

American Federation of Labor and Congress of Industrial Organizations



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February 17, 2016

Mark J. Langer, Clerk
U.S. Court of Appeals for
the District of Columbia Circuit
333 Constitution Ave, NW
Washington, DC 20001

Re: Laura Sands v. NLRB & UFCW Local 700, No. 14-1185

Dear Mr. Langer:

On behalf of intervenor UFCW Local 700, this letter responds to the Rule 28(j) letter filed by the petitioner yesterday, February 16, 2016. This case is scheduled for argument tomorrow, February 18, 2016, before Judges Tatel, Griffith and Kavanaugh.

As Local 700 has explained, the union returned the entire amount paid by petitioner in dues and initiations fees, plus interest. Intervenor Br. 5. n. 1. The petitioner has previously acknowledged that she "has been refunded dues." Pet. Br. 9. *See also* Pet. Reply Br. 18 ("it has refunded her dues"). In the letter filed yesterday, petitioner for the first time characterizes the refund as "an unaccepted settlement offer" that "[s]he has, in effect, rejected." Solem to Langer, Feb. 16, 2016, p. 2. That is an incorrect characterization of the refund.

Attached is a copy of the letter from Local 700's attorney to petitioner's attorney transmitting a check for the full amount of dues and initiation fees paid by her to the union plus interest. The letter asks that the check be transmitted to the

petitioner without any conditions. Neither the petitioner nor her attorney returned the check to Local 700 or to its attorney or otherwise responded to the transmittal letter. The payment was not a settlement offer. It was a tender of the full amount paid by the petitioner, plus interest, which she was – and remains – free to accept without any conditions.

Respectfully submitted,

/s/James B. Coppess

James B. Coppess

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November 26, 2014

Aaron B. Solem
National Right to Work Legal Defense Foundation, Inc.
8001 Braddock Rd., Ste. 600
Springfield, VA 22160

VIA UPS

Re: Laura Sands v. National Labor Relations Board

Dear Mr. Solem:

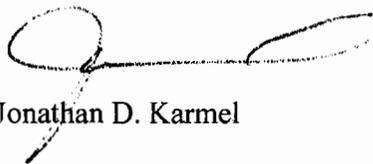
Enclosed is a check for \$350.00 made out to your client Laura Sands. Please forward this check to Ms. Sands. The amount of the check represents the total amount Ms. Sands paid to UFCW Local 700 in initiation fees (\$66.00) and union dues (\$146.50) plus interest calculated at the rate prescribed by the NLRB.

Given that Ms. Sands left employment at Kroger in June 2005 and that Indiana Code § 22-6-6-8 prevents the application of union security clauses at Ms. Sands' former place of employment, neither party has any continuing interest in the resolution of the legal issue presented by this case. Accordingly, Local 700 hereby returns the entire amount it received from Ms. Sands plus interest.

Please do not hesitate to contact me if you have any additional questions or need further information.

Very truly yours,

THE KARMEL LAW FIRM



Jonathan D. Karmel

JDK/mrd

Enclosure

cc: Mike Merrell, Secretary-Treasurer -- UFCW Local 700 (via email)

Solem 11-26-14