UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

LITTLE RIVER BAND OF OTTAWA
INDIANS TRIBAL GOVERNMENT

Respondent

And

LOCAL 406, INTERATIONAL BROTHERHOOD
OF TEAMSTERS

Charging Union

JOINT MOTION TO SUBSTITUTE EXHIBIT AND STIPULATIONS

The parties, through counsel, hereby respectfully request the Board to:

(a) substitute the attached Little River Band of Ottawa Indians Gaming Enterprise(s) Board of Directors Act of 2010, with amendments permanently adopted on February 8, 2012 as Joint Exhibit 5 to the Stipulated Record and

(b) substitute the following stipulations for parties' enumerated stipulated facts:

25. The Gaming Enterprise Board is comprised of five Directors, all of whom must be enrolled members of the Band. Two are elected officials of the Band and three are "at large" (not elected officials). The first seat for an elected official must be held by the Tribal Ogema. The second seat for an elected official is held by a sitting member of the Tribal Council, appointed by the Ogema and approved by the Tribal Council. The three at large directors are appointed by the Ogema and approved by the Tribal Council.

The Ogema may serve as the Chairperson of the Gaming Enterprise Board of Directors, and if he declines to serve then he appoints another member of the Board as Chairperson, subject to the approval of the Tribal Council. (Joint Exhibit 5, GEBDA § 4.02).

29. The Band's Tribal Council has delegated to the Gaming Enterprise Board limited authority to (a) release financial information to support the LRCR's position(s) during any collective bargaining process, subject to confidentiality provisions provided by Article XVI of the Band's Fair Employment Practices Code, Chapter 600, Title 3 of the Tribal Code of the Band ("FEP Code") and (b) execute collective bargaining agreements for the LRCR and to execute a waiver of sovereign immunity on behalf of the Tribe in such an agreement, but only to the extent that such a waiver is consistent with the waiver of sovereign immunity provided by Article XVI of the FEP Code. Except as specifically delegated, the ability to waive sovereign immunity rests with the Tribal Council. (Joint Exhibit 5, GEBDA §§ 9.03(d), 10.02(a), 10.03; Joint Exhibit 4, FEP Code).

The reason for this motion is that subsequent to the Board's approval of the stipulated record in this case, the Little River Band of Ottawa Indians amended the Little River Band of Ottawa Indians Gaming Enterprise(s) Board of Directors Act of 2010. By substituting the attached Joint Exhibit 5, and changing stipulations 25 and 29 as requested herein, the Record will accurately reflect amendments to the Band's law.

Thus, the parties respectfully request that this motion be granted.

Respectfully submitted this 16th day of February, 2012

/s/ A. Bradley Howell
A. Bradley Howell, Esq.
Counsel for Acting General Counsel

/s/ Kaighn Smith, Jr.
Kaighn Smith, Jr., Esq.
Counsel for the Little River Band of Ottawa Indians Tribal Government

/s/ Ted M. Iorio
Ted M. Iorio, Esq.
Counsel for the Charging Union

STATEMENT OF SERVICE

Copies of this Joint Motion have this day been served upon the following by electronic mail to the email addresses shown:

- Brad Howell, Esq., National Labor Relations Board (brad.howell@nlrb.gov)
- Dennis Boren, Esq., National Labor Relations Board (Dennis.Boren@nlrb.gov)
- Local 406, International Brotherhood of Teamsters c/o its counsel Ted M. Iorio, Esq. (titorchmi@aol.com)
- Ted M. Iorio, Esq. (titorchmi@aol.com)

This motion has this day been electronically filed with the Executive Secretary of the National Labor Relations Board.

Dated: February 16th, 2012

/s/ Kaighn Smith, Jr.

Kaighn Smith, Jr.
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