

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

**USIC LOCATING SERVICES, INC.,**

**Respondent,**

**and**

**Case 6-CA-37328**

**COMMUNICATION WORKERS OF AMERICA,  
LOCAL 13000, AFL-CIO, CLC,**

**Charging Party.**

**RESPONDENT'S MOTION TO STRIKE BRIEF OF CHARGING PARTY,  
COMMUNICATIONS WORKERS OF AMERICA, LOCAL 13000, AFL-CIO IN  
SUPPORT OF EXCEPTIONS TO JANUARY 10, 2012 DECISION OF  
ADMINISTRATIVE LAW JUDGE**

Respondent hereby files and respectfully requests that the Board grant this Motion to Strike Brief of Charging Party, Communication Workers of America, Local 13000, AFL-CIO in Support of Exceptions to January 10, 2012 Decision of Administrative Law Judge (hereafter Charging Party's Brief), filed on February 22, 2012.

This case was submitted to Administrative Law Judge ("ALJ") David Goldman by stipulated record. On January 10, 2012, ALJ Goldman issued his Decision, finding that Respondent did not violate the Act and recommended the Board dismiss the Complaint. Charging Party and Counsel for the General Counsel filed Exceptions to ALJ Goldman's Decision and those Exceptions currently are before the Board.

Section 102.46 of the Board's Rules allow for the filing of Exceptions to an administrative law judge's decision or to the record or proceedings. Section 102.46(c)(2) specifically states that, "Any brief in support of exceptions shall contain no matter not included within the scope of the exceptions and shall contain, in the order indicated, the following . . .

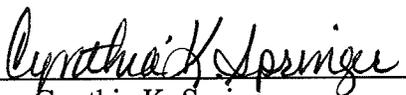
(2) A specification of the questions involved and to be argued, together with a reference to the specific exceptions to which they relate." While Charging Party's Brief specifies the two "questions involved and to be argued" in a section titled, "Issues," this section lacks any reference to which of the seven (7) exceptions Charging Party is advancing to which each of these questions relate, thus failing to comply with Section 102.46(c)(2) of the Board's Rules.

For the reasons set forth above, Respondent hereby requests that the Board grant this Motion and strike Charging Party's Brief.

Dated this 8<sup>th</sup> day of May 2012 at Indianapolis, Indiana.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP<sup>1</sup>

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<sup>1</sup> Effective January 1, 2012, Baker & Daniels LLP became Faegre Baker Daniels LLP.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of May, 2012, a true and correct copy of the foregoing document was served via email to the following parties of record:

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