

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

CHESAPEAKE ENERGY CORPORATION AND  
ITS WHOLLY OWNED SUBDIAIRY  
CHESAPEAKE OPERATING, INC.

and

Case 14-CA-100530

BRUCE ESCOVEDO, an Individual

**COUNSEL FOR THE GENERAL COUNSEL'S OPPOSITION TO  
CHARGING PARTY'S WITHDRAWAL REQUEST**

Counsel for the General Counsel (General Counsel) William F. LeMaster respectfully files this Opposition to Charging Party's Withdrawal Request. The General Counsel opposes approval of Charging Party's withdrawal request for the reasons addressed below.

**I. Procedural Background**

On March 15, 2013, Bruce Escovedo, an individual (Charging Party) filed an unfair labor practice charge against Chesapeake Operating, Inc. (Respondent Chesapeake Operating), in Case 14-CA-100530. The charge was amended on June 17, 2013, alleging that Respondent Chesapeake Operating and its parent company Chesapeake Energy Corporation (Respondent Chesapeake Energy) violated Section 8(a)(1) of the National Labor Relations Act (Act) by maintaining a mandatory arbitration policy that (1) precludes access to the National Labor Relations Board (Board) and (2) precludes employees from filing class or collective actions.

On July 30, 2013, the Regional Director for Region 14 issued a Complaint and Notice of Hearing alleging that Respondents violated the Act as described above. On August 12 and September 9, 2013, respectively, Respondents filed an Answer and Amended Answer denying any violation of the Act and setting forth their defenses.

On September 12, 2013, Respondents, the Charging Party, and the General Counsel filed a Joint Motion and Stipulation of Facts seeking that this matter be heard by Administrative Law Judge Bruce D. Rosenstein by stipulated record. On September 16, 2013, Judge Rosenstein granted the parties' motion.

On November 8, 2013, Judge Rosenstein issued his Decision, finding that Respondents had violated the Act by precluding employee access to the Board. Judge Rosenstein did not find that Respondent's mandatory arbitration policy unlawfully precluded employees from filing class or collective actions.

On December 4, 2013, the General Counsel filed limited exceptions to Judge Rosenstein's decision. On December 20, 2013, Respondents filed cross-exceptions and an answering brief to the General Counsel's exceptions.

## **II. Charging Party's Request**

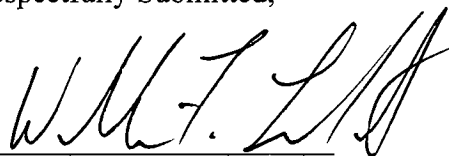
On May 5, 2014, by regular mail, the Charging Party submitted Form 601 to Subregion 17 Officer in Charge Naomi L. Stuart, requesting withdrawal of Case 14-CA-100530. Charging Party provided no basis for requesting withdrawal. The General Counsel believes that the withdrawal may be premised on a non-Board resolution reached by the parties. Citing confidentiality and non-disclosure reasons, neither the Charging Party nor Respondent will provide details concerning the nature of any non-Board resolution that has been reached.

### III. General Counsel's Opposition

Because the parties will not inform the General Counsel of the details concerning any potential non-Board resolution that has been reached, the General Counsel opposes the Charging Party's withdrawal request. The questions that are currently pending with the Board are whether Respondents' current mandatory arbitration policy is violative of the Act because it (1) precludes employee access to the Board and (2) precludes employees from filing class or collective actions. Judge Rosenstein explicitly concluded that Respondents' policy unlawfully restricted employee access to the Board. Through filed exceptions, the General Counsel has asked the Board to reach the same conclusion regarding the policy restricting employees from filing class or collective actions. Those questions are currently pending with the Board and the General Counsel currently possesses no evidence to conclude that Respondents have effectively remedied these unfair labor practices. Approval of the Charging Party's withdrawal of this case would permit Respondents to continue to violate the Act through their maintenance and enforcement of an unlawful arbitration policy.

For these reasons, the Board should deny the Charging Party's withdrawal request.

Respectfully Submitted,



William F. LeMaster  
Counsel for General Counsel

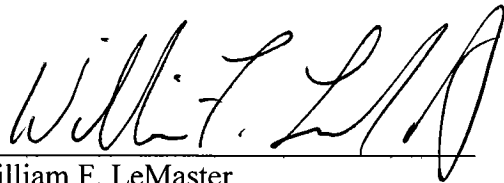
Dated: May 13, 2014



**STATEMENT OF SERVICE**

I hereby certify that I have this date served copies of the foregoing Counsel for the General Counsel's Opposition to Charging Party's Withdrawal Request on all parties listed below pursuant to the National Labor Relations Board's Rules and Regulations 102.114(i) by electronically filing with the Executive Secretary of the National Labor Relations Board and by electronic mail on the parties identified below.

Dated: May 13, 2014



William F. LeMaster  
Counsel for the General Counsel

**PARTIES RECEIVING ELECTRONIC MAIL:**

Mr. Mark Hammons, Attorney for the Charging Party  
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Mr. Michael F. Lauderdale, Attorney for Respondents  
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