STIPULATION AND WAIVER

It having been concluded by the Acting General Counsel to proceed in these cases by issuing an Amended Consolidated Complaint in Cases 17-CA-025031 and 17-CA-025121 (Amended Consolidated Complaint), a copy of which is attached as Appendix A, which is designed to present to the Board the threshold jurisdictional issue of whether Respondent's gaming operations at issue herein are subject to the jurisdiction of the Board under the National Labor Relations Act without litigation of the entirety of the unfair labor practices raised in these cases, Respondent hereby stipulates and agrees that:

1. The General Counsel can proceed to seek a decision by the Board on the limited unfair labor practice allegations set forth in the Amended Consolidated Complaint in Cases 17-CA-025031 and 17-CA-025121, without alleging or litigating at this time the additional allegations set forth in the Consolidated Complaint issued on May 10, 2011, but not in Appendix A.

2. Not litigating the additional allegations set forth in the May 10, 2011 Consolidated Complaint that were omitted from the Amended Consolidated Complaint at this time is not a waste of resources or an abuse of process; but rather is a conservation of resources of both the NLRB and the Respondent and best effectuates and serves the purposes and policies of the Act to proceed in this manner.

Exhibit 5

3. The Respondent is in no way prejudiced, unduly burdened, or harassed by this procedure.

4. The General Counsel is not estopped from subsequently issuing a second amended consolidated complaint in this matter covering the allegations set forth in the May 10, 2011 Consolidated Complaint that were omitted from the Amended Consolidated Complaint, and litigating those allegations even though the allegations are not encompassed in the Amended Consolidated Complaint. *Provided*, that the General Counsel will not issue a second amended complaint covering any omitted allegations unless any injunction prohibiting the General Counsel from doing so is dissolved, withdrawn in material part, or reversed.

In stipulating and agreeing to the above, the Respondent expressly waives any objection to the above procedure and any defenses that the Respondent would have under *Peyton Packing Company, Inc.*, 129 NLRB 1358 (1961), *Jefferson Chemical Company, Inc.*, 200 NLRB 992 (1972) and related cases.

Dated: June 29, 2012

Counsel for Respondent

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SEVENTEENTH REGION

CHICKASAW NATION operating
WINSTAR WORLD CASINO

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

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

AMENDED CONSOLIDATED COMPLAINT

This Amended Consolidated Complaint, which is based on charges filed by the International Brotherhood of Teamsters Local 886, affiliated with the International Brotherhood of Teamsters (Union), is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U. S. C. Section 151 et seq. and Sections 102.15 and 102.17 of the Rules and Regulations of the National Labor Relations Board, and alleges that Chickasaw Nation d/b/a WinStar World Casino, herein called by is correct name, Chickasaw Nation operating WinStar World Casino (Respondent) has violated the Act by engaging in the following unfair labor practices:

1.

(a) The charge in case 17-CA-25031 was filed by the Union on December 10, 2010, and a copy was served by regular mail on Respondent on the same date.

(b) The first amended charge in case 17-CA-25031 was filed by the Union on December 23, 2010, and a copy was served by regular mail on Respondent on the same date.

(c) The second amended charge in case 17-CA-25031 was filed by the Union on February 22, 2011, and a copy was served by regular mail on Respondent on February 23, 2011.

(d) The charge in case 17-CA-25121 was filed by the Union on April 8, 2011, and a copy was served by regular mail on Respondent on the same date.

(e) The amended charge in case 17-CA-25121 was filed by the Union on May 3, 2011, and a copy was served by regular mail on Respondent on May 4, 2011.

2.

(a) At all material times Respondent, with an office and place of business located on tribal land in Thackerville, Oklahoma, herein called Respondent's facility, has been engaged in the operation of a commercial gaming and entertainment establishment.

(b) During the 12-month period ending December 31, 2010, Respondent, in conducting its business operations described above in paragraph 2(a), purchased and received at its facility goods valued in excess of $50,000 directly from points outside the State of Oklahoma.

(c) During the 12-month period ending December 31, 2010, Respondent, in conducting its business operations described above in paragraph 2(a), derived gross revenues in excess of $500,000.

(d) At all material times Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3.

At all material times the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4.

At all material times Bill Foley held the position of Shift Manager and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and agent of Respondent within the meaning of Section 2(13) of the Act:

5.

About December 18, 2010, Respondent, by Bill Foley, at Respondent's facility, informed employees that they did not have the protections of the Act because of tribal sovereignty.

6.

By the conduct described above in paragraph 5, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

7.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and 2(7) of the Act.

ANSWER REQUIREMENT

RESPONDENT IS FURTHER NOTIFIED that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, Respondent must file an answer to the above amended consolidated complaint. The answer must be **received by this office on or before [set forth date 14 days from issuance, unless that date is a holiday], or postmarked on or before [set forth date of the day before the due date]**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlrb.gov, click on **File Case Documents,** enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable

for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the amended consolidated complaint are true.

Dated at Overland Park, Kansas, this ___ day of July, 2012.

_____
Daniel L. Hubbel, Regional Director
National Labor Relations Board
Seventeenth Region
8600 Farley Street - Suite 100
Overland Park, Kansas 66212-4677

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