

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE EXECUTIVE SECRETARY

FAA CONCORD H, INC. d/b/a CONCORD
HONDA

and

AUTOMOTIVE MACHINISTS LODGE NO.
1173, INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS.

Cases 32-CA-066979
32-CA-070343
32-CA-072231

**Motion for Extension of Time to File Exceptions and Brief in Support of
Exceptions to Administrative Law Judge's Decision**

December 3, 2013

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d/b/a CONCORD HONDA

Pursuant to Section 102.46(a) of the Rules and Regulations of the National Labor Relations Act, Respondent FAA CONCORD H, INC. d/b/a CONCORD HONDA hereby respectfully requests a fourteen (14) day extension of time for the filing of Exceptions and a Brief in Support of Exceptions to the Administrative Law Judge’s Decision in the above-captioned case. If the requested extension is granted, the Parties’ Exceptions in this matter will be due on Wednesday, December 18, 2013. Counsel for the Acting General Counsel does not oppose an extension to December 6, 2014. Counsel for the Charging Party objects to an extension, stating “Respondent can read the decision.”

The primary legal issue in this case is of first impression before the Board – whether an employer’s Arbitration Policy that permits employees to proceed in a single consolidated arbitration nonetheless violates the Board’s holding in *D.R. Horton*, 357 NLRB. No. 184 (2012). Relying on the Board’s decision in *D.R. Horton*, the ALJ found that Concord Honda violated the Act. However, earlier today, the Fifth Circuit issued its decision in the *DR Horton* case, concluding that the Board’s decision did not give proper weight to the Federal Arbitration Act. Given this development, Respondent believes that additional time for the submission of Exceptions and a Brief in Support of Exceptions is warranted so as to allow time for the parties to review and brief the Fifth Circuit’s decision.

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WHEREFORE, Respondent respectfully requests that this Motion for Extension of Time to File Exceptions and a Brief in Support of Exceptions be granted.

Respectfully submitted,

Dated: December 3, 2013

By: /s/ Joshua J. Cliffe
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