

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

REMINGTON HOTEL CORPORATION,  
d/b/a THE SHERATON ANCHORAGE

and

UNITE HERE!, LOCAL 878, AFL-CIO

Cases: 19-CA-32148  
19-CA-32188  
19-CA-32222  
19-CA-32238  
19-CA-32301  
19-CA-32334  
19-CA-32337  
19-CA-32349  
19-CA-32367  
19-CA-32414  
19-CA-32420  
19-CA-32438  
19-CA-32487

**RESPONDENT'S MOTION FOR LEAVE TO SUPPLEMENT THE RECORD**

COMES NOW the Respondent named hereinabove, Remington Lodging & Hospitality d/b/a The Sheraton Anchorage, and hereby moves the Board for Leave to Supplement the Record in the above matter with the record filed in and issued by the United States District Court for the District of Alaska, in the matter of the Petition for Injunctive Relief filed by the Regional Director of Region 19, pursuant to 29 USC §160(j) ("Section 10(j)" or "10(j)").

The matter now pending before this Board is a consolidated ULP case pertaining to Remington Hotel Corporation (the "Employer"), the employer of the employees at the Sheraton Anchorage Hotel & Spa. The ULPs were filed by UNITE HERE!, Local 11, a hotel workers union (the "Union"). A forty-day hearing was held in Anchorage, Alaska before Administrative Law Judge Meyerson, who issued his decision on August 25, 2011. The Respondent submitted

exceptions to this Board on November 4, 2011, and an Answering Brief to Cross Exceptions filed by the counsel for the General Counsel, on December 13, 2011.

Subsequently, on December 9, 2011, the Region 19 Regional Director filed a petition seeking 10(j) injunctive relief in the United States District Court in Alaska, seeking the same relief identified in ALJ Meyerson's August 2011 decision. The District Court issued an Order granting the Board's petition for 10(j) relief on February 2, 2012. An additional ruling clarifying this Order was issued on June 11, 2012. The record in this matter before the Board should be supplemented with the record in the 10(j) action, including the Court's two decisions dated February 2 and June 11, in order to provide the Board with a full factual record for its impending decision.

The Board grants Employer's requests to complete the record frequently. *See e.g., Edw. C. Levy Co.*, 351 N.L.R.B. 1237 (2007) (the Board approved an Employer's Motion to Supplement the Record with an arbitration award, which held that the Union's grievances against the Employer were without merit); *See also, Dean Transp. Inc.*, 350 N.L.R.B. 48, 50 (2007) (an ALJ granted the Employer's motion to supplement the record with various documents in order to ensure the existence of a complete record, and the Board upheld the ALJ's decision); and, *Aero Ambulance Serv., Inc.*, 349 N.L.R.B. 1314, 1319 (2005) (the ALJ granted the Respondent Employer's motion to supplement the record with various documents in order to ensure the creation of a complete record, and the Board upheld the ALJ's decision).

Just as in the above-cited cases, the 10(j) Petition here embraces the alleged effects of several points of contention currently before the Board in this matter. The ruling a District

Court Judge issued on the validity of the 10(j) Petition is information required by the Board to create a complete record. The 10(j) record is attached as Exhibits 1-78.

WHEREFORE, the Respondent respectfully requests leave to supplement the record as stated above.

DATED, this 18<sup>th</sup> day of June, 2012.

/s/ Peter Fischer  
Arch Stokes, GA Bar 683100  
Karl M. Terrell, GA Bar 702265  
Peter Fischer, GA Bar 261946

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**PROOF OF SERVICE**

I am employed in the County of Fulton, State of Georgia. I am over the age of eighteen years and not a party to the within action; my business address is 3593 Hemphill Street, Atlanta, Georgia 30337.

On June 18, 2012, I caused the following document(s) to be served:

**Respondent's Motion for Leave to Supplement the Record**

— BY MAIL: I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Atlanta, Georgia, in the ordinary course of business pursuant to Code of Civil Procedure Section 1013(a). I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

— BY FACSIMILE: I served said document(s) to be transmitted by facsimile pursuant to Board's Rules and Regulations, Series 8, as amended, Section 102.24. The telephone

number of the sending facsimile machine was (404) 766-8823. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The sending facsimile machine issued a transmission report confirming that the transmission was complete and without error.

BY THE NLRB'S ELECTRONIC FILING SYSTEM on its website: <http://www.nlr.gov>. It was e-filed with Region 19 and The Office of Executive Secretary

BY ELECTRONIC MAIL (exhibits will be followed in the mail) to:

Mara-Louis Anzalone, Counsel for the General Counsel of Region 19,  
[Mara-Louis.anzalone@nlrb.gov](mailto:Mara-Louis.anzalone@nlrb.gov)

Dmitri Iglitzin, Attorney  
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Richard Sawyer, Executive VP of Local 878  
[sawyerrf@aol.com](mailto:sawyerrf@aol.com)

Executed on June 18, 2012, at Atlanta, Georgia.

I declare under penalty of perjury under the laws of the State of Georgia that the foregoing is true and correct.

/s/ John Exum  
John Exum, Attorney

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