

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

**2 SISTERS FOOD GROUP, INC., and
FRESH & EASY NEIGHBORHOOD
MARKET, INC.**

and

**Case Nos:
21-CA-38915
21-CA-38932**

**UNITED FOOD AND COMMERCIAL
WORKERS INTERNATIONAL UNION,
LOCAL 1167**

**EXCEPTIONS OF RESPONDENT TO ADMINISTRATIVE LAW JUDGE
ELEANOR LAWS'S DECISION**

Pursuant to Section 102.46 of the Rules and Regulations of the National Labor Relations Board ("Board"), the Respondent Fresh & Easy Neighborhood Market, Inc. ("Fresh & Easy") files the following exceptions to the November 21, 2012 Decision of Administrative Law Judge Eleanor Laws ("ALJD"):

1. ALJ Laws erred in finding that "Fresh & Easy did not have a due process right to participate in an appeal of the ALJ's findings regarding unfair labor practices that it did not allegedly commit." (ALJD, p. 7, lines 23-25). This finding is based upon an erroneous analysis and application of the law.

2. ALJ Laws erred in finding that "no [due process] right was foreclosed by the Region's failure to amend." (ALJD, p. 7, lines 25-26). This finding is based upon an erroneous analysis and application of the law.

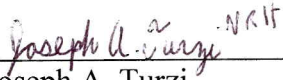
3. ALJ Laws erred in finding that "Fresh & Easy was made a party to the supplemental backpay specification proceeding, given notice of the hearing, and afforded full

opportunity, with the assistance of counsel, to contest the question of its successorship for purposes of the Act, rendering derivative liability appropriate.” (ALJD, p. 7, lines 45-48). This finding is based upon an incorrect evaluation of the evidence and an erroneous analysis and application of the law.

4. ALJ Laws erred in recommending the remedies set forth in the decision. (ALJD, p. 8, lines 36-38, 48-52; p. 9, lines 1-2). These remedies are not supported by the evidence or the law.

5. ALJ Laws erred in recommending the order set forth in the decision (ALJD, p. 12, lines 6-46, p. 13, lines 1-41). This order is not supported by the evidence or law.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on this 19th day of December 2012, a copy of the foregoing Exceptions of Respondent to Administrative Law Judge Eleanor Law's Decision was filed electronically and sent via electronic mail to the following:

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Date: Dec. 19, 2012