

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

AC SPECIALISTS, INC. and its Alter
Ego, TIM WINSTON AC & HEAT

and

Case 12-CA-076395

UNITED ASSOCIATION OF PLUMBERS,
PIPEFITTERS & HVAC REFRIGERATION
MECHANICS, LOCAL UNION 123,
UNITED ASSOCIATION OF JOURNEYMEN
AND APPRENTICES OF THE PLUMBING
AND PIPEFITTING INDUSTRY OF THE
U.S. AND CANADA, AFL-CIO

**SETTLEMENT STIPULATION
AND JOINT MOTION TO WITHDRAW EXCEPTIONS AND CROSS-EXCEPTIONS
TO ALJ'S DECISION AND TO REQUEST PRO FORMA ADOPTION**

IT IS HERBY STIPULATED AND AGREED BY AND BETWEEN AC Specialists, Inc., and its alter ego Tim Winston AC & HEAT (together referred to as Respondent), United Association of Plumbers, Pipefitters & HVAC Refrigeration Mechanics, Local Union 123, United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the U.S. and Canada, AFL-CIO (the Union), and Region 12 of the National Labor Relations Board (the Board) that:

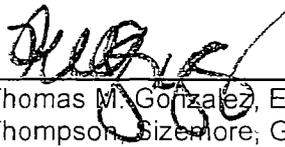
1. On October 12, 2012, Administrative Law Judge George Carson II (the ALJ) issued the Decision and Order in the above-captioned case, reported at JD(ATL)-27-12. Respondent filed timely Exceptions to Judge Carson's Decision and Order and the General Counsel and the Union filed timely Cross-Exceptions.
2. On July 2, 2013, the National Labor Relations Board (the Board) issued the Decision and Order in the above-captioned case, reported at 359 NLRB No. 159.

3. On August 21, 2014, the Board granted the General Counsel's Motion to Vacate Underlying Decision reported at 359 NLRB No. 159 (July 2, 2013).
4. Respondent, the Union, and the Region have reached agreement on the amount of backpay due and owing in this case. Within seven (7) days of the date it signs this Stipulation, Respondent will issue a check in the amount of twenty-five thousand dollars (\$25,000.00), payable to the National Labor Relations Board, to fully resolve any and all obligations it may have to pay backpay (with interest) to Michael Noel, Jerome Gordon and James Stahl, and to satisfy all relief recommended in the aforementioned Decision and Order of the ALJ reported at JD(ATL)-27-12. James Stahl has waived reinstatement to his former position or a substantially equivalent position.
5. The Union hereby waives its right to request or seek bargaining pursuant to the Decision and Order of the ALJ reported at JD(ATL)-27-12 or the Board's pro forma adoption of said Decision and Order as requested below in paragraph 8.
6. All parties request to withdraw all Exceptions and Cross-Exceptions they have filed to the Decision and Order of the ALJ reported at JD(ATL)-27-12.
7. Respondent admits that Tim Winston AC & HEAT and AC Specialists, Inc. are alter ego entities.
8. All parties request the Board to adopt the Decision and Order of the ALJ reported at JD(ATL)-27-12, pro forma and without amendment. This Settlement Stipulation reflects a comprehensive resolution of all issues between the parties in this case. Upon the Board's granting this Joint Motion, the Region will provide Respondent with copies of the appropriate Notice to Employees and letters of

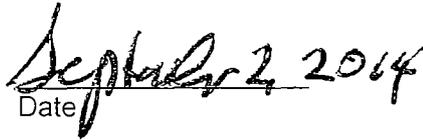
expungement, which Respondent will sign and date and mail to Gordon, Noel, and Stahl. The parties agree that if the Board denies this Joint Motion, the case will be returned to the Region for resolution.

9. The Regional Director shall not disburse the \$25,000.00, or any portion thereof, to Noel, Gordon or Stahl, until the Board has approved this Joint Motion as set forth above.

10. Upon receipt of the check referred to above in paragraph 4 and upon the approval of the Joint Motion by the Board, the Regional Director for Region 18 of the Board will withdraw the Compliance Specification in this case.



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Marlin Osthus, Regional Director, Region 18
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8-28-2014

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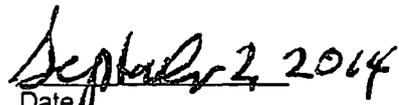
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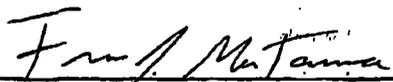
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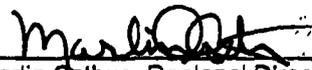
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Marlin Osthus, Regional Director, Region 18
National Labor Relations Board

September 2, 2014
Date

