

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 28**

**Plaza Auto Center, Inc.**

**and**

**Nick Aguirre, an Individual**

**Case: 28-CA-22256**

**MOTION TO STAY**

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Pursuant to Rule 18(a)(1) of the Federal Rules of Appellate Procedure, Plaza Auto Center, Inc. (“Petitioner”), hereby moves the National Labor Relations Board (the “NLRB”) to stay its Decision and Order dated August 16, 2010 (the “Decision”) pending review of the same by the United States Court of Appeals for the 9th Circuit. As explained below, a stay of the enforcement of the Decision is appropriate pending exhaustion of Petitioner’s appeal.

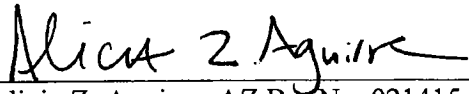
Concurrently with the filing of the present Motion to Stay, Petitioner has filed a Notice of Appeal and Docketing Statement with the 9th Circuit to initiate review of the Decision. The Decision orders certain injunctive relief, specifically requiring the reinstatement of Mr. Aguirre’s employment, payment of back wages, the posting of certain notices, and that Petitioner cease and desist from making certain comments to its employees. If Petitioner complies with the injunctive relief required by the Decision, the practical effect will be to render Petitioner’s appeal a nullity. None of the parties will experience any prejudice should the Decision be stayed pending appeal. On the other hand, if the Decision is not stayed and Petitioner is forced to comply pending the appeal, it will experience hardship and prejudice should it appeal. If Petitioner complies now and



later succeeds on appeal, it will have been forced to employ Mr. Aguirre for a substantial period of time (against its will), been forced to pay Mr. Aguirre and then bear the expense and effort of seeking collection of those sums, and will be forced to have posted certain notices.

Accordingly, Petitioner respectfully requests that the Board stay its Decision and Order dated August 16, 2010 pending review by the Ninth Circuit.

DATED this 2nd day of September, 2010.



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Alicia Z. Aguirre, AZ Bar No. 021415  
AGUIRRE LAW OFFICE, P.L.C.  
291 South Main Street Ste D  
Yuma AZ 85364  
Telephone: 928-329-1301/Facsimile: 928-329-1305  
aguirreaz@azbar.org

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **MOTION TO STAY** has been mailed on this 2nd day of September, 2010, to the following:

*Via Certified Return Receipt Requested*

Lester A. Heltzer, Executive Secretary  
Office of the Executive Secretary  
National Labor Relations Board Region 28  
1099 14th Street NW, Room 11602  
Washington, DC 20570-0001

*Via Regular US Mail*


Joel C. Schochet, Counsel for the General Counsel  
National Labor Relations Board  
Region 28 – Las Vegas Resident Office  
600 Las Vegas Boulevard South, Suite 400  
Las Vegas, Nevada 89101

*Via Regular Mail*

Plaza Auto Center, Inc.  
2450 West 32nd Street  
Yuma, Arizona 85364

*Via Regular Mail*

Nick Aguirre  
4426 West 16th Place  
Yuma, Arizona 85364

By:   
David P. Rivera, Law Clerk to  
Alicia Z. Aguirre, Esq.

