message at any time, with no consideration of Schmidt's inconsistent testimony in this respect, with no reconciliation of Schmidt's refusal to answer the question of whether he ever sent that text message, and while discrediting the uncontested testimony of the other witnesses, constitutes an abuse of discretion.

Respectfully submitted,

C.F. TAFFE PLUMBING CO., INC.

By: _____
One of its Attorneys

[1] "ALJD" refers to the Administrative Law Judge's Supplemental Decision.

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STATEMENT OF SERVICE

The undersigned states that on this 17th day of December, 2010, he caused copies of the foregoing Respondent's Brief in Opposition to the General Counsel's Exceptions to be served by UPS Overnight upon the following:

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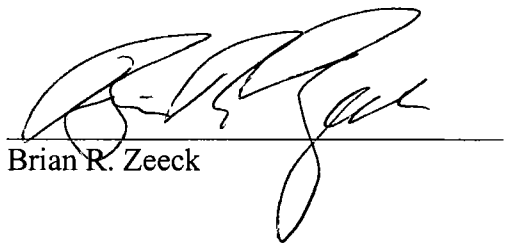

Brian R. Zeeck

December 17, 2010

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ORDER SECTION