

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

NAVOPACHE ELECTRIC COOPERATIVE, INC.

Employer,

and

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS LOCAL 387

Charging Party.

CASE: 28-CA-118333

**MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, FOR PARTIAL  
SUMMARY JUDGMENT**

Navopache Electric Cooperative, Inc. (“NEC”), by and through its undersigned attorneys, hereby moves the National Labor Relations Board (“Board”) for summary judgment or, in the alternative, partial summary judgment on the bases, grounds, and dispositive law set forth more fully in the attached brief in support of Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment. This Motion invokes, among other things, Section 102.24, Rules and Regulations of the NLRB’s Rules and Regulations, and is based upon this Motion, the Brief in Support of Motion for Summary Judgment or, in the Alternative, for Partial Summary Judgment, the Affidavit of Charles Moore, with exhibits, all pleadings, including the unfair labor practice Complaint, NEC’s Answer and First Amended Answer, and all other relevant materials related or associated with this case.

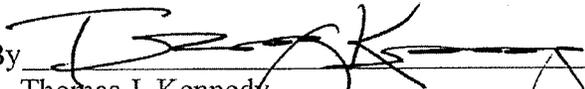
NEC respectfully submits that there is no dispute as to material fact and it is entitled to judgment or an appropriate order issued by the National Labor Relations Board, as advocated in

this Motion and Brief in Support of Motion for Summary Judgment or, in the Alternative, for Partial Summary Judgment, as a matter of law.

WHEREFORE, NEC respectfully requests the granting of this Motion and relief prayed for in the First Amended Answer, and dismissal of the unfair labor practice Complaint or, in the alternative, for partial summary judgment, as more fully described in the brief in support of this Motion, dismissing certain allegations in this Complaint by judgment or order of the National Labor Relations Board, and for such other, further, or different relief as appropriate.

Respectfully submitted April 7, 2014.

SHERMAN & HOWARD L.L.C.

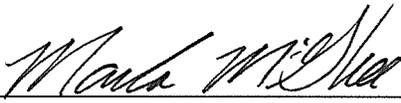
By   
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Attorneys for Navopache Electric Cooperative,  
Inc.

## CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2014, a true and correct copy of the foregoing **MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, FOR PARTIAL SUMMARY JUDGMENT** was filed using the NLRB e-filing system and served upon the following by depositing a copy of same in the United States Mail, postage pre-paid, and via e-mail transmission, as follows:

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