

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5**

ESSENDANT CO.	:	
	:	
and	:	Case No. 05-CA-170845
	:	
	:	
TEAMSTERS LOCAL UNION NO. 570,	:	
AFFILIATED WITH INTERNATIONAL	:	
BROTHERHOOD OF TEAMSTERS	:	

**RESPONDENT’S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
ANSWERING BRIEF TO THE GENERAL COUNSEL’S EXCEPTIONS TO THE
DECISION OF THE ADMINISTRATIVE LAW JUDGE**

Pursuant to Section 102.46(d)(3) of the National Labor Relations Board’s Rules and Regulations, Respondent Essendant Co. (“Essendant” or “Respondent”), by its undersigned counsel, hereby moves for an extension of time to file an answering brief that opposes the General Counsel’s Exceptions to the decision of Administrative Law Judge Arthur J. Amchan, extending the deadline to file an answering brief by two weeks to December 13, 2016. In support of its Motion, Respondent states as follows:

1. This matter comes before the Board on the General Counsel’s exceptions, which were filed on November 15, 2016, the last day permitted for such exceptions under Section 102.46(a). Without an extension of time, Respondent’s answering brief would be due on November 29, 2016. Section 102.46(d)(1).

2. Respondent is represented in this proceeding by Joseph E. Tilson and Alex V. Barbour, both of whom have filed the appropriate notices of appearances with the Region.

3. Mr. Tilson had hip replacement surgery on November 16, 2016. This surgery has been scheduled since August 2016 and his recovery time will be approximately four weeks. Accordingly, Mr. Tilson will be unavailable to devote the time and attention necessary to research, draft, and file an answering brief on behalf of Respondent without an extension of time.

4. Mr. Barbour will be appearing for oral argument before the U.S. Court of Appeals for the Seventh Circuit on November 29, 2016 in the matter of *National Labor Relations Board v. Columbia College Chicago* (No. 16-2026) and *Columbia College Chicago v. National Labor Relations Board* (No. 16-2080), a consolidated proceeding where the Board petitioned for enforcement of its orders and Columbia College Chicago cross-petitioned for review of a portion of the Board's orders issued in *Columbia College Chicago and Part-Time Faculty Association at Columbia College Chicago-IEA/NEA*, NLRB Case Nos. 13-CA-073486, 13-CA-073487, 13-CA-076794, 13-CA-078080, 13-CA-081162, and 13-CA-084369.

5. The oral argument date of November 29 for Mr. Barbour's matter was set by the Seventh Circuit on October 21, 2016, prior to the time that the General Counsel filed his exceptions in the instant matter. *See* Notice of Oral Argument, Doc. No. 25-1, Case No. 16-2080 (7th Cir. Oct. 21, 2016). The court denied Respondent's motion to postpone the oral argument on November 4, 2016 and reaffirmed that oral argument will proceed on November 29, 2016. *See* Order, Doc. No. 35, Case No. 16-2080 (7th Cir. Nov. 4, 2016). Accordingly, Mr. Barbour will be entirely consumed by oral argument preparation from today through November 29, 2016 and he will be unavailable to devote the time and attention necessary to research, draft, and file an answering brief on behalf of Respondent without an extension of time.

6. The Thanksgiving holiday occurs on Thursday, November 24, 2016, and the offices of Respondent's counsel will be closed beginning in the afternoon of Wednesday, November 23 through Sunday, November 27. This office closure limits the ability of Messrs. Tilson and Barbour to obtain assistance from their staffs or any of their colleagues in researching, preparing, and filing an answering brief on behalf of Respondent without an extension of time.

7. This matter has moved expeditiously, with the parties proceeding on a stipulated record and a decision by the Administrative Law Judge being filed just over two weeks after the

parties submitted their briefs. Granting Respondent's extension of time to file an answering brief to the General Counsel's exceptions will not materially delay the progress of the case, and all briefing on the exceptions will still be completed by the end of the calendar year.

8. Respondent's counsel has conferred with counsel representing the General Counsel and the General Counsel informed Respondent's counsel that he does not object to this request for a two-week extension of time to file an answering brief to the General Counsel's exceptions.

9. This is Respondent's first request for an extension of time to file its answering brief to the General Counsel's exceptions.

WHEREFORE, Essendant Co. respectfully requests that the Board grant this two-week extension of time to file an answering brief to the General Counsel's exceptions and permit Essendant to file its answering brief on or before December 13, 2016.

Respectfully submitted,

COZEN O'CONNOR

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CERTIFICATE OF SERVICE

I, Alex V. Barbour, hereby certify that on this 17th day of November, 2016, I caused to be served a copy of the foregoing **Respondent's Unopposed Motion for Extension of Time to File Answering Brief to the General Counsel's Exceptions to the Decision of the Administrative Law Judge** on:

Arthur Amchan
Administrative Law Judge
National Labor Relations Board
Division of Judges
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