

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
WASHINGTON, D.C.

LOCAL JOINT EXECUTIVE BOARD OF
LAS VEGAS, affiliated with UNITE HERE
INTERNATIONAL UNION,

Petitioner,

and

TRUMP RUFFIN COMMERCIAL, LLC,
d/b/a TRUMP INTERNATIONAL HOTEL
LAS VEGAS,

Respondent.

Case No. 28-RC-153650

**PETITIONER’S OPPOSITION TO RESPONDENT’S MOTION REQUESTING
INCREASED PAGE LIMIT FOR REQUEST FOR REVIEW**

Petitioner Local Joint Executive Board of Las Vegas strenuously opposes the Employer’s request to file a 100-page brief. While the Regional Director and Hearing Officer afforded the Employer latitude for expansive litigation in proceedings below, the Employer is now at a stage of the case where it cannot simply relitigate every issue. Instead, it must show the existence of specific grounds for granting review. By seeking 100 pages to request such a review, it is apparent that the Employer seeks merely to reargue every matter with only superficial regard to the standard for granting review.

Allotting the Employer 100 pages *is* prejudicial to the Petitioner. Petitioner has only seven days to oppose the request for review, and will thus be presented with the dilemma of having to request further time (thus creating further delay in finalizing certification) or addressing only cursorily the Employer's arguments under what amounts to effectively half the time it should have. So far in this case, the Employer has had free rein to do what it has considered necessary, consuming as many days in hearing as it has needed and writing as many pages of briefs to both the Hearing Officer and the Regional Director as it has wanted (having been granted a page extension to 80 pages in its exceptions). The purpose of Board review at the present state of proceeding is *not* to relitigate every issue. The Employer provides no argument as to why the nature of the questions it intends to present merit twice the number of pages allotted by rule.

In sum, the Employer has failed to demonstrate good cause for any extension in the brief length provided for by rule. No more than 50 pages should be allowed.

Dated: March 29, 2016

Respectfully submitted,

/s/Eric B. Myers
Eric B. Myers
DAVIS, COWELL & BOWE, LLP
595 Market Street, Suite 800
San Francisco, CA 94105
Phone: (415) 597-7200
Fax: (415) 597-7201
Email: ebm@dcbsf.com

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2016, a copy of **PETITIONER’S OPPOSITION TO RESPONDENT’S MOTION REQUESTING INCREASED PAGE LIMIT FOR REQUEST FOR REVIEW** was submitted by e-filing to the National Labor Relations Board E-Filing Web-site. I further certify that I emailed the foregoing document(s) to the following in accordance with Board Rules & Regulations Rule 102.114(i):

Cornele A. Overstreet, Regional Director
National Labor Relations Board
Region 28
2600 North Central Avenue, Suite 1400
Phoenix, AZ 95004-3099

Cornele.Overstreet@nlrb.gov

Larry A. “Tony” Smith, Attorney at Law
National Labor Relations Board, Region 28
Las Vegas Resident Office
300 Las Vegas Boulevard South, Suite 2-901
Las Vegas, NV 89101-6637

Larry.Smith@nlrb.gov

Ronald J. Kramer
William J. Dritsas
SEYFARTH SHAW
560 Mission Street, Suite 3100
San Francisco, CA 94105-2930

rkramer@seyfarth.com
wdritsas@seyfarth.com

Attorneys for Respondent, TRUMP RUFFIN COMMERCIAL, INC., et al.

Executed on March 29, 2016 at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/s/Yien Saelee

Yien Saelee