

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

WIL-SHAR, INC.,

and

**CASE NOS. 26-CA-23869
26-CA-23903**

IRONWORKERS, LOCAL 584

**MOTION EXTENSION OF TIME IN WHICH TO FILE REPLY BRIEF IN SUPPORT
OF RESPONDENT'S EXCEPTIONS**

COMES NOW the Respondent, Wil-Shar, Inc., and for its Motion for Extension of Time in which to file its Reply Brief in Support of Exceptions, states as follows:

1. The Administrative Judge issued her Decision on November 4, 2011. This Decision was served by mail and first received by Respondent on November 8, 2011. Respondent has filed timely Exceptions and a Brief in Support Thereof, and the Agency has filed a brief in response on January 19. The record is voluminous, consisting of roughly 1000 pages over three days of trial, and both parties have received an extension of time in which to file their respective filings.

2. Without the requested extension of time, Respondent's Exceptions and Brief are currently due on February 2, 2012. This motion is filed more than three (3) days before the due date.

3. Due to extension of time received by the Agency for its Response Brief, Respondent's Reply Brief is currently due during a period while Respondent's principal and decisionmaker, Billy Witcofski, is out of the country on a two week mission trip. The itinerary for this trip is attached hereto as Exhibit 1.

4. As the ALJ noted in her Decision, Respondent is essentially a family-run business, and due to the extension granted the Agency, the due date for Respondent's Reply Brief has fallen during the period of Billy Witcofski's absence, during which time communication between the

undersigned counsel and the Respondent is effectively impossible. Mr. Witcofsli will return from this mission trip on February 11, 2012.

5. As a result of the foregoing, despite diligent effort, counsel of record has been unable to adequately prepare the Reply Brief in Support of Respondent's Exceptions within the time allowed without this requested extension.

6. The Board has the authority to grant an extension of time upon written request. 29 C.F.R. 102.111(b). In this case, good cause exists due to the events that occurred in this case as a result of Mr. Witcofski's mission trip and the extension previously granted to the Agency, which have prevented and are preventing the preparation of Reply Brief in Support of Respondent's Exceptions without requested extension of time.

7. No prejudice will result from granting this motion inasmuch as this case will proceed according to the Board's Rules without regard to any requested extension of time, and the Agency has already received an extension of time.

8. Where counsel has acted reasonably and in good faith and the opposing party is not prejudiced, an extension of time should be granted. *See* Wright & Miller, *Federal Practice & Procedure*, sec. 1165, at p. 485; *Vandervelde v. Put & Call Brokers Ass'n., Inc.*, 43 F.R.D. 14, 20 (S.D.N.Y. 1967); *Tatterson v. Koppers Co.*, 104 F.R.D. 19, 20-21 (E.D. Pa. 1984); *Anderson v. Stanco Sports Library, Inc.*, 52 F.R.D. 108, 110 (D.S.C. 1971). Accordingly, good cause exists for an extension of time and such an extension of time should be granted.

9. For these reasons, Respondent requests an extension of time in the amount of twenty-one (21) days, to the close of business of February 16, 2012, in which to file the Reply Brief in Support of Exceptions. This extension of time will result in fourteen (14) days during which Mr. Witcofski is available (in the US) to assist undersigned counsel, and is necessary to provide the

undersigned counsel with the time for reply contemplated by the regulations, due to Mr. Witcofski's absence from the country.

WHEREFORE, PREMISES CONSIDERED, Respondent respectfully requests the Board grant a twenty-one (21) day extension in which to file its Reply Brief in Support of Respondent's Exceptions and award all other proper relief.

Respectfully submitted,
WIL-SHAR, Inc.

Respondent

By: /s/ Charles M. Kester
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Phone: 479-582-4600
Fax: 479-571-1671
Email: cmkester@nwark.com

CERTIFICATE OF SERVICE

I, Charles M. Kester, attorney for Respondent in this action, do hereby certify that on this 27th day of January 2012, I delivered a true and correct copy of the foregoing by electronic filing, email, and/or by depositing the same in the U.S. mail with proper first class postage as stated below:

Office of the Executive Secretary of the NLRB
1099 14th Street, NW
Washington, D.C. 20570
(e-filing)

Linda Mohns
Field Attorney, NLRB Region 26
80 Monroe Avenue, Ste. 350
Memphis, TN 38103
(email and e-filing)

Michael Richards
Ironworkers Local 584
14716 E. Pine
Tulsa, OK 74116
(email and US Mail)

/s/ Charles M. Kester

For individual passenger name and ticket number information prior to departure, please go to www.mytripandmore.com. Insert the six digit record locator for Reservation Number and traveler's last name and click Sign In. Then, in the upper left hand corner, click on Electronic Ticket Record to access the desired information. Thank you and have a safe trip.

Invoice / Ticket Receipt

Total Invoice Amount: \$17,449.20 USD
 Electronic Ticket Number: 2391
 Ticket Amount: \$17,389.20 USD
 Form of Payment: VI*****7307

This ticket information applies to the following trip(s):

British Airways Flight 6813 from Fayetteville to Dallas/Fort Worth on January 29
 British Airways Flight 192 from Dallas/Fort Worth to London on January 29
 British Airways Flight 65 from London to Nairobi on February 02
 British Airways Flight 64 from Nairobi to London on February 10
 British Airways Flight 193 from London to Dallas/Fort Worth on February 11
 British Airways Flight 6723 from Dallas/Fort Worth to Fayetteville on February 11

Service Fee Number: 8900563928396
 Invoice Number: 042388
 Service Fee Amount: \$60.00 USD
 Form of Payment: VI*****7307

Travel Summary – Agency Record Locator 38S6ZP

Traveler
 WITCOFSKI / WILLIAM.LAVERN WITCOFSKI / SHARON.GALE
 Reference number by traveler: Not Applicable, Not Applicable

Date	From/To	Flight/Vendor	Status	Depart/Arrive	Class/Type
01/29/2012		ZZ		12:00 AM/12:00 AM	
01/29/2012	XNA-DFW	BA 6813	Confirmed	11:50 AM/01:00 PM	Economy / Y
01/29/2012	DFW-LHR	BA 192	Confirmed	04:45 PM/07:30 AM +1	Business / I
02/02/2012	LHR-NBO	BA 65	Confirmed	10:15 AM/09:40 PM	Business / C
02/10/2012	NBO-LHR	BA 64	Confirmed	11:30 PM/05:20 AM +1	Business / C
02/11/2012	LHR-DFW	BA 193	Confirmed	10:45 AM/02:40 PM	Business / I
02/11/2012	DFW-XNA	BA 6723	Confirmed	04:30 PM/05:35 PM	Economy / Y

MISCELLANEOUS - Sunday, January 29 2012

British Airways/FF1-\$8694.00 EACH PLUS \$30 SVC CHG EACH \$17449.20 TOTAL

AIR - Sunday, January 29 2012 - Agency Record Locator 38S6ZP

British Airways Flight BA6813 Economy Class

Depart: Northwest Arkansas Regional Airport Fayetteville, Arkansas, United States 11:50 AM Sunday, January 29 2012 Weather

Arrive: Dallas/Ft Worth Intl, Terminal B Dallas/Fort Worth, Texas, United States 01:00 PM Sunday, January 29 2012 Weather

Duration: 1 hour(s) and 10 minute(s) Non-stop
Status: Confirmed
Meal: Food For Purchase
Equipment: Embraer RJ145
Operated By: American Airlines Flight AA2884
Seat: Assigned at Check-in

AIR - Sunday, January 29 2012 - Agency Record Locator 38S6ZP

British Airways Flight BA192 Business Class

Depart: Dallas/Ft Worth Intl, Terminal D Dallas/Fort Worth, Texas, United States 04:45 PM Sunday, January 29 2012 Weather

Arrive: Heathrow, Terminal 5 Weather

London, United Kingdom
07:30 AM Monday, January 30 2012

Duration: 8 hour(s) and 45 minute(s) Non-stop
Status: Confirmed
Meal: Meal, Meal, Meal
Equipment: Boeing 747-400 Passenger
Seat: 17FG

AIR - Thursday, February 2 2012 - Agency Record Locator 38S6ZP

British Airways Flight BA65 Business Class

Depart: Heathrow, Terminal 5 Weather
London, United Kingdom
10:15 AM Thursday, February 2 2012

Arrive: Jomo Kenyatta Intl Weather
Nairobi, Kenya
09:40 PM Thursday, February 2 2012

Duration: 8 hour(s) and 25 minute(s) Non-stop
Status: Confirmed
Meal: Meal, Meal, Meal
Equipment: Boeing 777
Seat: 12JK

AIR - Friday, February 10 2012 - Agency Record Locator 38S6ZP

British Airways Flight BA64 Business Class

Depart: Jomo Kenyatta Intl Weather
Nairobi, Kenya
11:30 PM Friday, February 10 2012

Arrive: Heathrow, Terminal 5 Weather
London, United Kingdom
05:20 AM Saturday, February 11 2012

Duration: 8 hour(s) and 50 minute(s) Non-stop
Status: Confirmed
Meal: Meal, Meal, Meal
Equipment: Boeing 777
Seat: 12JK

AIR - Saturday, February 11 2012 - Agency Record Locator 38S6ZP

British Airways Flight BA193 Business Class

Depart: Heathrow, Terminal 5 Weather
London, United Kingdom
10:45 AM Saturday, February 11 2012

Arrive: Dallas/Ft Worth Intl, Terminal D Weather
Dallas/Fort Worth, Texas, United States
02:40 PM Saturday, February 11 2012

Duration: 9 hour(s) and 55 minute(s) Non-stop
Status: Confirmed
Meal: Meal, Meal, Meal
Equipment: Boeing 747-400 Passenger
Seat: 18JK

AIR - Saturday, February 11 2012 - Agency Record Locator 38S6ZP

British Airways Flight BA6723 Economy Class

Depart: Dallas/Ft Worth Intl, Terminal B Weather
Dallas/Fort Worth, Texas, United States
04:30 PM Saturday, February 11 2012

Arrive: Northwest Arkansas Regional Airport Weather
Fayetteville, Arkansas, United States
05:35 PM Saturday, February 11 2012

Duration: 1 hour(s) and 5 minute(s) Non-stop
Status: Confirmed
Meal: Food For Purchase
Equipment: Embraer RJ145
Operated By: American Airlines Flight AA2867
Seat: Assigned at Check-in

Remarks

.....BCD TRAVEL.....
.....4901 VINELAND ROAD.....
.....SUITE 460.....
.....ORLANDO FL 32811.....
.....407-514-3285..800-969-1595.....

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AIR TRAVEL INCLUDING CANADA..MEXICO..CARIBBEAN
AND BERMUDA
YOUR PASSPORT MAY HAVE TO HAVE 6 MONTHS VALIDITY
BEFORE COMMENCEMENT OF YOUR JOURNEY
US CITIZENS PLEASE SEE WWW.TRAVEL.STATE.GOV
OR CALL 202-647-5225 FOR MORE INFORMATION ON
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TO DEPARTURE DATE OF TRAVEL OR THE TICKET HAS NO
VALUE

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CHECKED BAGGAGE POLICIES VARY BASED ON CARRIER
AND DESTINATION..FOR THE LATEST INFORMATION
PLEASE CHECK WITH YOUR TRAVEL CONSULTANT OR THE
AIRLINE WEBSITE.....
THIS ITINERARY WAS REQUESTED BY PASSENGER
A \$30 NON REFUNDABLE TRANSACTION FEE APPLIES
REFUNDS AND EXCHANGES ARE SUBJECT TO A FEE