

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR BOARD
WASHINGTON, D.C.**

**NEW NGC, INC. d/b/a NATIONAL GYPSUM
COMPANY**

and

**UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION, (USW)
AFL-CIO, CLC**

**Case 25-CA-031825
Case 25-CA-031898
Case 25-CA-065321**

And

**UNITED STEELWORKERS LOCAL UNION
NO. 7-0354, a/w UNITED STEEL, PAPER AND
FORESTRY, RUBBER, MANUFACTURING,
ENERGY, ALLIED INDUSTRIAL AND
SERVICE WORKERS INTERNATIONAL
UNION (USW), AFL-CIO, CLC,**

**JOINT MOTION OF RESPONDENT AND CHARGING PARTY FOR THIRTY-ONE
(31) DAY EXTENSION OF TIME TO ANSWER EXCEPTIONS
TO THE ADMINISTRATIVE LAW JUDGE'S DECISION**

Respondent New NGC, Inc. d/b/a National Gypsum Company (“Employer”) and Charging Parties United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO and its Local No. 7-0354 (collectively, “Union”), in support of their motion for a thirty-one day extension of time to Reply to Exceptions to the Decision of the Administrative Law Judge, respectfully submit the following:

1. The Administrative Law Judge (“ALJ”) issued his Decision in the captioned matter on September 7, 2012.

2. Pursuant to the Union and Employer's Joint Motion for Thirty-One Day Extension of Time to File Exceptions to the ALJ's Decision, the NLRB entered an order extending the parties' time to file Exceptions to Monday, November 5, 2012.
3. The Union, Employer and General Counsel all have filed Exceptions to the ALJ's decision and briefs in support. The current deadline for the submission of the Answers to the Exceptions that were filed is Monday, November 19, 2012.
4. The Employer intends to answer both the Union and General Counsel's respective, numerous Exceptions to the ALJ's decision and the lengthy briefs in support. The Union has filed 39 exceptions, and a supporting brief 44 pages long. The General Counsel has filed 23 exceptions, and a supporting brief 18 pages long. The Employer seeks an extension in light of the breadth and scale of these respective filings. Furthermore, the Employer's lead counsel, Jason Kim, who tried the matter before the ALJ, prepared the Employer's Post-Hearing Brief, and will be preparing the Answers to the Union and General Counsel's respective Exceptions, will be traveling the week of November 12, 2012, to Washington, D.C. for business.
5. The Union intends to answer the Employer's Exceptions. The Union's counsel Robert A. Hicks will be preparing the Answers to the Employer's Exceptions and has several upcoming deadlines that will impede his ability to file Exceptions by the current submission deadline. These deadlines include:
 - A) Preparation and submission of proposed findings of fact and a proposed summary judgment order in the matter of *Local 1963 of the United Automobile, Aerospace and Agricultural Implement Workers of America, UAW v. Madison County, Larry Davis, in his Official Capacity as Madison County Assessor, and Angela Shelton, in her Official*

Capacity as Madison County Recorder, Cause No. 27D03-1111-CC-408, in the Grant County, Indiana Superior Court by Friday, November 7, 2012;

B) Preparation for and litigation of property tax appeal in the Indiana Tax Review Board matter of *Local Union No. 871 Building Corporation and LaGrange County Assessor*, Petition Numbers 44-002-10-2-8-00001 and 44-002-10-2-8-00002, which is set for hearing on Wednesday, November 14, 2012; and

C) Preparation of Answer to Exceptions to be filed by the Employer in the National Labor Relations matter of *Silgan Plastics Corporation and United Steelworkers, AFL-CIO-CLC, Local Union 822, a/w United Steelworkers, AFL-CIO-CLC*, Case Nos. 25-CA-031870, 25-CA-063058, 25-CA-065281, 25-CA-068529, 25-CA-072644 and 25-CA-074946. It is anticipated that the deadline for filing the Answer to Exceptions will be Wednesday, November 21, 2012.

6. In spite of the exercise of due diligence and for the reasons stated herein, the Employer and the Union seek a reasonable thirty-one day extension of the deadline to file Answers to the parties' respective Exceptions to the ALJ's Decision, up to and including, Thursday, December 20, 2012.
7. Although the General Counsel does not join in this motion, counsel for the General Counsel does not have an objection to a thirty-one day extension of time for the parties to Answer the Exceptions.

WHEREFORE, the Employer and the Union respectfully request that their motion for a thirty-one day extension of time be granted so that the parties are permitted to file their Answers to Exceptions on or before December 20, 2012.

Respectfully submitted,

MACEY SWANSON AND ALLMAN

NEAL GERBER EISENBERG LLP

/s/ Robert A. Hicks

/s/ Jason C. Kim

Robert A. Hicks
Attorney for the Union

Jason C. Kim
Attorney for the Employer

CERTIFICATE OF SERVICE

Jason C. Kim, an attorney for the Employer, hereby certifies that a true and correct copy of the foregoing Joint Motion of Respondent and Charging Party for Thirty-One Day Extension of Time to Answer Exceptions to the Administrative Law Judge's Decision was served upon the following on this 7th day of November, 2012:

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Via E-mail and U.S. Mail, Postage Pre-Paid to:

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/s/ Jason C. Kim

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