

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 27

ROAD SPRINKLER FITTERS LOCAL  
UNION NO. 669, UNITED ASSOCIATION  
OF JOURNEYMEN AND APPRENTICES  
OF THE PLUMBING AND PIPE FITTING  
INDUSTRY OF THE UNITED STATES  
AND CANADA, AFL-CIO,

Respondent,

FIRETROL PROTECTION SYSTEMS, INC.,

Charging Party,

and

COSCO FIRE PROTECTION, INC.,

MX HOLDINGS, INC.,

and

CFP FIRE PROTECTION, INC.,

Parties in Interest.

Case 27-CC-091349

**FIRETROL'S LIMITED AND CONTINGENT CROSS-EXCEPTIONS TO THE  
ADMINISTRATIVE LAW JUDGE'S DECISION (ALJD)**

Mark S. Ross, Esq.  
Keahn N. Morris, Esq.  
JACKSON LEWIS P.C.  
Counsel for Charging Party  
50 California Street – 9<sup>th</sup> Floor  
San Francisco, CA 94111

Charging Party Firetrol Protection Systems, Inc. (Firetrol), by its undersigned counsel, respectfully submits the following Limited Cross-Exceptions to the ALJD:

<u>Cross-Exception</u>	<u>Page: Lines</u>	<u>Record</u>	<u>Grounds</u>
1. The ALJ's failure to note and presumably consider GC Exh. 1(f)(6), the Region's investigative determination of Case No. 27-CA-85541.	Passim	Charging Party's Post-Hearing Brief to ALJ at pp. 9-11 and fn. 11.	Incorrect analysis and legal conclusion.
2. The ALJ's exclusion and failure to consider GC Exh. 23, Arbitrator Jaffe's decision/award.	Passim	GC Exh. 23, Charging Party's Post-Hearing Brief to ALJ at p. 13 fn. 14.	Incorrect analysis and legal conclusion.
3. The ALJ's failure to note and presumably draw an adverse inference from the Union's failure/ refusal to answer Mr. Severson's questions contained in GC Exh. 24 and 25 as to what remedy it would seek from Cosco in an arbitration of the Firetrol Grievance.	Passim	GC Exh. 24, GC Exh. 25, Charging Party's Post-Hearing Brief to ALJ at pp. 17-18 fn. 18 and 40-41.	Incorrect analysis and legal conclusion.
4. The ALJ's failure to note and presumably draw an adverse inference from the Union's failure/ refusal to present any evidence as to what remedy it would seek from Cosco in an arbitration of the Firetrol Grievance.	Passim	Charging Party's Post-Hearing Brief to ALJ at pp. 40-41.	Incorrect analysis and legal conclusion.

<u>Cross-Exception</u>	<u>Page: Lines</u>	<u>Record</u>	<u>Grounds</u>
5. The ALJ's failure to note and presumably consider GC Exh. 36, the District Court's Order Granting the Motion to Dismiss the Union's First Amended Complaint in <i>Road Sprinkler Fitters Local Union No. 669, U.A., AFL-CIO</i> , Case No. CV 12-1596 and the findings contained therein.	Passim	GC Exh. 36, Charging Party's Post-Hearing Brief to ALJ at 30 fn. 27.	Incorrect analysis and legal conclusion.
6. The ALJ's failure to recommend that the Union be ordered to mail a copy of the signed notice marked "Appendix" to all of its union members.	P. 8:38-9:30.	Entire record.	Incorrect remedy.
7. The ALJ's failure to recommend that the Union be ordered to post the signed notice marked "Appendix" on its website.	P. 8:38-9:30.	Entire record.	Incorrect remedy.
8. The ALJ's failure to recommend that the Union be ordered to mail a copy of the signed notice marked "Appendix" to all employers who may be signatory to the National Fire Sprinkler Association, Inc. (NFSA) agreement.	P. 8:38-9:30.	Entire record.	Incorrect remedy.
9. The ALJ's failure to recommend that the Union be ordered to post the signed notice marked "Appendix" in a widely read industry publication.	P. 8:38-9:30.	Entire record.	Incorrect remedy.

Dated: December 23, 2013

Respectfully submitted,

By

A handwritten signature in blue ink, appearing to read 'M. S. Ross', written over a horizontal line.

MARK S. ROSS  
KEAHN N. MORRIS  
JACKSON LEWIS P.C.  
ATTORNEYS FOR FIRETROL  
PROTECTION SYSTEMS, INC.

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