

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

WYNN LAS VEGAS, LLC

and

Case 28-CA-22818

RONDA LARSON, an Individual

**COUNSEL FOR THE ACTING GENERAL COUNSEL'S
LIMITED CROSS-EXCEPTIONS**

Counsel for the Acting General Counsel (the General Counsel) files the following limited cross-exceptions to the Administrative Law Judge (ALJ) James M. Kennedy (the ALJD) [JD(SF)-52-10], issued on December 14, 2010, in the above-captioned case:

1. The ALJ's failure to find that Wynn Las Vegas, LLC (Respondent) violated Section 8(a)(1) of the Act by interrogating employee David Sackin (Sackin) about his Union activities and the Union activities of others. In support of this exception, the General Counsel relies upon the testimony of Sackin. (Tr. 456-463)

2. The ALJ's failure to find that Respondent's Assistant Casino Manager Peggy Collura (Collura), told Sackin, "I'm sure people come to you and ask you as a shop steward if – you know about this thing." In support of this exception, the General Counsel relies upon the testimony of Sackin. (Tr. 463)

3. The ALJ's failure to find that Collura told Sackin that it was "good" that he understood that "the Union and the tip pooling litigation were separate things," because there was "only one set of money" and there was "no reason to get a third party involved that may take a portion of that money because there's already representation." (Tr. 462)

4. The ALJ's finding and conclusion that "[t]he General Counsel's theories, that Collura's questions to Sackin regarding whether he knew he had been named as a witness in the Labor Commissioner hearing, whether he had counsel, whether he had observed CSTLs receiving tips and what he might be testifying about are all based upon application of the Board's Johnnie's Poultry rule."

5. The ALJ's finding and conclusion that the allegation set forth in Complaint paragraph 5(b) should be dismissed.

Dated at Phoenix, Arizona, this 25th day of February 2010.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of ACTING GENERAL COUNSEL'S LIMITED EXCEPTIONS in WYNN LAS VEGAS, LLC, Case 28-CA-22818, was served by E-Gov, E-Filing, E-Mail and overnight delivery via United Parcel Service on this 25th day of February 2011, on the following:

Via E-Gov, E-Filing:

Lester A. Heltzer, Executive Secretary
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