

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

OTIS ELEVATOR COMPANY

Charging Party – Employer

And

Case No.: 14-CD-156706

**INTERNATIONAL UNION OF ELEVATOR
CONSTRUCTORS, LOCAL 3, AFL-CIO**

Charged Party – Union

And

**RENAISSANCE METALS, INC. d/b/a
MID AMERICA METALS**

Involved Party

**INTERNATIONAL UNION OF ELEVATOR CONSTRUCTORS, LOCAL 3
MOTION TO CORRECT ERROR IN 10(K) HEARING TRANSCRIPT**

Comes Now, Charged Party – Union International Union of Elevator Constructors, Local 3, by and through counsel, respectfully moves the National Labor Relations Board to correct an error in the transcript of the 10(k) hearing that took place on August 18, 2015 before Region 14. This Motion is based upon the following grounds:

1. The transcript of the 10(k) hearing on page 227, line 8, during the testimony of Mr. Ronnie Morris states “No, they instructed me to not open the doors.” This was in response to a question on page 227, lines 5-7, which states: “Did anyone at the Union Hall ever tell you on elevators 2, 3, or 4, at the Lennox Hotel, do not open the doors so that other people could have access?”

2. However, the transcript on page 227, line 8, does not accurately reflect the testimony of Mr. Ronnie Morris. The transcript should state on page 227, line 8, “Nobody instructed me to not open the doors.” (Affidavit of Ronnie Morris, ¶ 10).

3. This correction is based upon Mr. Morris' knowledge that no one instructed him not to open the elevator doors. (Morris Aff., ¶ 11).

4. Furthermore, this correction is consistent with Mr. Morris' testimony that immediately preceded this error, where on page 226, lines 22-23, Mr. Morris testified "No, I was never instructed either way to leave them open or leave them closed."

5. An audio recording was taken of the 10(k) hearing by Veritext National Court Reporters Mid-Atlantic Region, 1250 Eye Street, NW – Suite 1201, Washington, DC 20005. (Morris Aff., ¶¶ 4, 6, 12).

6. Counsel for Charged Party – Union contacted Ms. Donna Abboud, Vice-President of Operations for the Mid-Atlantic Region for Veritext National Court Reporters, on Tuesday, September 1, 2015, to request her to confirm whether the transcript was consistent with the audio recording of the 10(k) hearing.

7. On Tuesday, September 1, 2015, Ms. Abboud confirmed via e-mail that the transcript was not consistent with the audio recording and that Mr. Morris actually stated in his testimony "Nobody instructed me to not open the doors." A true and accurate copy of Ms. Abboud's e-mail is attached hereto as Exhibit 1.

8. A copy of Exhibit 1, together with an electronic copy of the audio recording was sent to counsel for the Charging Party and counsel for the Involved Party to see if stipulation to the change requested could be made.

9. By email counsel for Otis Elevator Company, Mr. Tim Copeland, Jr. and counsel for the Attorney for Involved Party Renaissance Metals, Inc. d/b/a Mid America Metals agreed to stipulate to the change. A true and accurate copy of Mr. Copeland's email is attached hereto as Exhibit 2.

Wherefore, for the aforementioned reasons, Charged Party – Union International Union of Elevator Constructors, Local 3, respectfully requests the National Labor Relations Board to correct page 227, line 8, of the transcript of the 10(k) hearing to state “Nobody instructed me to not open the doors.”

Respectfully submitted,

HARTNETT GLADNEY HETTERMAN, L.L.C.

/s/ James P. Faul

JAMES P. FAUL, No. 58799MO
4399 Laclede Avenue
St. Louis, Missouri 63108
Telephone: 314-531-1054
Facsimile: 314-531-1131
Attorneys for International Union of Elevator
Constructors

Certificate of Service

I hereby certify that the forgoing was served on all parties of record listed below by the Board’s E-Filing System, and email to the following:

Daniel Hubbel
National Labor Relations Board
1222 Spruce Street, Room 3.02
St. Louis, Missouri 63103-2829
Daniel.Hubbel@nlrb.gov

Timothy E. Copeland, Jr., Esq.
28 Vernon Street, Suite 501
Brattleboro, VT 05301
tcopeland@drm.com
Attorney for Otis Elevator Company

Terry L. Potter, Esq.
Husch Blackwell, LLC
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
(314) 345-6438
Terry.Potter@huschblackwell.com
Attorney for Involved Party Renaissance
Metals, Inc. d/b/a Mid America Metals

/s/ James P. Faul

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 14**

**INTERNATIONAL UNION OF ELEVATOR
CONSTRUCTORS, LOCAL 3, (OTIS ELEVATOR
COMPANY)**

and

Case 14- CD-156706

**NATIONAL ELEVATOR BARGAINING
ASSOCIATION**

and

**MID AMERICA METALS COMPANY AND BSI
CONSTRUCTORS**

AFFIDAVIT OF MR. RONNIE MORRIS

COMES NOW Ronnie Morris, and being duly sworn upon his oath and states as follows:

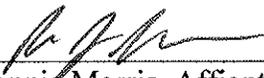
1. My name is Ronnie Morris.
2. I have personal knowledge of the facts stated herein and if called to testify in this matter I can competently testify to such facts from my own knowledge.
3. I was a witness in a National Labor Relations Board hearing for Case 14-CD-156706 held in St. Louis, Missouri on August 18, 2015.
4. To the best of my knowledge my testimony was recorded by an authorized court reporter who was also recording my testimony by audio tape.
5. I have reviewed the transcript of my testimony in this case as it appears in a document entitled "Official Report of Proceedings before the National Labor Relations Board."
6. The "Official Report of Proceedings before the National Labor Relations Board" in this case states it was recorded by a company named Veritext National Court Reporters Mid-Atlantic Region, 1250 Eye Street, NW – Suite 1201, Washington, DC 20005.

7. In reviewing my testimony I have discovered an answer I gave was improperly recorded.
8. On page 227 at line 8 the transcript reads:

“A. No, they instructed me to not open the doors”
9. The transcribed answer on page 227 at line 8 was not recorded correctly, as I did not say that, it was not my answer, nor is it an accurate answer.
10. I believe, to the best of my recollection Page 227 at line 8 should read:

“A. Nobody instructed me to not open the doors.”
11. My belief is based upon knowing that no one did instruct me to not open elevator doors and I would not have said that someone had. I had said as much on page 226 when I answered on line 22-23 “No, I was never instructed either way to leave them open or leave them closed.”
12. I understand that there is an audio recording of the hearing. I encourage and request the audio recording be reexamined to correct the transcript as it appears on page 227 at line 8 to reflect my actual answer.

FURTHER, AFFIANT SAYETH NAUGHT.



 Ronnie Morris, Affiant

STATE OF MISSOURI)
) SS.
 ST. LOUIS COUNTY)

I, the undersigned, a Notary Public hereby certify that Ronnie Morris, personally appeared before me and having been first duly sworn, stated that he had signed and executed the foregoing document as his free and voluntary act for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal this 31st day of August 2015.


 Notary Public

ELAINE J. BOYD
 NOTARY PUBLIC - NOTARY SEAL
 STATE OF MISSOURI, ST. LOUIS COUNTY
 MY COMMISSION EXPIRES APRIL 12, 2016
 COMMISSION # 12463644

Jim Faul

From: Donna Abboud <dabboud@veritext.com>
Sent: Tuesday, September 01, 2015 11:29 AM
To: Jim Faul
Subject: RE: 14-cd-156706 [transcript and audio recording]
Attachments: 040-15(4)-Clip.mp3

Mr. Faul – I reviewed the audio and I believe that the witness does say : “Nobody instructed me to not open the doors.” I have attached the audio to this email.

Typically what happens in these situations is that you notify the Hearing Officer that there is a question about the testimony as rendered in the transcript and send the audio clip to the HO with a copy to all parties present. It is then up to the Hearing Officer to determine if any further action should be taken with regard to correcting a transcript. In most cases, there is a stipulation pertaining to the correction and a new transcript is not required.

Please let me know if there is anything else I might do to assist you.

Donna L. Abboud
VP of Operations
MidAtlantic Region

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VERITEXT LEGAL SOLUTIONS

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P 215-446-8833 | C 215-801-3066

dabboud@veritext.com
www.veritext.com

From: Jim Faul [mailto:JFaul@hghllc.net]
Sent: Tuesday, September 01, 2015 10:43 AM
To: Donna Abboud
Subject: RE: 14-cd-156706 [transcript and audio recording]

Page 227 at line 8

It reads “no., they instructed me to not open the doors”

The witness believes it should be something to effect of

“Nobody instructed me to not open the doors”

Thank you,

James P. Faul
Hartnett Gladney Hetterman, L.L.C.
4399 Laclede Ave.
St. Louis, MO 63104
(314) 531-1054
jfaul@hghllc.net

From: Donna Abboud [mailto:dabboud@veritext.com]
Sent: Tuesday, September 01, 2015 9:01 AM
To: Jim Faul <JFaul@hghllc.net>
Subject: RE: 14-cd-156706 [transcript and audio recording]

Ex. 1

Good morning Mr. Faul -- Yes there is an audio. Please tell me the page and line numbers you believe to be in error and I will pull the audio and review it.

Donna L. Abboud
VP of Operations
MidAtlantic Region

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From: Jim Faul [<mailto:JFaul@hghllc.net>]
Sent: Tuesday, September 01, 2015 9:03 AM
To: Donna Abboud
Subject: 14-cd-156706 [transcript and audio recording]
Importance: High

Ms. Abboud,

I understand this question should be directed to you. I have am the attorney for the charged party in case 14-cd-156706 before the National Labor Relations Board held in St. Louis, Missouri on August 18, 2015. The job was a rush job under the NLRB 's rules.

In reviewing the transcript I believe there is an error. Is there an audio recording of the proceeding that can be checked and reviewed for the transcript's accuracy?

James P. Faul
Attorney At Law
Hartnett Gladney Hetterman, L.L.C.
4399 Laclede Ave.
St. Louis, MO 63108
(314) 531-1054
(314) 531-1131
jfaul@hghllc.net

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Jim Faul

From: Potter, Terry <Terry.Potter@huschblackwell.com>
Sent: Tuesday, September 01, 2015 4:40 PM
To: Tim Copeland, Jr.
Cc: Jim Faul; F. David Harlow
Subject: Re: 14-cd-156706 [transcript and audio recording] [DRM-ID.FID807295]

Same

Sent from my iPhone

On Sep 1, 2015, at 3:48 PM, Tim Copeland, Jr. <tcopeland@drm.com> wrote:

I will stipulate.

Tim Copeland
o) 802 258-3070 x. 2318
m) 802 380-2873

From: Jim Faul [<mailto:JFaul@hghllc.net>]
Sent: Tuesday, September 01, 2015 3:55 PM
To: Tim Copeland, Jr.; Potter, Terry
Subject: FW: 14-cd-156706 [transcript and audio recording]

With this information can either of you stipulate to the change on this one line or should we just handle it through motion? Please advise.

James P. Faul
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jfaul@hghllc.net

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