

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

In the Matter of

INTERNATIONAL UNION OF
OPERATING ENGINEERS LOCAL 18
(Precision Pipeline, LLC)

and

Case 09-CB-109639

STEPHEN A. WILTSE, AN INDIVIDUAL

and

Case 09-CB-118659

INTERNATIONAL UNION OF
OPERATING ENGINEERS LOCAL 18
(Rockford Corporation)

and

GARY LANOUX, AN INDIVIDUAL

REPLY TO ANSWERING BRIEF OF
PIPELINE CONTRACTORS ASSOCIATION

On September 30, 2014, Pipeline Contractors Association (PLCA) filed an Answering Brief to General Counsel's Exceptions and Brief in support thereof. Now, pursuant to Section 102.46 of the Board's Rules, Counsel for the General Counsel files this reply brief.

Counsel for the General Counsel will not further respond to PLCA's substantive arguments as these arguments have already been made in Counsel for the General Counsel's Exceptions and Brief in Support of Exceptions. Counsel for the General Counsel does, however, respond to PLCA's absurd argument that the Exceptions and Brief in Support thereof are somehow procedurally deficient. As allowed by Section 102.46 of the Board's Rules, Counsel for the General Counsel filed Exceptions and a Brief in Support of Exceptions as two separate documents. As further provided for in the rules, each exception included a detailed reference to that portion of the Administrative Law Judge's decision being excepted to, including lines and page numbers. The brief in support of exceptions repeated the exceptions and contained

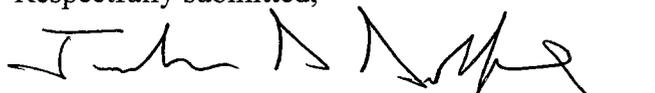
extensive and detailed references to those portions of the record relied upon in making those arguments in the “Summary of the Facts” section, which PLCA chooses to ignore.

In *James Troutman & Associates*, 299 NLRB 120 (1990), cited by PLCA, the Board struck exceptions filed by a respondent *with no supporting brief* that failed to identify any legal authority, transcript pages or other record evidence that would support the contention that the judge erred. In that case, the Board stated that it was unable to determine what the grounds of the exceptions were, what respondent believed the facts of the case to be, or what respondent’s legal arguments were. Likewise, in *Stagehands Referral Service LLC*, 356 NLRB No. 152 (2011), the Board struck the exceptions of respondents who again filed exceptions *with no supporting brief* but rather relied solely on their brief to the Administrative Law Judge – which was not properly a part of the record before the Board. These cases cited by PLCA are clearly inapposite here inasmuch as a brief in support of exceptions, which contained detailed references to the transcript and record as well as citations to legal authority *was* filed in this case. A simple reading of the Exceptions and Brief in Support of Exceptions makes crystal clear what the grounds of the exceptions are, what the legal arguments are, and what portions of the record are relied upon for those exceptions.

For the foregoing reasons and those contained in Counsel for the General Counsel’s Exceptions to the Administrative Law Judge’s Decision and Brief in Support thereof, the Administrative Law Judge’s decision should be reversed with respect to the findings and conclusions excepted to.

Dated at Cincinnati, Ohio this 2nd day of October 2014.

Respectfully submitted,



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CERTIFICATE OF SERVICE

October 2, 2014

I hereby certify that I served Counsel for the General Counsel's Reply to Answering Brief of Pipeline Contractors Association by electronic mail to the following at the addresses listed below:

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