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The State Bar of California Board of Legal Specialization

ABE F. LEVY (1918 - 1997)

Via UPS Overnight

February 27, 2012

Lester A. Heltzer, Executive Secretary
National Labor Relations Board
1099 Fourteenth Street NW
Washington, DC 20005-3402

Re: Communications Workers of America, Local 9586 - and -
Terminix International Company, LP (NLRB Case No. 21-RC-064769)
Request for Extension to File Exceptions

Dear Mr. Heltzer:

This firm represents Communications Workers of America, Local 9586, AFL-CIO ("Local 9586") in the above matter. On February 17, 2012, Administrative Law Judge ("ALJ") Gregory Z. Meyerson issued a decision in which he sustained two out of the fourteen objections filed by the Employer, Terminix International Company Inc. ("Terminix") to the Representation Election held on October 28, 2011, in which Local 9586 prevailed. Judge Meyerson set the cut-off date for filing Exceptions for March 2, 2012. Through this letter, Local 9586 hereby requests a two week extension–until March 16, 2012–to file its Exceptions. The grounds for Local 9586's requests are as follows.

First, the representation hearing in this matter was unusually lengthy; it lasted five (5) days, required the testimony of twenty-four (24) witnesses and produced over 1,000 pages of transcript. Even though the ALJ only sustained two of Terminix's objections, the issues at the heart of these objections are highly complex and were the subject of extensive testimony and vigorous debate. Accordingly, the preparation of well-reasoned Exceptions to the ALJ's decision will be a labor intensive process and requirement significant time commitments by myself and my staff.

Second, counsel for Local 9586 has, since the issuance of Judge Meyerson's decision, been occupied with a variety of other time-consuming matters, including filing briefs, preparing for a deposition, drafting complaints and writs, and investigating and drafting unfair labor practice charges. In light of these other commitments, it would be difficult and burdensome for counsel for Local 9586 to file its Exceptions by March 2, 2012.

Third, Judge Meyerson issued his decision on February 17, the Friday before President's Day Weekend. Consequently, Local 9586 did not receive notice of the decision until February 21, 2012, which diminished the amount of time that Local 9586 had to prepare its Exceptions.

Based on the foregoing, Local 9586 respectfully requests that it be granted an extension of two weeks, until March 16, 2012 to file its Exceptions in this matter.

Very truly yours,

LEVY, FORD & WALLACH

Lewis N. Levy, Esq.

Cc: Jonathan Siegel
5000 Birch Street, Ste. 500
Newport Beach, CA 92660

LEWIS/CWA 9586/Retainer-11-29-11

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my address is 3660 Wilshire Blvd, Suite 600, Los Angeles, California 90010. I declare that I am employed in the office of a member of the bar of this Court at whose direction this service was made.

On February 27, 2012, I served the following document(s) **LETTER TO NATIONAL LABOR RELATIONS BOARD** on interested parties in this action:

[x] via UPS and fax

[ ] I enclosed document(s) in a sealed enveloped to the above referenced person(s) and addresse(s), by placing the envelope for collecting and mailing, following our ordinary business practices. I am readily familiar with this office's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Services, in a sealed envelope with postage pre-paid.

[ ] by placing the document listed above in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Los Angeles, California addressed as set forth below.

[ ] by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

I am "readily familiar" with the firm's practice of service of process. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles California in the ordinary course of business.

I declare under penalty of perjury that the above is true and correct.

Executed on February 27, 2012, at Los Angeles, California.

Diane Morgenstern

SERVICE LIST

Jonathan Siegel, Esq.
Jackson Lewis
5000 Birch St., Suite 5000
Newport Beach, CA 92660
(via fax and ups overnight)

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The State Bar of California Board of Legal Specialization

ABE F. LEVY (1918 - 1997)

Via Facsimile
(202) 273-4270

February 28, 2012

Lester A. Heltzer, Executive Secretary
National Labor Relations Board
1099 Fourteenth Street NW
Washington, DC 20005-3402

Re: Communications Workers of America, Local 9586 - and - Terminix International Company, LP (NLRB Case No. 21-RC-064769) Request for Extension to File Exceptions

Dear Mr. Heltzer:

Enclosed please find a Proof of Service showing that the Request to File Exceptions submitted by Communication Workers of America in the above-referenced matter has been served upon the Regional Director of Region 21.

Very truly yours,

LEVY, FORD & WALLACH

Daniel R. Barth, Esq.

DRB:dm
enclosure

LEWIS/CWA 9586/Retainer-11-29-11

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my address is 3660 Wilshire Blvd, Suite 600, Los Angeles, California 90010. I declare that I am employed in the office of a member of the bar of this Court at whose direction this service was made.

On February 28, 2012, I served the following document(s) **LETTER TO NATIONAL LABOR RELATIONS BOARD** on interested parties in this action:

[x] via facsimile: 213-894-2788

[ ] I enclosed document(s) in a sealed enveloped to the above referenced person(s) and addresse(s), by placing the envelope for collecting and mailing, following our ordinary business practices. I am readily familiar with this office's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Services, in a sealed envelope with postage pre-paid.

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I declare under penalty of perjury that the above is true and correct.

Executed on February 28, 2012, at Los Angeles, California.

Diane Morgenstern

SERVICE LIST

Olivia Garcia, Regional Director
National Labor Relations Board
888 South Figueroa St., 9th Floor
Los Angeles, CA 90017-5449
(via facsimile only)

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Los Angeles, CA 90010
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FACSIMILE TRANSMISSION SHEET

TO: Lester Heltzer, NLRB, Washington, D.C.

FROM: **Daniel R. Barth**, Esq.

FAX NO: 202-273-4270

RE: **Terminix**

DATE: February 28, 2012

OPERATOR: Diane, ext. 214

Number of pages:

Comments:

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