

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

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NEW YORK UNIVERSITY,	:	
Employer,	:	
-and-	:	Case No. 2-RC-23481
GSOC/UAW,	:	
Petitioner.	:	
	:	

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MOTION FOR ENLARGEMENT OF PAGE LIMIT

New York University (“NYU”), pursuant to the Board’s Rules and Regulations §102-67(k)(1), requests an enlargement of the page limit of NYU’s Brief on Review in the above-identified matter to permit a brief of up to 75 pages, and in support thereof states:

1. On October 25, 2010, the Board granted Petitioner’s Request for Review of the Regional Director’s initial dismissal of its Petition to represent “all individuals enrolled in graduate level programs at NYU, who are employed to perform the functions of teaching assistants, research assistants, and graduate assistants (regardless of job title).” In doing so, the Board remanded the case to the Regional Director for a hearing so that the case could be decided on a “full evidentiary record.”

2. The hearing before the Regional Director commenced on November 18, 2010. The hearing took place over 19 days and the record consists of some 1,700 transcript pages and 200

exhibits. At the conclusion of the hearing, NYU submitted a 126-page Post-Hearing Brief and Petitioner submitted a 107-page Post-Hearing Brief.

3. Following the hearing, the Regional Director again dismissed the Petition.

4. On June 22, 2012, the Board granted the Petitioner's Request for Review of the Regional Director's decision, and also granted, in substantial part, NYU's Conditional Request for Review.

5. Simultaneous with its order granting review, the Board invited the parties and *amici* to answer four questions which it viewed as raised in this case, including: (i) whether the Board should modify or overrule its decision in Brown University, 342 NLRB 483 (2004), holding that graduate students who perform services at a university in connection with their studies are not statutory employees within the meaning of Section 2(3) of the National Labor Relations Act; (ii) if Brown is modified or overruled, whether graduate students engaged in research funded by external grants are not statutory employees under the rationale of Leland Stanford Junior University, 214 NLRB 621 (1974) and New York University 332 NLRB 1205, 1209 n.10 (2000); (iii) if the Board were to conclude that graduate students are employees, in what circumstances, if any, would a separate bargaining unit of graduate assistants be appropriate; and (iv) what standard should be applied in determining whether graduate assistants are temporary employees and what the proper bargaining unit placement of any such graduate assistants should be.

6. NYU requests permission to file a brief of up to 75 pages in order to address fully and adequately the multiple important issues presented by the extensive factual record in this case and identified by the Board in its June 22, 2012 order.

7. Counsel for NYU requested that counsel for Petitioner consent to this request but has not yet received a response.

WEREFOR, NYU respectfully requests that the Board grant it permission to file a Brief on Review of up to 75 pages.

New York, New York
July 5, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that copies of the within Motion for Enlargement of Page Limit for the
Brief on Review in Case No. 2-RC-23481 has been served by electronic mail on this date on:

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Dated: July 5, 2012
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/s/ Brian S. Rauch
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