

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 91-45

June 6, 1991

TO : All Regional Directors, Officers-in-Charge,
and Resident Officers

FROM : Joseph E. DeSio, Associate General Counsel

SUBJECT: Summary Judgment Cases

Occasionally in motions for summary judgment and/or in stipulated record cases where a collective-bargaining agreement is relevant to establishing the violation, the agreement itself or the pertinent contract language is not forwarded to the Board. In these cases, the specific language may facilitate the processing of the case and obviate the possibility of a remand. Accordingly, please include, among the documents filed, the agreement or at least a copy of the pertinent contract language, especially where there is an issue with respect to the failure to adhere to a provision of the agreement or where the description of the bargaining unit is relevant.

Additionally, I wish to stress the need to respond promptly and timely if the Region intends to file an opposition to a motion for summary judgment. Recently, a few Regions which have intended to file an opposition have not met the time limit of filing such opposition prior to the 21-day limit set forth in the Board's Rules. Section 102.24 of the Rules and Regulations and paragraph 2 of Memorandum OM 90-11, dated February 1, 1990, which set forth the appropriate procedures, should be reviewed by your attorney staff.

Please contact your Assistant General Counsel if you have any questions regarding these matters.

J. E. D.



cc: NLRBU

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