UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 2

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R &S Waste Services LLC
and **Case No.: 2-CA-065928**

Local 813, International Brotherhood of Teamsters,

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Respondent R & S Waste Services LLC ("R & S") submits this response to the "surreply" by Counsel for the General Counsel.

Counsel for the General Counsel's "surreply" is another act of disregard for its own process and represents a stunning misunderstanding of that process. It has not provided any basis for "special circumstances" to file the "surreply". As such, it must be disregarded.

Notwithstanding that, Counsel for the General Counsel yet again commits itself in writing that it has no basis for issuing the Complaint. No matter how much fatuous rhetoric is offered, Counsel for the General Counsel cannot avoid the ineluctable fact that there is not a scintilla of evidence to support the Complaint allegations. If such evidence existed, Counsel for the General Counsel could have easily cited to it in opposing the instant motion and informed the Board now that it is not wasting time and abusing the process; it didn't. The investigation turned up no credible evidence, so now a hearing is imposed upon R & S to see if anything new is revealed. The abuse of process cannot be tolerated. The Counsel for the General Counsel is now bound by the statements it has made in its oppositions.

Again, R & S is unavailable for the August 14, 2012 hearing date and a new date must be set.

Dated: August 2, 2012 **MILMAN LABUDA LAW GROUP PLLC**

By:/s/
Michael J. Mauro, Esq.