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February 21, 2013

VIA E-FILE

Mr. Gary Shinnars
Acting Executive Secretary
Office of Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570

**Re: AM Property Holding Corp. and Planned Building Services,
Case Nos. 2-CA-33146, et al.**

Dear Mr. Shinnars:

As you know, the undersigned represents Planned Building Services (“PBS”) with respect to the above-captioned matter.

On February 15, 2013, Counsel for the Acting General Counsel, Charging Party Service Employees International Union, Local 32BJ (“Local 32 BJ”) and PBS each submitted Statements of Position to the National Labor Relations Board (“NLRB” or “Board”) pursuant to the Board’s invitation to brief whether due process considerations support a remand to the Administrative Law Judge in order to develop an adequate record upon which the Board may determine whether PBS was a “successor” to the company that previously provided cleaning services at a New York City office building located at 80 Maiden Lane.

The Board’s invitation to submit Statements of Position was a result of the opinion of the Second Circuit remanding the case to the Board on the issue of whether PBS – alone – was a successor to the prior cleaning company. No where in the Court’s remand or the Board’s invitation to submit Statements of Position were the parties asked to offer their positions whether the Board should overrule Planned Building Services and Local 32BJ, Service Employees International Union, etc., 347 NLRB No. 64 (2006) (“PBS III”). Despite this fact, counsel for Local 32BJ devoted almost one-half of his Position Statement arguing that should the Board find that PBS was a individual successor, it should overrule its decision in PBS III as to the appropriate

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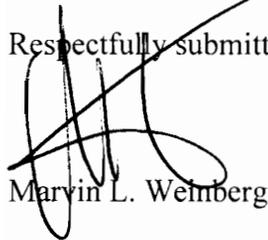
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remedy. Clearly, this argument is outside the scope of the Court's remand and the Board's invitation and should not be addressed by the Board. See McDonnell Douglas Corporation, 324 NLRB No. 183 (1997).

Thank you for your attention to this matter.

Respectfully submitted,



Marvin L. Weinberg

MLW/lmm

cc: Andrew Strom, Esquire (via e-mail)
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