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10 United Healthcare Workers West and
11 Machinists District Lodge 947

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

14 AMBASSADOR SERVICES, INC.	Case Nos. 12-CA-26758; 12-CA-26759; 12-CA-26832
15 AMERICAN BAPTIST HOMES OF THE WEST 16 d/b/a PIEDMONT GARDENS	Case No. 32-CA-063475
17 BANNER HEALTH SYSTEMS d/b/a BANNER 18 ESTRELLA MEDICAL CENTER	Case No. 28-CA-23438
19 COSTCO WHOLESALE CORPORATION	Case No. 34-CA-12421
20 DIRECTV U.S. DIRECTV HOLDINGS, LLC	Case No. 21-CA-39546
21 FRED MEYER STORES, INC.	Case No. 36-CA-10555
22 FRESENIUS USA MANUFACTURING, INC.	Case No. 2-CA-39518
23 IRONTIGER LOGISTICS, INC.	Case No. 16-CA-27543
24 SODEXO AMERICA, LLC	Case Nos. 21-CA-39086; 21-CA-39109; 21-CA-39328; 21-CA-39403
25 SUPPLY TECHNOLOGIES, LLC	Case No. 18-CA-19587

26 **OPPOSITION TO THE MOTION FOR A DEMOCRATIC WORKPLACE [SIC]**
27 **REQUESTING AMICUS CURIAE BRIEFING**

1 This opposition is submitted on behalf of the Charging Party, United Healthcare Workers
2 West, in American Baptist Homes of the West d/b/a Piedmont Gardens, Case No. 32-CA-06347.
3 This opposition is also submitted on behalf of the Charging Party, Machinists District Lodge 947,
4 in DirecTV U.S. DirecTV Holdings, LLC, Case No. 21-CA-39546.

5 The motion by the so called “Coalition for Democratic Workplace” [sic] for a request that
6 the Board invite amicus curiae briefs in these cases, as well as other listed cases in the caption, is
7 unnecessary. The purpose of this request is to delay the Board’s processes in resolving these
8 cases after the Supreme Court’s unfortunate decision in *Noel Canning*. If the Board were to set a
9 briefing schedule as requested, it would delay the decision in these important cases for many
10 months and only burden the Board with unnecessary briefing. The request should be denied.

11 The Coalition in a brief sentence is also requesting that as an alternative it be given
12 permission to file briefs amicus curiae in these cases. If the Coalition really wants to file such
13 briefs, it should follow the normal procedure which includes preparing the actual briefs that it
14 intends to file. Its failure to prepare briefs in each of these cases suggests that the Coalition’s
15 purpose is to delay and/or use this as a marketing strategy. The Coalition does not seek any
16 meaningful participation in the Board’s decision making in these cases.

17 For these reasons, this request should be denied in all cases and if the so called Coalition
18 wants to file amicus briefs, it should follow the normal procedures. The Board however should
19 not allow this to delay the issuance of prompt decisions in these cases and other *Noel Canning*
20 victims.

21 Dated: October 17, 2014

WEINBERG, ROGER & ROSENFELD
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23
24 126468/783800

By: /s/DAVID A. ROSENFELD
DAVID A. ROSENFELD
Attorneys for Charging Parties
United Healthcare Workers West and
Machinists District Lodge 947

1 **CERTIFICATE OF SERVICE**

2 I am a citizen of the United States and resident of the State of California. I am employed
3 in the County of Alameda, State of California, in the office of a member of the bar of this Court,
4 at whose direction the service was made. I am over the age of eighteen years and not a party to
5 the within action.

6 On October 17, 2014, I served the following documents in the manner described below:

7 **OPPOSITION TO THE MOTION FOR A DEMOCRATIC WORKPLACE [SIC]
8 REQUESTING AMICUS CURIAE BRIEFING**

9 (BY ELECTRONIC SERVICE) By electronically mailing a true and correct copy
10 through Weinberg, Roger & Rosenfeld’s electronic mail system from
11 kshaw@unioncounsel.net to the email addresses set forth below.

12 On the following part(ies) in this action:

13 Gary Shiners, Executive Secretary
14 NLRB
15 1099 14th Street N.W.
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17 Via e-filing

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25 **American Baptist Homes of the West d/b/a Piedmont Gardens v. The Service Employees
26 International Union, United Healthcare Workers – West
27 Case No. 32-CA-063475**

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**Banner Health Systems d/b/a Banner Estrella Medical Center v. James Navarro
Case No. 28-CA-23438**

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**Costco Wholesale Corporation v. United Food and Commercial Workers, Local 371
Case No. 34-CA-12421**

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**DirectTV U.S. DirectTV Holdings LLC v. International Association of Machinists And
Aerospace Workers, District Lodge 947, AFL-CIO
Case No. 21-CA-39546**

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1 **Fred Meyer Stores, Inc. v. United Food & Commercial Workers, Local 555, affiliated with**
2 **United Food and commercial Workers International Union**
 Case No. 36-CA-10555

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17 **Fresenius USA Manufacturing, Inc. v. International Brotherhood of Teamsters, Local 445**
18 **Case No. 2-CA-39518**

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25 **Irontiger Logistics, Inc. v. International Association of Machinists and Aerospace**
26 **Workers, AFL-CIO**
27 **Case No. 16-CA-27543**

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1 **Sodexo America LLC and Patricia Ortega, an Individual**
2 **Case No. 21-CA-39086**

3 **Sodexo America LLC; and USC University Hospital v. Service Workers United**
4 **Case No. 21-CA-39109**

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23 **Supply Technologies, LLC v. Teamsters Local 120**
24 **Case No. 18-CA-19587**

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1 **Ambassador Services, Inc. v. International Longshoremens' Association, Local 1922 and**
2 **1359, ALF-CIO and Eric Swanson**
3 **Case Nos. 12-CA-26758; 12-CA-26759/12-CA-26832**

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23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct. Executed on October 17, 2014 at Alameda, California.

25 /s/ Katrina Shaw
26 KATRINA SHAW