

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

**STANDARD PARKING, IMPERIAL )  
PARKING, AMPCO SYSTEM PARKING )  
d/b/a ABM PARKING SERVICES )  
LAZ PARKING, INTERPARK, )  
Individually and on behalf of )  
CHICAGO PARKING ASSOCIATION )  
Respondents, )  
  
and )  
  
TEAMSTERS LOCAL NO. 727, )  
Charging Party. )**

**Case: 13-CA-71259**

**CHARGING PARTY’S MOTION TO DISQUALIFY**

Charging Party Teamsters Local Union No. 727, by and through the undersigned attorney and pursuant to Sections 102.47 and 102.37 of the Board's Rules and Regulations hereby files the instant Charging Party’s Motion To Disqualify in the above-captioned case. Charging Party requests that Board Member Philip A. Miscimarra disqualify himself from participating in the adjudication of the above-captioned matter for the following reasons:

1. Prior to appointment to the National Labor Relations Board, Member Miscimarra represented named Respondent Imperial Parking as its legal advocate in an arbitration involving Charging Party who was represented by Stephanie Brinson, counsel for Charging Party and witness in the instant case. (See Coli Jr. Affidavit, attached hereto).

2. On September 26, 2012, Charging Party, represented by Stephanie Brinson, and Respondent Imperial Parking, represented by Philip Miscimarra, participated in an arbitration hearing before Arbitrator Raymond McAlpin at the offices of Respondent Imperial Parking. (Coli Jr. Affidavit at ¶5).

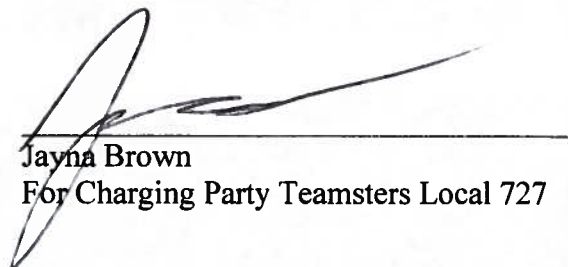
3. At that hearing, the Charging Party and Respondent Imperial Parking entered into a Stipulation, drafted by Philip Miscimarra, recognizing the dispute in the instant case before the National Labor Relations Board (13-CA-71259), and stating that “Impark and Teamsters Local 727 (‘parties’) have an unresolved dispute regarding certain aspects of the 2011-2016 collective bargaining agreement (‘CBA dispute’).” (Coli Jr. Affidavit at ¶6).

4. On January 13, 2013, Arbitrator Raymond McAlpin ruled in favor of the Charging Party by sustaining the grievance and awarding reinstatement and make whole relief for two members of Charging Party. (Coli Jr. Affidavit at ¶7).

WHEREFORE, the aforementioned matters constitute grounds of personal bias and/or disqualification of Member Miscimarra in the instant case because Member Miscimarra had prior knowledge of the facts giving rise to the case now before the National Labor Relations Board, was the legal representative of Respondent Imperial Parking in a prior dispute involving Charging Party who was represented by Charging Party’s counsel who is also a witness in the instant matter, and because said prior dispute resulted in a negative outcome for Respondent Imperial Parking.

Accordingly, Charging Party respectfully requests that its Motion to Disqualify be granted and that Member Philip Miscimarra disqualify and recuse himself from the adjudication of the case now before this Board.

Respectfully submitted,



Jayna Brown  
For Charging Party Teamsters Local 727

Stephanie K. Brinson, General Counsel  
Jayna Brown, Staff Attorney

Teamsters Local Union No. 727  
1300 W. Higgins Road, Suite 111  
Park Ridge, Illinois 60068  
Phone: (847) 696-7500  
Fax: (847) 720-4984

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Motion to Disqualify was electronically filed with the NLRB on February 12, 2014, and served via on the following individuals via the following methods:

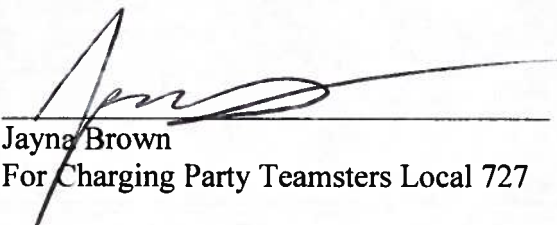
**VIA ELECTRONIC MAIL AND UPS OVERNIGHT MAIL**

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Respectfully submitted,

  
Jayna Brown  
For Charging Party Teamsters Local 727

Stephanie K. Brinson, General Counsel  
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**AFFIDAVIT OF JOHN COLI JR.**

I, JOHN COLI JR., being first duly sworn upon my oath, hereby state as follows:

1. My name is John Coli Jr., and I have been the President of Teamsters Local Union No. 727 ("Local 727") since January of 2011 and have been employed as the Business Manager of Local 727 since July of 2009. My current office is located at 1300 W. Higgins Road, Suite 111, Park Ridge, Illinois 60068.

2. As President and Business Manager for Local 727, my general job duties include but are not limited to managing the day-to-day affairs of Local 727 at the discretion of the Secretary-Treasurer, reviewing and determining the outcome of grievances, negotiating collective bargaining agreements, and participating in most, if not all, decision-making for Local 727.

3. If I do not participate directly in an arbitration hearing, I am aware of all background facts, make the determination as to whether the grievance shall proceed to arbitration, and am kept informed of the details of the hearing, briefing, and outcome by Local 727 employees who are directly involved.

4. Local 727 is the exclusive bargaining representative for parking employees in the Chicago area who are employed by, including but not limited to, Standard Parking, Interparking, Imperial Parking, Laz Parking, and Ampco/System Parking who are all Respondents in Case No. 13-CA-71259 before the National Labor Relations Board.

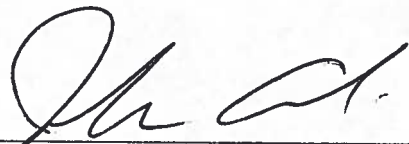
5. On September 26, 2012, Local 727, represented by Stephanie Brinson, and Imperial Parking, represented by Philip Miscimarra, participated in an arbitration hearing before Arbitrator Raymond McAlpin at the offices of Imperial Parking.

6. At that hearing, Local 727 and Imperial Parking entered into a Stipulation, drafted by Philip Miscimarra, recognizing the dispute in the instant case before the National Labor Relations Board (13-CA-71259), and stating that "Impark and Teamsters Local 727 ('parties') have an unresolved dispute regarding certain aspects of the 2011-2016 collective bargaining agreement ('CBA dispute')."


7. On January 13, 2013, Arbitrator Raymond McAlpin ruled in favor of the Local 727 by sustaining the grievance and awarding reinstatement and make whole relief for two members of Local 727.

I have read this statement consisting of 2 pages, including this page, I fully understand its contents, and I certify that it is true and correct to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
John Coli Jr.  
Date: February 12, 2014

Subscribed and Sworn To Before me at  
Park Ridge, Illinois, February 12, 2014.

  
\_\_\_\_\_  
Notary Public

