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

CHICKASAW NATION operating
WINSTAR WORLD CASINO

Respondent

and **Cases 17-CA-25031**
17-CA-25121

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS LOCAL 886,
affiliated with THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS

Charging Union

JOINT MOTION TO TRANSFER PROCEEDING TO BOARD ON STIPULATED RECORD

This is a joint motion by the parties to this case—Respondent, the Charging Union, and the Deputy General Counsel[1] of the National Labor Relations Board—to transfer this case to the Board pursuant to § 102.35(a)(9) of the Board's Rules and Regulations.[2] The facts are not in dispute, and the parties wish an expedited decision of what they perceive to be purely legal issues. The transfer of this case will avoid unnecessary costs and delay.[3]

---

[1] The General Counsel is recused.
[2] "In light of *Noel Canning v. NLRB*," the United States Court of Appeals for the Tenth Circuit vacated the Board's order in 359 NLRB No. 163 and remanded the matter to the Board for further proceedings. *Chickasaw Nation v. NLRB*, No. 13-9578 (10th Cir. July 22, 2014) (order).
[3] On July 19, 2012, the parties made a substantively identical motion to transfer this proceeding to the Board on the same stipulated record, attaching the same exhibits. The Board (per Members Hayes, Griffin, and Block) granted that motion in its Amended Order of September 5, 2012.

Pursuant to § 102.35(a)(9) of the Board's Rules and Regulations, the parties hereby agree to (1) waive a hearing by an Administrative Law Judge, and (2) submit directly to the Executive Secretary a stipulation of facts which, if approved, provides for an appealable decision by the Board.

The parties submit herewith:

1. Amended Consolidated Complaint in Cases 17-CA-25031 and 17-CA-25121 (Exhibit 1);

2. Answer to the Amended Consolidated Complaint in Cases 17-CA-25031 and 17-CA-25121 (Exhibit 2);

3. Joint Statement of Issues and Joint Statement of Stipulated Facts (Exhibit 3);

4. Stipulated List of Exhibits (Exhibit 4) and attachments (Exhibits 4(A) through 4(O));

5. The Respondent's Stipulation and Waiver (pursuant to *Jefferson Chemical*, 200 NLRB 992 (1972)) (Exhibit 5).

The parties request that the Board accept the briefs previously filed with the Board by the parties to constitute their briefs for the purposes of considering this case. In addition, the parties request that in the event that the Board grants this motion, the Board set the following supplemental briefing schedule:

- 30 days after the Board order granting this motion Respondent will file a supplemental brief not to exceed 20 pages;
- 30 days after the due date for the filing of Respondent's supplemental brief, the Charging Union and the Deputy General

Counsel will file a responsive supplemental brief not to exceed 20 pages.

This motion and the submitted Joint Statement of Issues and Joint Statement of Stipulated Facts and the submitted Stipulated List of Exhibits are made without prejudice to any objection that any party may have as to the relevance or materiality of any exhibit or any stipulated fact.

The parties further request that the Board give expedited consideration to the proceedings in this matter.

Wherefore, the parties respectfully request that this motion be granted.

Respectfully submitted this 25th day of August, 2014.

/s/Susan A. Wade-Wilhoit
Susan A. Wade-Wilhoit
NATIONAL LABOR RELATIONS BOARD
Subregion 17
8600 Farley Street, Suite 100
Overland Park, Kansas 66212-4677
Phone: (913) 967-3014
Fax: (913) 967-3010
Email: Susan.Wade-Wilhoit@nlrb.gov
Counsel for the Deputy General Counsel

/s/Lloyd B. Miller
Lloyd B. Miller, Attorney
SONOSKY, CHAMBERS, SACHSE, ENDRESON & PERRY, LLP
1425 K ST NW STE 600
Washington, DC 20005-3498
Phone: (907)258-6377
Fax: (907)272-8332
Email: lloyd@sonosky.net

Leonard Court
CROWE & DUNLEVY
20 N Broadway Ave Ste 1800

Oklahoma City, OK 73102-8296
Phone: (405)235-7706
Mobile Phone: (405)640-9058
Fax: (405)272-5232
Email: courtl@crowedunlevy.com

Michael Burrage, Attorney
WHITTEN BURRAGE
1215 Classen Dr
Oklahoma City, OK 73103-2408
Phone: (405)516-7800
Email: mburrage@whittenburragelaw.com
Fax: (405)516-7859
Counsel for Chickasaw Nation

/s/George McCaffrey
George McCaffrey
MCCAFFREY & ASSOCIATES, P.L.L.C.
6301 Waterford Blvd Ste 401
The Waterford Complex
Oklahoma City, OK 73118-1158
Phone: (405)767-3300
Fax: (405)767-3309
Email: george@mccaffreylegal.com
Counsel for the International Brotherhood of Teamsters Local 886