

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

PLAZA AUTO CENTER

and

Case 28-CA-22256

NICK AGUIRRE, an Individual

**GENERAL COUNSEL'S EXCEPTIONS TO THE
DECISION OF THE ADMINISTRATIVE LAW JUDGE**

Counsel for the General Counsel (CGC) submits the following exceptions to the decision of Administrative Law Judge Lana H. Parke (the ALJ):

1. To the ALJ's finding that the testimony of Messrs. Plaza, Felix and MacGrew was more believable than that of Charging Party Nick Aguirre. (ALJD, p. 11, lines 28-40).

2. To the ALJ's finding that the Respondent met its burden under *Wright Line* that it had discharged Mr. Aguirre because he allegedly verbally abused Mr. Plaza. (ALJD, p. 12, lines 32-34).

3. To the ALJ's finding that Mr. Aguirre's outburst was "[w]ithout extreme provocation from overt hostility or antagonism" from the Respondent's owner.

4. To the ALJ's finding that Mr. Aguirre's outburst was unprotected. (ALJD, p. 14-15, lines 28-3).

5. To the ALJ's finding that the Respondent did not violate the Act when it discharged the Charging Party. (ALJD, p. 15, line 3).

Dated at Las Vegas, Nevada, this 18th day of August 2009.

Respectfully submitted,

/s/ Joel C. Schochet

Joel C. Schochet

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the GENERAL COUNSEL'S EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE in PLAZA AUTO CENTER, INC. Case 28-CA-22256, was served via E-Gov, E-Filing, and by regular mail, on this 18th day of August 2009, on the following parties:

Via E-Gov, E-Filing:

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

Via Regular Mail:

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Plaza Auto Center, Inc.
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Mr. Nick Aguirre
4426 West 16th Place
Yuma, AZ 85364

/s/ Katherine Stanley

Katherine Stanley, Regional Attorney's Secretary
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2600 North Central Avenue, Suite 1800
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Telephone: (602) 640-2163

AMENDED CERTIFICATE OF SERVICE

I hereby certify that a copy of the GENERAL COUNSEL'S EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE in PLAZA AUTO CENTER, INC. Case 28-CA-22256, was served via E-Gov, E-Filing, and by e-mail, on this 18th day of August 2009, on the following parties:

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Via overnight delivery via Federal Express

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