UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

KARL KNAUZ MOTORS, INC., d/b/a
KNAUZ BMW

Respondent

and **Case: 13-CA-46452**

ROBERT BECKER, An Individual,

Charging Party.

RESPONDENT'S CROSS-EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE

Pursuant to Section 102.46(e) of the Rules and Regulations of the National Labor Relations Board, Respondent Karl Knauz Motors, Inc., d/b/a Knauz BMW ("Respondent") makes these cross-exceptions to the following findings of fact, failures to find certain facts, conclusions of law, and recommended order of the Administrative Law Judge ("Judge") as set forth in his September 28, 2011 Decision in the above-captioned matter ("Decision").

Respondent excepts to the following:

1. The Judge's holding that "I find … that it was protected concerted activities as it could have had an effect upon his compensation." (Decision p. 8, lines 20-22.) This holding is contrary to fact and law.

2. The Judge's holding that "there may have been some customers who were turned off by the food offerings at the event and either did not purchase a car because of it, or gave the salesperson a lowering rating in the Customer Satisfaction Rating because of it; not likely, but possible." (Decision p. 8, lines 23-26.) This holding is contrary to fact and law.

3. The Judge's holding: "Counsel for the Respondent, in his brief, argues that it was not protected concerted activities because neither Becker nor any other employee made Respondent aware that their complaints about the food being served was really about their commissions. However, this is not a requirement of protected concerted activities." (Decision p. 8, lines 28-31.) This holding is contrary to fact and law.

4. The Judge's holding that "Paragraph (b) [Respondent's Courtesy policy] violates Section 8(a)(1) of the Act in that employees could reasonably interpret it as curtailing their Section 7 rights." (Decision p. 11, lines 14-15.) This holding is contrary to law.

5. The Judge's holding that "I therefore find that Paragraphs (b), (c) and (d), although subsequently rescinded, violate Section 8(a)(1) of the Act." (Decision p. 11, lines 36-38.) This holding regarding Paragraph (b) [of Respondent's handbook] is contrary to law.

6. The Judge's conclusion that "The provisions contained in Paragraphs (b), (c) and (d) of its Employee Handbook from about August 23, 2003 to July 19, 2011 violate Section 8(a)(1) of the Act." (Decision p. 11, lines 45-46.) This conclusion regarding Paragraph (b) of the handbook is contrary to law.

WHEREFORE, for the reasons stated herein and more fully discussed in the accompanying brief in support of these cross-exceptions, Respondent respectfully requests that the Board grant these cross-exceptions and accordingly reverse any contrary findings, conclusions law, or recommended orders in the Decision.

James F. Hendricks, Jr.
Brian J. Kurtz
FORD & HARRISON, LLP
55 East Monroe Street – Suite 2900
Chicago, Illinois 60603
Telephone: (312) 332-0777
Fax: (312) 332-6130

ATTORNEYS FOR RESPONDENT KNAUZ BMW

Submitted: November 9, 2011

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that the foregoing **RESPONDENT'S CROSS-EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE** was filed electronically with the National Labor Relations Board, Office of the Executive Secretary, before 5:00 p.m. on November 9, 2011.

Service of this **RESPONDENT'S CROSS-EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE** was sent via Federal Express delivery on November 9, 2011, to the following:

Charles J. Muhl, Esq. (copy)
Counsel for the General Counsel
National Labor Relations Board
209 South LaSalle Street
Suite 900
Chicago, Illinois 60604
(*plus courtesy copy via e-mail*)

Robert Becker
1094 Blackburn Drive
Grayslake, IL 60030

James F. Hendricks, Jr.