

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

**FRESH & GREEN’S OF
WASHINGTON DC, LLC**

AND

**UNITED FOOD AND COMMERCIAL
WORKERS, LOCAL 400**

Case 05-CA-065595

**REQUEST FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF
TO EXCEPTIONS TO ADMINISTRATIVE LAW JUDGE’S DECISION**

Respondent Fresh & Green’s of Washington DC, LLC (“Respondent” or “Fresh & Green’s”), by and through its undersigned counsel, hereby submits this Motion for an Extension of Time to File Exceptions to the Administrative Law Judge’s Decision, and in support thereof states as follows.

1. On May 8, 2012, Administrative Law Judge (“ALJ”), Joel P. Biblowitz, issued his Decision in the above-captioned matter.
2. On June 22, 2012, the Acting General Counsel and Charging Party, United Food and Commercial Workers, Local 400, each filed exceptions to the ALJ’s decision. Pursuant to Section 102.46(d) of the Board’s Rules and Regulations, answering briefs are currently due on July 6, 2012.
3. Respondent requests that the deadline for submitting answering briefs be extended to July 18, 2012.
4. This brief extension is necessary due to conflicting work-related commitments of Respondent’s counsel, including ongoing collective bargaining negotiations. In addition, the undersigned will be unavailable because of a previously scheduled vacation.

5. Both counsel for the Acting General Counsel and counsel for the Charging Party have been contacted concerning this request and they have no objection.

For all the foregoing reasons, Respondent respectfully requests that its request to extend the time to file answering briefs to July 18, 2012 be granted.

Date: June 27, 2012

Respectfully submitted,

By: /s/ John S. Ferrer

Joseph E. Santucci, Jr.

John S. Ferrer

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, NW

Washington, DC 20004

Telephone: 202.739.3000

Facsimile: 202.739.3001

Counsel for Respondent Fresh & Green's

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2012, the foregoing Request for Extension of Time to File Answering Brief to Exceptions to the Administrative Law Judge’s Decision was filed via the Board’s E-Filing system, and a copy was served on the following by electronic mail.

Gregory M. Beatty, Esq.
National Labor Relations Board
Region 5, Washington Resident Office
1099 14th Street, N.W., Suite 6300
Washington, D.C. 20570
gregory.beatty@nlrb.gov

Carey Butsavage, Esq.
Butsavage & Associates
1920 L Street, N.W., Suite 301
Washington, D.C. 20036
cbutsavage@butsavage.com

Counsel for the Acting General Counsel

Counsel for the Charging Party

/s/ John S. Ferrer
John S. Ferrer