EXHIBIT 1

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
12-CA-121109	1-24-14

INSTRUCTIONS:

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Wal-Mart Stores, Inc.		b. Tel. No 321-452-6058 c. Cell No.
d. Address (street, city, state ZIP code) 1500 E. Merritt Island Cswy. Merritt Island, FL 32592	e. Employer Representative David Young, Store Mgr.	f. Fax No. g. e-Mail h. Dispute Location (City and State) Merritt Island, FL
i. Type of Establishment (factory, nursing home, hotel) Retail	j. Principal Product or Service General merchandise and groceries	k. Number of workers at dispute location

l. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsection (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act

2. Basis of the Charge (*set forth a clear and concise statement of the facts constituting the alleged unfair labor practices*)

On about November 25, 2013, Walmart unlawfully gave Associates an unexcused absence for a day where Associates had not worked because they were engaged in lawful strike activity.

On about January 10, 2014, Walmart unlawfully rescinded Thanksgiving holiday pay it had previously paid an Associate because it claimed she did not work her last scheduled shift before Thanksgiving even though she was not at work that day because she was engaged in lawful strike activity.

3. Full name of party filing charge (*if labor organization, give full name, including local name and number*)
The Organization United for Respect at Walmart (OUR Walmart)

4a. Address (street and number, city, state, and ZIP code) P.O. Box 66536 Washington, D.C. 20036-6536	4b. Tel. No. (888) 957-3773 4c. Cell No. 4d. Fax No. 4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (*to be filled in when charge is filed by a labor organization*)

6. DECLARATION **I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.**		Tel. No. (202) 466-1521
By: Deborah Gaydos (signature of representative or person making charge)	Deborah Gaydos, Counsel to OUR Walmart Print Name and Title	Office, if any, Cell No. Fax No. (202) 728-1803
Address: UFCW, 1775 K Street, NW, Washington, DC 20006	Date: 1/23/14	e-Mail dgaydos@ufcw.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT 2

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Agency Website:
www.nlrb.gov
Telephone: (813)228-2641
Fax: (813)228-2874

March 31, 2014

Deborah Gaydos, Esq.
United Food & Commercial Workers International Union
UFCW, 1775 K Street, N.W.
Washington, DC 20006

Re: Wal-Mart Stores, Inc.
Case 12-CA-121109

Dear Ms. Gaydos:

We have carefully investigated and considered your charge that Wal-Mart Stores, Inc. (the Employer) has violated the National Labor Relations Act.

Decision to Partially Dismiss: I have concluded that further proceedings are not warranted regarding the portion of your charge alleging that, on or about January 10, 2014, the Employer rescinded Thanksgiving holiday pay that it had previously paid to an associate who was absent from work because she was engaged in lawful strike activity in violation of Section 8(a) (1) of the Act.[1]

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **E-File Documents,** enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **April 14, 2014**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than April 13, 2014. **If an appeal is postmarked or given to a delivery**

[1] The remaining allegations of your charge are being processed further.

service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before April 14, 2014.** The request may be filed electronically through the ***E-File Documents*** link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after April 14, 2014, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

Margaret J. Diaz

Margaret J. Diaz
Regional Director

i.t.

Enclosure

cc: David Young, Store Manager
Wal-Mart Stores, Inc.
1500 E. Merritt Island CSWY.
Merritt Island, FL 32592

The Organization United for Respect at
Walmart (OUR Walmart)
P.O. Box 66536
Washington, DC 20036-6536

Steven D. Wheeless, Esq.
Alan Bayless Feldman, Esq.
Steptoe & Johnson, LLP
201 East Washington Street
Suite 1600
Phoenix, AZ 85004-5299

EXHIBIT 3

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
12-CA-124847	3-20-14

INSTRUCTIONS:

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Wal-Mart Stores, Inc.		b. Tel. No (813) 872-6992 c. Cell No.
d. Address (street, city, state ZIP code) 1505 N Dale Mabry Hwy, Tampa FL 33607	e. Employer Representative	f. Fax No. g. e-Mail h. Dispute Location (City and State) Tampa, FL
i. Type of Establishment (factory, nursing home, hotel) Retail	j. Principal Product or Service General merchandise and groceries	k. Number of workers at dispute location approx. 200

~~1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsection (1)~~ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (*set forth a clear and concise statement of the facts constituting the alleged unfair labor practices*)

On about January 7, 2014, Walmart management unlawfully recorded an Associate's absence on November 23, 2013 as a "no call, no show" on the Associate's attendance record, even though management was aware the Associate was on a protected strike that day.

~~On about January 15, 2014, Walmart management unlawfully coached an Associate for missing work on~~ November 23, 2013, even though management was aware the Associate was on a protected strike that day.

3. Full name of party filing charge (*if labor organization, give full name, including local name and number*)
The Organization United for Respect at Walmart (OUR Walmart)

4a. Address (street and number, city, state, and ZIP code) P.O. Box 66536 Washington, D.C. 20036-6536	4b. Tel. No. (888) 957-3773 4c. Cell No. 4d. Fax No. 4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (*to be filled in when charge is filed by a labor organization*)

6. DECLARATION **I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.**		Tel. No. (202) 466-1521
By: Deborah Gaydos	Deborah Gaydos, Counsel to OUR Walmart	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (202) 728-1803
Address: UFCW, 1775 K Street, NW, Washington, DC 20006	Date: 3/20/14	e-Mail dgaydos@ufcw.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT 4

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Agency Website: www.nlrb.gov
Telephone: (813)228-2641
Fax: (813)228-2874

June 20, 2014

Steven D. Wheeless, Esq.
Steptoe & Johnson, LLP
201 East Washington St.
Ste 1600
Phoenix, AZ 85004-2382

Alan M. Bayless-Feldman, Esq.
Steptoe & Johnson, LLP
201 E Washington St Ste 1600
Phoenix, AZ 85004-2382

Re: Wal-Mart Stores, Inc.
Case 12-CA-124847

Dear Mr. Wheeless and Mr. Bayless-Feldman:

This is to advise, with my approval, the following portion of the charge in the caption case has been withdrawn: The portion of the charge alleging on or about January 15, 2014, Wal-Mart management unlawfully coached an Associate for missing work on November 23, 2013, even though management was aware the Associate was on a protected strike that day. The remaining portion of the charge is being processed further.

Very truly yours,

Margaret J. Diaz

MARGARET J. DIAZ
Regional Director

cc: Wal-Mart Stores, Inc.
1505 N. Dale Mabry Hwy
Tampa, FL 33607

Deborah J. Gaydos, Counsel to Our Walmart
The Organization United for Respect at Walmart (OUR Walmart)
P.O. Box 66536
Washington, DC 20035-6536

Deborah Gaydos, Counsel to Our Walmart
UFCW, 1775 K Street, N.W.
Washington, DC 20006

EXHIBIT 5

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
16-CA-124905	3/20/2014

INSTRUCTIONS:

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Wal-Mart Stores, Inc.		b. Tel. No (972) 660-4200 c. Cell No.
d. Address (street, city, state ZIP code) 2225 W Interstate 20 Grand Prairie, Texas 75052	e. Employer Representative	f. Fax No. g. e-Mail h. Dispute Location (City and State) Grand Prairie, TX
i. Type of Establishment (factory, nursing home, hotel) Retail	j. Principal Product or Service General merchandise and groceries	k. Number of workers at dispute location approx. 200

~~l. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsection (1)~~ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (*set forth a clear and concise statement of the facts constituting the alleged unfair labor practices*)

On about November 28, 2013, a Walmart manager unlawfully harassed an Associated by throwing empty boxes around the Associates work area in retaliation for his support for and activities on behalf of the Organization United for Respect at Walmart (OUR Walmart).

~~On about December 5, 2013, Walmart manager Viviana Garcia unlawfully interrogated an Associate about his~~ participation in OUR Walmart, asked for the names of other Associates who belong to OUR Walmart, and gave the impression of surveillance by telling the Associate that she knew OUR Walmart held weekly meetings at a local restaurant.

On about December 17, 2013, Walmart management unlawfully coached two Associates for missing work on November 20, 2013, even though management was aware the Associates were on a protected strike that day.

Since about November of 2013, Walmart management has been unlawfully harassing an Associate due to his support for and activities on behalf of OUR Walmart.

3. Full name of party filing charge (*if labor organization, give full name, including local name and number*)
The Organization United for Respect at Walmart (OUR Walmart)

4a. Address (street and number, city, state, and ZIP code) P.O. Box 66536 Washington, D.C. 20036-6536	4b. Tel. No. (888) 957-3773 4c. Cell No. 4d. Fax No. 4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (*to be filled in when charge is filed by a labor organization*)

6. DECLARATION **I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.**	Tel. No. (202) 466-1521

RECEIVED
NLRB
REGION 16

2014 MAR 20 P 12:19

FORT WORTH, TX

By: Deborah Gaydos	Deborah Gaydos, Counsel to OUR Walmart	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. (202) 728-1803
Address: UFCW, 1775 K Street, NW, Washington, DC 20006	Date: 3/20/14	e-Mail dgaydos@ufcw.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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EXHIBIT 6

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
16-CA-124905	4/11/14

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer WAL-MART STORES, INC.		b. Tel. No. (972)660-4200 c. Cell No
d. Address (street, city, state ZIP code) 2225 W INTERSTATE 20, GRAND PRAIRIE, TX 75052	e. Employer Representative	f. Fax No. g. e-Mail h. Dispute Location (City and State) Grand Prairie, TX
i. Type of Establishment (factory, nursing home, hotel) Retail	j. Principal Product or Service General Merchandise and Groceries	k. Number of workers at dispute location 200

l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (*set forth a clear and concise statement of the facts constituting the alleged unfair labor practices*)

The above-named labor organization, by its officers, agents and representatives, engaged in the following unlawful conduct:

1) Around late November 2013, Manager Viviana Garcia restrained and coerced an associate by i) dropping boxes he had folded up on the floor; ii) giving the impression that employees' protected concerted activities were under surveillance; and iii) interrogating employees about their protected concerted activities;

2) About a month after November 20, 2013, Manager Ashley Livingston, issued Jimmy Lozano a verbal discussion by telling that his absence on November 20, 2013 would be counted against him in accordance with the Employer's progressive disciplinary absence policy, even though he was participating in a protected concerted strike on that day;

3) On or about December 17, 2013, Manager Ashley Livingston, issued employee Qulima Knapp a verbal discussion in accordance with its absence policy, even though her November 20, 2013 absence was when she was engaged in a protected concerted strike; and

4) On or about February 7, 2014, Manager Lisa issued Ms. Knapp a coaching, which included the absence counted against her when she was involved in a protected concerted strike.

3. Full name of party filing charge (*if labor organization, give full name, including local name and number*)
THE ORGANIZATION UNITED FOR RESPECT AT WALMART (OUR WALMART)

4a. Address (street and number, city, state, and ZIP code) PO BOX 66536, WASHINGTON, DC 20036-6536	4b. Tel. No. (888)957-3773 4c. Cell No. 4d. Fax No. (202)728-1803 4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (*to be filled in when charge is filed by a labor organization*)

6. DECLARATION **I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.**		Tel. No. (888)957-3773
By: Deborah Gaydos (signature of representative or person making charge)	Deborah Gaydos, Counsel to OUR Walmart Print Name and Title	Office, if any, Cell No.
Address: PO BOX 66536, WASHINGTON, DC 20036-6536	Date: 4/11/14	Fax No (202)728-1803 e-Mail

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NLRB
REGION 16

2014 APR 11 P 2:39

FORT WORTH, TX

EXHIBIT 7

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
20-CA-126824	4/16/2014

INSTRUCTIONS:

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Wal-Mart Stores, Inc.		b. Tel. No (916) 422-5401 c. Cell No.
d. Address (street, city, state ZIP code) 4420 Florin Road Sacramento, CA 95823	e. Employer Representative Silvio Garbario	f. Fax No. g. e-Mail h. Dispute Location (City and State) Sacramento, CA
i. Type of Establishment (factory, nursing home, hotel) Retail	j. Principal Product or Service General merchandise and groceries	k. Number of workers at dispute location

l. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsection (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (*set forth a clear and concise statement of the facts constituting the alleged unfair labor practices*)

On about November 22, 2013, Walmart Associate Meiasha Bradley engaged in protected activity by striking in protest of wages and working conditions. In about December of 2013, Walmart unlawfully disciplined Bradley by issuing her a coaching for attendance due to her absence on November 22, 2013. On about April 11, 2014, Walmart unlawfully discharged Bradley for having three coachings on her record, including the unlawful coaching she received for her absence on November 22, 2013.

3. Full name of party filing charge (*if labor organization, give full name, including local name and number*)
The Organization United for Respect at Walmart (OUR Walmart)

4a. Address (street and number, city, state, and ZIP code) P.O. Box 66536 Washington, D.C. 20036-6536	4b. Tel. No. (888) 957-3773 4c. Cell No. 4d. Fax No. 4e. e-Mail

RECEIVED
NLRB, REGION 20

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (*to be filled in when charge is filed by a labor organization*)

2014 APR 16 PM 2:21
SAN FRANCISCO, CA

6. DECLARATION **I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.**		Tel. No. (202) 466-1521
By: Deborah Gaydos (signature of representative or person making charge)	Deborah Gaydos, Counsel to OUR Walmart Print Name and Title	Office, if any, Cell No. Fax No. (202) 728-1803
Address: UFCW, 1775 K Street, NW, Washington, DC 20006	Date: 4/16/14	e-Mail dgaydos@ufcw.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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EXHIBIT 8

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
20-CA-126824	5/8/2014

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer WAL-MART STORES, INC.		b. Tel. No. (916)422-5401 c. Cell No.
d. Address (street, city, state ZIP code) Walmart #2735 6051 Florin Rd Sacramento CA 95823	e. Employer Representative SILVIO GARBARIO	f. Fax No. g. e-Mail h. Dispute Location (City and State) Sacramento, CA
i. Type of Establishment (factory, nursing home, hotel) Retail	j. Principal Product or Service General Merchandise and groceries	k. Number of workers at dispute location 2000

l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (*set forth a clear and concise statement of the facts constituting the alleged unfair labor practices*)

Within the last six months, the Employer has interfered with, restrained, and coerced its employees by creating the impression of surveillance of their protected, concerted activities; threatening employees with reduced hours and poor references in retaliation for protected, concerted activities; and interrogating employees about their protected, concerted activities.

On or about April 12, 2014, the Employer interfered with, restrained, and coerced its employees by terminating employee, Melasha Bradley for her protected, concerted activity and/or, in terminating Bradley, relied upon a discipline issued to her in retaliation for her protected, concerted activity.

3. Full name of party filing charge (*if labor organization, give full name, including local name and number*)
Organization United for Respect at Walmart (OUR Walmart)

4a. Address (street and number, city, state, and ZIP code) PO BOX 66536, Washington, DC 20036-6536	4b. Tel. No. (888)957-3773 4c. Cell No. 4d. Fax No. 4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (*to be filled in when charge is filed by a labor organization*)

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. 202.466.1521
By: Deborah Gaydos (signature of representative or person making charge)	Deborah Gaydos, Counsel to OUR Walmart Print Name and Title	Office, if any, Cell No.
Address: UFCW, 1775 K Street, NW, Washington, D.C. 20006	Date: 5/8/14	Fax No. 202.728.1803 e-Mail dgaydos@ufcw.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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RECEIVED
NLRB, REGION 20
2014 MAY -8 AM 9:39

EXHIBIT 9

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
20-CA-126824	8/28/2014

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Wal-Mart Stores Inc.		b. Tel. No. (916)422-5401 c. Cell No.
d. Address (street, city, state ZIP code) Walmart # 2735, 6051 Florin Road, Sacramento, CA 95823	e. Employer Representative Silvo Garbario	f. Fax No. g. e-Mail h. Dispute Location (City and State) Sacramento, CA
i. Type of Establishment (factory, nursing home, hotel) retail	j. Principal Product or Service general merchandise and groceries	k. Number of workers at dispute location 200

l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act

2. Basis of the Charge (*set forth a clear and concise statement of the facts constituting the alleged unfair labor practices*)

In or about November 2013 and continuing thereafter, the Employer has interfered with, restrained, and coerced its employees by issuing an employee an unexcused absence on the day of an unfair labor practice strike.

3. Full name of party filing charge (*if labor organization, give full name, including local name and number*)

The Organization United for Respect at Walmart

4a. Address (street and number, city, state, and ZIP code) P.O. Box 66536, Washington, DC 20036-6536	4b. Tel. No. (888)957-3773 4c. Cell No. 4d. Fax No. 4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (*to be filled in when charge is filed by a labor organization*)

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No (888)957-3773
By: Deborah Gaydos (signature of representative or person making charge)	Deborah Gaydos, Counsel to OUR Walmart Print Name and Title	Office, if any, Cell No Fax No. 202.728.1803
Address. P.O. Box 66536, Washington, DC 20036-6536	Date: 8/28/14	e-Mail dgaydos@ufcw.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq*. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

RECEIVED
NLRB, REGION 20
2014 AUG 28 PM 2:57
SAN FRANCISCO, CA

EXHIBIT 10

FORM EXEMPT UNDER 44 U.S.C. 3512

INTERNET FORM NLRB-501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 20-CA-138553	Date Filed 10/9/2014

INSTRUCTIONS:
File an original with NLRB Regional Director for the Region in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Wal-Mart Stores, Inc.		b. Tel. No. (479) 273-1329 Corporate Phone Number: 1-800-925-6278 or 1-479-273-4000 c. Cell No. f. Fax No. : 1-479-277-1830
d. Address *(Street, city, state, and ZIP code)* 702 SW 8th Street Bentonville, AR 72716-8611	e. Employer Representative Karen Casey, Senior Vice President	g. e-Mail h. Number of workers employed 1,000,000+
i. Type of Establishment *(factory, mine, wholesaler, etc.)* Retail Store	j. Identify principal product or service Retail	

RECEIVED NLRB, REGION 20 2014 OCT -9 PM 1:13 SAN FRANCISCO, CA

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constiting the alleged unfair labor practices)

Within the last six months immediately preceding the filing of this charge the above named employer, by and through its officers and/or agents, violated Section 8(a)(1) of the Act by discriminating against employees because they engaged in unfair labor practice strikes.

3. Full name of party filing charge *(if labor organization, give full name, including local name and number)*
United Food & Commercial Workers International Union, AFL-CIO and Organization United for Respect at Walmart

4a. Address *(Street and number, city, state, and ZIP code)* 1775 K Street, N.W. Washington, DC 20006	4b. Tel. No. (202) 466-1597 4c. Cell No. 4d. Fax No. (202) 728-1803 4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit *(to be filled in when charge is filed by a labor organization)*

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By _____ David A. Rosenfeld, Attorney
(Signature of representative or person making charge) *(Print/type name and title or office, if any)*

Address:
1001 Marina Village Parkway, Suite 200 Alameda CA 94501

October 9, 2014
(date)

Tel. No. (510) 337-1001
Office, if any, Cell No.
Fax No. (510) 337-1023
e-Mail
drosenfeld@unioncounsel.net
adelgado@unioncounsel.net

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT 11

1FORM EXEMPT UNDER 44 U.S.C. 3512

INTERNET FORM NLRB-501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FIRST AMENDED

DO NOT WRITE IN THIS SPACE	
Case 20-CA-138553	Date Filed 2-4-2015

INSTRUCTIONS:
File an original with NLRB Regional Director for the Region in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Wal-Mart Stores, Inc.		b. Tel. No. (479) 273-1329 Corporate Phone Number: 1-800-925-6278 or 1-479-273-4000
		c. Cell No.
		f. Fax No. : 1-479-277-1830
d. Address *(Street, city, state, and ZIP code)* 702 SW 8th Street Bentonville, AR 72716-8611	e. Employer Representative Karen Casey, Senior Vice President	g. e-Mail
		h. Number of workers employed 1,000,000+
i. Type of Establishment *(factory, mine, wholesaler, etc.)* Retail Store	j. Identify principal product or service Retail	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constiting the alleged unfair labor practices)

Within the last six months immediately preceding the filing of this charge the above named employer, by and through its officers and/or agents, violated Section 8(a)(1) of the Act by retaliating against employees because they engaged in unfair labor practice strikes.

3. Full name of party filing charge *(if labor organization, give full name, including local name and number)*
United Food & Commercial Workers International Union, AFL-CIO and Organization United for Respect at Walmart

4a. Address *(Street and number, city, state, and ZIP code)* 1775 K Street, N.W. Washington, DC 20006	4b. Tel. No. (202) 466-1597
	4c. Cell No.
	4d. Fax No. (202) 728-1803
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit *(to be filled in when charge is filed by a labor organization)*

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By [signature] David A. Rosenfeld, Attorney
(signature of representative or person making charge) *(Print/type name and title or office, if any)*

February 4, 2015
(date)

Address:
1001 Marina Village Parkway, Suite 200 Alameda CA 94501

Tel. No. (510) 337-1001
Office, if any, Cell No.
Fax No. (510) 337-1023
e-Mail
drosenfeld@unioncounsel.net
adelgado@unioncounsel.net

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

137138/797168

RECEIVED NLRB 2-4-2015

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT 12

FORM EXEMPT UNDER 44 U.S.C. 3512

INTERNET
FORM NLRB-501
(2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 32-CA-153782	Date Filed 6/8/2015

INSTRUCTIONS:
File an original with NLRB Regional Director for the Region in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Wal-Mart Stores, Inc.		b. Tel. No. 479-273-1329 Corporate Phone Number: 800-924-6278 or 479-273-4000 c. Cell No. f. Fax No. 479-277-1830
d. Address *(Street, city, state, and ZIP code)* 702 SW 8th Street Bentonville, AR 72716-8611	e. Employer Representative Karen Casey, Senior Vice President	g. e-Mail h. Number of workers employed 1,000,000+
i. Type of Establishment *(factory, mine, wholesaler, etc.)* Retail Store	j. Identify principal product or service Retail	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.

2. Basis of the Charge *(set forth a clear and* concise *statement of the facts constituting the alleged unfair labor* practices*)*

Within the last six months immediately preceding the filing of this charge, the above named employer, by and through its officers and/or agents, violated Section 8(a)(1) of the Act by discriminating against Associate Victoria Nogueda because she engaged in unfair labor practice strikes.

3. Full name of party filing charge *(if labor organization, give full name, including local name and number)*

United Food & Commercial Workers International Union, AFL-CIO and Organization United for Respect at Walmart

4a. Address *(Street and number, city, state, and ZIP code)* 1775 K Street, N. W. Washington, DC 20006	4b. Tel. No. 202-466-1597 4c. Cell No. 4d. Fax No. 202-728-1803 4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit *(to be filled in when charge is filed by a labor organization)*

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By [signature] Alejandro Degado, Attorney
(signature of representative or person making charge) *(Print/type name and title or office, if any)*

Address: 1001 Marina Village Parkway, Suite 200
Alalmeda, CA 94501

June 5, 2015
(date)

Tel. No. 510-337-1001
Office, if any, Cell No.
Fax No. 510-337-1023
e-Mail
drosenfeld@unioncounsel.net
adelgado@unioncounsel.net

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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EXHIBIT 13

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 20

WAL-MART STORES, INC.

and

THE ORGANIZATION UNITED FOR RESPECT AT WALMART (OUR WALMART)	Cases 12-CA-121109 12-CA-124847 16-CA-124905 20-CA-126824

and

UNITED FOOD & COMMERCIAL WORKERS INTERNATIONAL UNION, AFL-CIO AND THE ORGANIZATION UNITED FOR RESPECT AT WALMART (OUR WALMART)	20-CA-138553 32-CA-153782

FIRST-AMENDED CONSOLIDATED COMPLAINT AND NOTICE OF HEARING

An Order Consolidating Cases and Consolidated Complaint having issued in Cases 12-CA-121109, 12-CA-124847, 16-CA-124905, 20-CA-126824, and 21-CA-122594 on March 31, 2015; an Order Consolidating Cases and Consolidated Complaint having issued in Cases 20-CA-138553 and 32-CA-153782 on April 26, 2015; an Order Consolidating Cases and Notice of Hearing in Cases 12-CA-121109, 12-CA-124847, 16-CA-124905, 20-CA-126824, 21-CA-122594, 20-CA-138553 and 32-CA-153782 having issued on July 13, 2016; and an Order Severing Case 21-CA-122594, Withdrawing Complaint, and Approving Request to Withdraw

Charge having issued on October 31, 2016, the General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, issues this First-Amended Consolidated Complaint and Notice of Hearing and alleges as follows:

1. (a) The charge in Case 12-CA-121109 was filed by The Organization United for Respect at Walmart (OUR Walmart) on January 24, 2014, and a copy was served on Wal-Mart Stores, Inc. (Respondent) by regular mail on January 24, 2014.

(b) The charge in Case 12-CA-124847 was filed by OUR Walmart on March 20, 2014, and a copy was served on Respondent by regular mail on March 20, 2014.

(c) The charge in Case 16-CA-124905 was filed by OUR Walmart on March 20, 2014, and a copy was served on Respondent by regular mail on March 21, 2014.

(d) The first-amended charge in Case 16-CA-124905 was filed by OUR Walmart on April 11, 2014, and a copy was served on Respondent by regular mail on April 11, 2014.

(e) The charge in Case 20-CA-126824 was filed by OUR Walmart on April 16, 2014, and a copy was served on Respondent by regular mail on April 17, 2014.

(f) The first-amended charge in Case 20-CA-126824 was filed by OUR Walmart on May 8, 2014, and a copy was served on Respondent by regular mail on May 8, 2014.

(g) The second-amended charge in Case 20-CA-126824 was filed by OUR Walmart on August 28, 2014, and a copy was served on Respondent by regular mail on August 29, 2014.

(h) The charge in Case 20-CA-138553 was filed by United Food & Commercial Workers International Union, AFL-CIO (UFCW) and OUR Walmart on October 9, 2014, and a copy was served on Respondent by regular mail on October 10, 2014.

(i) The first-amended charge in Case 20-CA-138553 was filed by UFCW and OUR Walmart on February 4, 2015, and a copy was served on Respondent by regular mail on February 10, 2015.

(j) The charge in Case 32-CA-153782 was filed by UFCW and OUR Walmart on June 8, 2015, and a copy was served on Respondent by regular mail on June 12, 2015.

2. (a) At all material times, Respondent has been a corporation with an office and place of business in Bentonville, Arkansas, and various store locations throughout the United States, and has been engaged in the retail sale and distribution of consumer goods, groceries and related products and services.

(b) During the calendar year ending December 31, 2014, Respondent, in conducting its business operations described above in subparagraph 2(a), derived gross revenues in excess of $500,000.

(c) During the period of time described above in subparagraph 2(b), Respondent, in conducting its business operations described above in subparagraph 2(a), purchased and received at its Sacramento, California facility goods, supplies and materials valued in excess of $5,000 directly from points located outside the State of California.

3. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

4. At all material times, the UFCW has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, the following individuals held the positions set forth opposite their respective names and at the respective locations and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13):

Name	**Location**	**Position**
David Young	Store No. 771 - Merritt Island, FL	Store Manager
Betty Pitts	Store No. 771 - Merritt Island, FL	Assistant Manager
Viviana Garcia	Store No. 896 – Grand Prairie, TX	Shift Manager
Ashley Livingston	Store No. 896 – Grand Prairie, TX	Assistant Manager
Lisa Wellington	Store No. 896 – Grand Prairie, TX	Assistant Manager
Travis Underwood	Store No. 1772 - Klamath Falls, OR	Assistant Manager
Teresa Wells	Store No. 1772 - Klamath Falls, OR	Supervisor
Mark Saxton	Store No. 1772 – Klamath Falls, OR	Assistant Manager
Robin Spurgeon	Store No. 1805 - La Quinta, CA	Assistant Manager
Maria (last name unknown	Store No. 1805 - La Quinta, CA	Assistant Manager
Theresa Palmer	Store No. 1805 - La Quinta, CA	Co-Manager
Mariel Gonzalez	Store No. 1805 - La Quinta, CA	Co-Manager
Rose Sunstrong	Store No. 1805 - La Quinta, CA	Assistant Manager
Michael Aprigliano	Store No. 1960 - Tampa, FL	Assistant Manager
Tammy Jackson	Store No. 1960 – Tampa, FL	Co-Manager
Derrick Berti	Store No. 2119 - Milpitas, CA	Co-Manager
Donald Fang	Store No. 2119 - Milpitas, CA	Assistant Manager
Ivan Angeles	Store No. 2280 – Mountain View, CA	Assistant Manager
Tammy Hileman	Store No. 2418 - Placerville, CA	Store Manager
Eric Mackey	Store No. 2418 - Placerville, CA	Co-Manager
Aaron Bornhoft	Store No. 2418 - Placerville, CA	Co-Manager
Marlene Borchers	Store No. 2735 - Sacramento, CA	Shift Manager
Angelina Gonzalez	Store No. 2735 - Sacramento, CA	Assistant Manager
Detra Nevarez	Store No. 2735 - Sacramento, CA	Assistant Manager

Sheela Cottrell	Store No. 2735 - Sacramento, CA	Assistant Manager
Jorge Lopez	Store No. 2886 - Pico Rivera, CA	Store Manager
Karen Campos	Store No. 2886 - Pico Rivera, CA	Claims Supervisor
Gloria Lujan	Store No. 2886 - Pico Rivera, CA	Shift Manager
Jesus Delgado	Store No. 2886 - Pico Rivera, CA	Shift Manager
Carlos Campos	Store No. 2886 - Pico Rivera, CA	Senior Manager of Environmental Health & Safety Compliance
Todd Stokes	Region which includes Store No. 2886 – Pico Rivera, CA	Regional Human Resource Manager
Tammy Sumner	Store No. 2989 - Fremont, CA	Store Manager
Brian Huckabee	Store No. 2989 - Fremont, CA	Assistant Manager
Eva Ballard	Store No. 2989 - Fremont, CA	Assistant Manager
Stormi Maxey	Store No. 4488 - Marina, CA	Assistant Manager
Janine Jordan	Store No. 2594 - Lynwood, WA	Store Manager
Susi Moore	Store No. 821 - Clovis, NM	Store Manager
Eric Nopola	Store No. 2642 – Apple Valley, MN	Co-Manager
Heidi Crowel	Store No. 2642 – Apple Valley, MN	Store Manager
Deb Becker	Store No. 2642 – Apple Valley, MN	Market HR Manager
Kyle Kaszubowski	Store No. 2642 – Apple Valley, MN	Co-Manager
Chad Fercho	Store No. 2642 – Apple Valley, MN	Manager
Christina May	Store No. 2668 – Sturtevant, WI	Assistant Manager
Dawn Reed	Store No. 2668 – Sturtevant, WI	Shift Manager
Joe Manbernach	Store No. 3601 - Crestwood, IL	Assistant Manager

6. Since about February 2013, Respondent promulgated and maintained a policy that treats absences for participation in protected strikes as unexcused absences.

7. (a) On various dates from about November 19 - November 28, 2013, Respondent's employees employed at various store locations throughout the country ceased work concertedly and engaged in a strike in protest of wages and working conditions - hereinafter referred to as the "Black Friday 2013 Strike."

(b) On various dates from about May 29 – June 9, 2014, Respondent's employees employed at various store locations throughout the country ceased work concertedly and engaged in a strike in protest of wages and working conditions - hereinafter referred to as the "June 2014 Strike."

(c) On various dates from about November 11 – 14, 2014, Respondent's employees employed at various store locations throughout the country ceased work concertedly and engaged in a strike in protest of wages and working conditions - hereinafter referred to as the "LA Sit In."

(d) On various dates from about November 24 – 29, 2014, Respondent's employees employed at various store locations throughout the country ceased work concertedly and engaged in a strike in protest of wages and working conditions - hereinafter referred to as the "Black Friday 2014 Strike."

(e) On various dates, Respondent issued unexcused absences to employees who engaged in the Black Friday 2013 Strike, June 2014 Strike, the LA Sit In, and Black Friday 2014 Strike (some of whom are known to the General Counsel at this time (see paragraphs 8, 10, 11, 13 – 23, 28 and 29) and some of whom are unknown to the General Counsel but are more particularly known to Respondent).

8. **[Store No. 896 – Grand Prairie, TX]**

(a) Respondent's employees Jimmy Lozano (Lozano) and Qulima Knapp (Knapp) engaged in concerted activities with other employees for the purposes of mutual aid and protection by participating in the Black Friday 2013 Strike.

(b) On unknown dates between November 19, 2013, and December 17, 2013, Respondent issued Lozano and Knapp unexcused absences for participating in the strike described above in subparagraph 8(a).

(c) On or about December 17, 2013, Respondent, by Assistant Manager Ashley Livingston, issued Lozano a personal discussion based in part on the unexcused absences described in subparagraph 8(b) above.

(d) On or about December 17, 2013, Respondent, by Assistant Manager Livingston, issued Knapp a personal discussion based in part on the unexcused absences described in subparagraph 8(b) above.

(e) On or about February 7, 2014, Respondent, by Assistant Manager Wellington, issued employee Knapp a first written coaching based in part on the unexcused absences described in subparagraph 8(b) above.

(f) Respondent engaged in the conduct described above in subparagraphs 8(b), 8(c), 8(d), and 8(e) because Lozano and Knapp engaged in the conduct described above in subparagraph 8(a), and to discourage employees from engaging in these or other concerted activities.

(g) On or about late November 2013, Respondent, by Shift Manager Viviana Garcia, at Aisle 12 of Respondent Store No. 896 coerced employees and implicitly threatened

more onerous working conditions by purposely dropping boxes on the floor and directing employees to pick them up.

(h) Contemporaneous with the events described in subparagraph 8(g), Respondent, by Garcia, coerced employees by rhetorically referring to complaints raised during the strike described in subparagraph 8(a).

(i) Contemporaneous with the events described in subparagraphs 8(g) and 8(h), Respondent, by Garcia, told employees she knew where employees were meeting to discuss and plan protected concerted group activity, thus creating an impression among its employees that their protected concerted activities were under surveillance by Respondent.

(j) Contemporaneous with the events described in subparagraphs 8(g), 8(h) and 8(i), Respondent, by Garcia, interrogated employees about their protected concerted activities and/or the protected concerted activities of other employees.

9. **[Store No. 1805 - La Quinta, CA]**

(a) About August or September 2014, Respondent, by Assistant Manager Maria (last name unknown), by taking photographs, engaged in surveillance of employees who were engaged in protected concerted activities.

(b) About October 16, 2014, Respondent, by Co-Managers Theresa Palmer and Mariel Gonzalez, and Assistant Manager Sunstrong, by taking pictures and video recording, engaged in surveillance of employees engaged in protected concerted activities.

10. [Store No. 2280 - Mountain View, CA]

(a) Respondent's employee Pamela Marley (Marley) engaged in concerted activities with other employees for the purposes of mutual aid and protection by:

(i) participating in the June 2014 Strike; and

(ii) participating in the Black Friday 2014 Strike.

(b) On unknown dates between May 29, 2014, and January 21, 2015, Respondent issued Marley unexcused absences for participating in the strikes described above in subparagraph 10(a).

(c) About January 21, 2015, Respondent discharged Marley.

(d) Respondent engaged in the conduct described above in subparagraphs 10(b) and 10(c) because Marley engaged in the conduct described above in subparagraph 10(a), and to discourage employees from engaging in these or other concerted activities.

11. **[Store No. 2735 - Sacramento, CA]**

(a) Respondent's employee Kiana Howard (Howard) engaged in concerted activities with other employees for the purposes of mutual aid and protection by:

(i) about October 15, 2014, near the Phoenix, AZ, home of Rob Walton, participating in a protest of wages and working conditions;

(ii) participating in the LA Sit In; and

(iii) participating in the Black Friday 2014 Strike.

(b) On unknown dates between November 11, 2014, and January 13, 2015, Respondent issued Howard unexcused absences for participating in the protest and strikes described above in subparagraphs 11(a)(ii) and 11(a)(iii).

(c) About January 13, 2015, Respondent discharged Howard.

(d) Respondent engaged in the conduct described above in subparagraphs 11(b) and 11(c) because Howard engaged in the conduct described above in subparagraph 11(a), and to discourage employees from engaging in these or other concerted activities.

12. **[Store No. 2735 - Sacramento, CA]**

(a) About November 22, 2014, Respondent, by Assistant Manager Detra Nevarez, threatened employees with unspecified reprisal if they went on strike.

(b) About February 15, 2015, Respondent, by Assistant Manager Angelina Gonzalez, threatened employees with unspecified reprisals if they went on strike.

13. **[Store No. 2735 - Sacramento, CA]**

(a) Respondent's employee Tyfani Faulkner (Faulkner) engaged in concerted activities with other employees for the purposes of mutual aid and protection by:

(i) participating in the June 2014 Strike;

(ii) participating in the LA Sit In; and

(iii) participating in the Black Friday 2014 Strike.

(b) On unknown dates between May 29, 2014 and January 13, 2015, Respondent issued Faulkner unexcused absences for participating in the strikes described above in subparagraph 13(a).

(c) About January 13, 2015, Respondent issued Faulkner a Third Written Coaching based in part on the unexcused absences described in subparagraph 13(b) above.

(d) Respondent engaged in the conduct described above in subparagraphs 13(b) and 13(c) because Faulkner engaged in the conduct described above in subparagraph 13(a), and to discourage employees from engaging in these or other concerted activities.

14. **[Store No. 2886 - Pico Rivera, CA]**

(a) Respondent's employee Victoria Martinez (Martinez) engaged in concerted activities with other employees for the purposes of mutual aid and protection by:

(i) participating in the June 2014 Strike; and

(ii) about early July 2014, at Respondent's Pico Rivera, CA store, presenting Respondent with a petition about employee sick leave.

(b) On an unknown date between May 29, 2014, and November 6, 2014, Respondent issued Martinez unexcused absences for participating in the strike described above in subparagraph 14(a)(i).

(c) About November 6, 2014, Respondent discharged Martinez.

(d) Respondent engaged in the conduct described above in subparagraphs 14(b) and 14(c) because Martinez engaged in the conduct described above in subparagraph 14(a), and to discourage employees from engaging in these or other concerted activities.

15. **[Store No. 2886 - Pico Rivera, CA]**

(a) Respondent's employee Evelin Cruz (Cruz) engaged in concerted activities with other employees for the purposes of mutual aid and protection by:

(i) about May 2014, near the Phoenix, AZ, home of Rob Walton, participating in a protest of wages and working conditions;

(ii) participating in the June 2014 Strike;

(iii) about early July 2014, at the Pico Rivera, CA store, presenting a petition about employee sick leave to Respondent;

(iv) about October 2014, near the Phoenix, AZ, home of Rob Walton, participating in a protest of wages and working conditions; and

(v) about October 30, 2014, at Respondent's Pico Rivera, CA store, participating in a protest of wages and working conditions.

(b) On an unknown date between May 29, 2014, and November 6, 2014, Respondent issued Cruz an unexcused absence for participating in the strike described above in subparagraph 15(a)(ii).

(c) About November 6, 2014, Respondent discharged Cruz.

(d) Respondent engaged in the conduct described above in subparagraphs 15(b) and 15(c) because Cruz engaged in the conduct described above in subparagraph 15(a), and to discourage employees from engaging in these or other concerted activities.

16. **[Store No. 2989 - Fremont CA]**

(a) Respondent's employee Victoria Nogueda (Nogueda) engaged in concerted activities with other employees for the purposes of mutual aid and protection by participating in the Black Friday 2014 Strike.

(b) On an unknown date between November 24, 2014, and January 22, 2015, Respondent issued Nogueda unexcused absences for participating in the strike described above in subparagraph 16(a).

(c) About January 22, 2015, Respondent issued Nogueda a Second Written Coaching based in part on the unexcused absences described in subparagraph 16(b) above.

(d) About May 13, 2015, Respondent discharged Nogueda.

(e) Respondent engaged in the conduct described above in subparagraphs 16(b), 16(c), and 16(d) because Nogueda engaged in the conduct described above in subparagraph 16(a), and to discourage employees from engaging in these or other concerted activities.

17. **[Store No. 4488 - Marina, CA]**

(a) Respondent's employee Lyle Skeen (Skeen) engaged in concerted activities with other employees for the purposes of mutual aid and protection by participating in the Black Friday 2014 Strike.

(b) On an unknown date between November 24, 2015, and January 3, 2015, Respondent issued Nogueda unexcused absences for participating in the strike described above in subparagraph 17(a).

(c) About January 3, 2015, Respondent issued Skeen a Third Written Coaching based in part on the unexcused absences described in subparagraph 17(b).

(d) About January 3 and 14, 2015, Respondent, by Assistant Manager Stormi Maxey, interrogated employees about their protected concerted activities.

(e) About January 19, 2015, Respondent discharged Skeen.

(f) Respondent engaged in the conduct described above in subparagraphs 17(b), 17(c), and 17(e) because Skeen engaged in the conduct described above in subparagraph 17(a), and to discourage employees from engaging in these or other concerted activities.

18. **[Store No. 2594 - Lynwood, WA]**

(a) Respondent's employee Mark Olean (Olean) engaged in concerted activities with other employees for the purposes of mutual aid and protection by participating in the Black Friday 2014 Strike.

(b) On an unknown date between November 24, 2014, and January 1, 2015, Respondent issued Olean unexcused absences for participating in the strike described above in subparagraph 18(a).

(c) About January 1, 2015, Respondent issued Olean a Second Written Coaching based in part on the unexcused absences described in subparagraph 18(b).

(d) Respondent engaged in the conduct described above in subparagraphs 18(b) and 18(c) because Cruz engaged in the conduct described above in subparagraph 18(a), and to discourage employees from engaging in these or other concerted activities.

19. **[Store No. 2594 - Lynwood, WA]**

(a) Respondent's employee Jared Surdam (Surdam) engaged in concerted activities with other employees for the purposes of mutual aid and protection by participating in the June 2014 Strike.

(b) On unknown dates between May 29, 2014, and July 29, 2014, Respondent issued Surdam unexcused absences for participating in the strike described above in subparagraph 19(a).

(c) About July 29, 2014, Respondent issued Surdam a Third Written Coaching based in part on the unexcused absences described in subparagraph 19(b).

(d) About November 25, 2014, Respondent discharged Surdam.

(e) Respondent engaged in the conduct described above in subparagraphs 19(b), 19(c), and 19(d) because Surdam engaged in the conduct described above in subparagraph 19(a), and to discourage employees from engaging in these or other concerted activities.

20. **[Store No. 2594 - Lynwood, WA]**

(a) Respondent's employee Charles Wolford (Wolford) engaged in protected concerted activity by participating in the June 2014 Strike.

(b) On an unknown date between May 29, 2014, and July 28, 2014, Respondent issued Wolford unexcused absences for participating in the strike described above in subparagraph 20(a).

(c) About July 28, 2014, Respondent issued Wolford a Second Written Coaching based in part on the unexcused absences described in subparagraph 20(b).

(d) Respondent engaged in the conduct described above in subparagraphs 20(b) and 20(c) because Wolford engaged in the conduct described above in subparagraph 20(a), and to discourage employees from engaging in these or other concerted activities.

21. **[Store No. 2642 – Apple Valley, MN]**

(a) Respondent's employee Cantare Davunt (Davunt) engaged in concerted activities with other employees for the purposes of mutual aid and protection by:

(i) participating in the June 2014 Strike;

(ii) About November 15, 2014, at Respondent's Apple Valley, MN store, requesting to accompany an employee to an Open Door Meeting; and

(iii) participating in the Black Friday 2014 Strike.

(b) On unknown dates between May 29, 2014, and January 15, 2015, Respondent issued Davunt unexcused absences for participating in the strikes described above in subparagraph 21(a)(i) and 21(a)(iii).

(c) About November 22, 2014, Respondent issued Davunt a Third Written Coaching for acting inappropriately towards a supervisor and poor customer service.

(d) About January 15, 2015, Respondent discharged Davunt.

(e) Respondent engaged in the conduct described above in subparagraphs 21(b), 21(c), and 21(d) because Davunt engaged in the conduct described above in subparagraph 21(a), and to discourage employees from engaging in these or other concerted activities.

22. **[Store No. 3601 - Crestwood, IL]**

(a) Respondent's employee Marie Kanger-Born (Kanger-Born) engaged in concerted activities with other employees for the purposes of mutual aid and protection by participating in the Black Friday 2014 Strike.

(b) On an unknown date between November 24, 2014, and January 2015, Respondent issued Kanger-Born unexcused absences for participating in the strike described above in subparagraph 22(a).

(c) About November 29, 2014, Respondent imposed more onerous and rigorous terms and conditions of employment on Kanger-Born by requiring her to return her daily pallet of "overstocks" to the backroom.

(d) Respondent engaged in the conduct described above in subparagraphs 22(b) and 22(c) because Kanger-Born engaged in the conduct described above in subparagraph 22(a), and to discourage employees from engaging in these or other concerted activities.

23. **[Store No. 469 - Lake Charles, LA]**

(a) Respondent's employee Jessica Holstein (Holstein) engaged in protected concerted activity by participating in the Black Friday 2014 Strike.

(b) On an unknown date between November 24, 2014, and January 24, 2015, Respondent issued Holstein unexcused absences for participating in the strike described above in subparagraph 23(a).

(c) About January 24, 2015, Respondent discharged Holstein.

(d) Respondent engaged in the conduct described above in subparagraphs 23(b) and 23(c) because Holstein engaged in the conduct described above in subparagraph 23(a), and to discourage employees from engaging in these or other concerted activities.

24. **[Store No. 821 - Clovis, NM]**

About May 31, 2014, Respondent, by Store Manager Susi Moore, told employees they could not chant, speak to customers, or hand out flyers while they engaged in protected concerted activities outside of Respondent's store.

25. **[Store No. 2668 – Sturtevant, WI]**

On various dates in October and November 2014, Respondent, by Shift Manager Dawn Reed and Assistant Manager Christina May, prohibited employees from wearing union insignia while permitting employees to wear other insignia.

26. **[Store No. 1960 - Tampa, FL]**

About May 2014, Respondent, by Co-Manager Tammy Jackson, interrogated employees about their protected concerted activities.

27. **[Store No. 2642 – Apple Valley, MN]**

(a) About June 4, 2014, Respondent, by Co-Manager Eric Nopola, Store Manager Heidi Crowel, and Market HR Manager Deb Becker, denied its off-duty employees access to the store.

(b) About August 2014, Respondent, by Manager Chad Fercho, threatened to call the police on employees who engaged in protected concerted activities.

(c) About November 15, 2014, Respondent, by Store Manager Heidi Crowel and Co-Manager Kyle Kaszubowski, prohibited employees from wearing union insignia while permitting employees to wear other insignia.

28. (a) About the dates set forth opposite their names, Respondent issued unexcused absences to the employees named below for their participation in the June 2014 Strike, Black Friday 2013 Strike, and/or Black Friday 2014 Strike, and specifically informed employees as to the reason they received the unexcused absence:

Name	**Location**	**Unexcused Absence for**	**Date**
Nancy Reynolds	Store No. 771 – Merritt Island, FL	Black Friday 2013 Strike	December 19, 2013
Michael Randall	Store No. 771 – Merritt Island, FL	Black Friday 2013 Strike	December 19, 2013
Meiasha Bradley	Store No. 2735 – Sacramento, CA	Black Friday 2013 Strike	About February 2014
Michael Ortiz	Store No. 1960 -- Tampa, FL	Black Friday 2013 Strike	January 1, 2014 January 5, 2014
Angelo Escano	Store No. 1960 -- Tampa, FL	Black Friday 2013 Strike	January 1, 2014 January 5, 2014
Dorothy Halvorson	Store No. 2418 - Placerville, CA	June 2014 Strike	About July 2014
Margaret Hooten	Store No. 2418 - Placerville, CA	June 2014 Strike	About June 2014
Kiana Howard	Store No. 2735 - Sacramento, CA	Black Friday 2014 Strike	January 13, 2015
Jennifer Whitley	Store No. 2735 – Sacramento, CA	Black Friday 2014 Strike	Unknown
Jennifer Sanchez	Store No. 1772 - Klamath Falls, OR	June 2014 Strike Black Friday 2014 Strike	About September 25, 2014 About February 14, 2015
Ismael Nunez	Store No. 1772 – Klamath Falls, OR	June 2014 Strike	About September 25, 2014
Edward Daguioan	Store No. 2119 - Milpitas, CA	Black Friday 2014 Strike	About February 2015
Young Manley	Store No. 2119 - Milpitas, CA	Black Friday 2014 Strike	About January 2015
Conrado Santiago	Store No. 2119 – Milpitas, CA	Black Friday 2014 Strike	About January 2015
Maria Sumagaysay	Store No. 2989 -	Black Friday 2014	About January 2015

	Fremont, CA	Strike	
Martha Sellers	Store No. 2110 - Paramount, CA	June 2014 Strike Black Friday 2014 Strike	About February 2015 About February 2015
Paula Nez	Store No. 821 - Clovis, NM	June 2014 Strike	About August 2014
Zandi Queener	Store No. 821 - Clovis, NM	June 2014 Strike	About August 2014
Megan Jenkins	Store No. 821 – Clovis, NM	June 2014 Strike	About August 2014
Denise Schortgen	Store No. 771 - Merritt Island, FL	Black Friday 2014 Strike	About January 2015
Emily Dehart	Store No. 771 - Merritt Island, FL	Black Friday 2014 Strike	About December 2014
Aubrietia Edick	Store No. 5278 – Chicopee, MA	June 2014 Strike	About July 2015
Jessica Holstein	Store No. 469 – Lake Charles, LA	Black Friday 2014 Strike	About January 24, 2015

(b) Respondent engaged in the conduct described above in subparagraph 28(a) because the named employees engaged in the conduct described therein, and to discourage employees from engaging in these or other concerted activities.

29. (a) About the dates set forth opposite their names, Respondent issued unexcused absences to the employees named below for their participation in the June 2014 Strike, Black Friday 2013 Strike, and/or Black Friday 2014 Strike:

Name	**Location**	**Unexcused Absence for**	**Date**
Candy Breckling	Store No. 2418 - Placerville, CA	June 2014 Strike	Unknown
Matt Gauer	Store No. 2735 - Sacramento, CA	June 2014 Strike	Unknown
Tatiana Simmons	Store No. 2735 - Sacramento, CA	June 2014 Strike	Unknown
Claudia Arroyo	Store No. 2735 – Sacramento, CA	Black Friday 2014 Strike	Unknown
Candy Bridgers	Store No. 2735 – Sacramento, CA	Black Friday 2014 Strike	Unknown

Shannon Henderson	Store No. 2735 – Sacramento, CA	Black Friday 2014 Strike	Unknown
Christina Wilson	Store No. 2735 – Sacramento, CA	Black Friday 2014 Strike	Unknown
Rosalinda Buscit	Store No. 2119 – Milpitas, CA	Black Friday 2014 Strike	Unknown
Maria Jefferson	Store No. 2110 – Paramount, CA	June 2014 Strike	Unknown
Graciela Blancas	Store No. 1805 – La Quinta, CA	June 2014 Strike	Unknown
Maria Ledezma	Store No. 1805 – La Quinta, CA	June 2014 Strike	Unknown
Delfina Alfonso	Store No. 1805 – La Quinta, CA	June 2014 Strike	Unknown
Victoria Martinez	Store No. 2886 – Pico Rivera, CA	June 2014 Strike	Unknown
Chris Haros	Store No. 2886 – Pico Rivera, CA	June 2014 Strike	Unknown
Ismael Nunez	Store No. 1772 – Klamath Falls, OR	Black Friday 2014 Strike	Unknown
Nancy Reynolds	Store No. 771 – Merritt Island, FL	June 2014 Strike	Unknown
Angelo Escano	Store No. 1960 – Tampa, FL	June 2014 Strike	Unknown
Linda Haluska	Store No. 5404 – Glenwood, IL	June 2014 Strike Black Friday 2014 Strike	Unknown
Linda Jackson	Store No. 5965 – Chicago, IL	Black Friday 2014 Strike	Unknown
Tim Montague	Store No. [Unknown] - Chicago, IL	Black Friday 2014 Strike	Unknown
Nefertira Wilbert	Store No. 5781 – Chicago, IL	Black Friday 2014 Strike	Unknown
Jessica Williams	Store No. 5781 – Chicago, IL	Black Friday 2014 Strike	Unknown
Allison Livengood	Store No. 1430 - Oshkosh, WI	Black Friday 2014 Strike	Unknown
Montreissa Williams	Store No. 2668 – Sturtevant, WI	Black Friday 2014 Strike	Unknown
Daniel Miller	Store No. 386 – Jennings, LA	Black Friday 2014 Strike	Unknown
Janet Sparks	Store No. 1102 – Baker, LA	Black Friday 2014 Strike	Unknown

Phil Bekech	Store No. 2174 – Westfield, MA	Black Friday 2014 Strike	Unknown
Tristean Weaver	Store No. 2059 – Greensburg, PA	Black Friday 2014 Strike	Unknown

(b) Respondent engaged in the conduct described above in subparagraph 29(a) because the named employees engaged in the conduct described therein, and to discourage employees from engaging in these or other concerted activities.

30. By the conduct described above in paragraphs 6, 7(f), 8(b)-(j), 9, 10(b)-(e), 11(b)-(d), 12, 13(b)-(d), 14(b)-(d), 15(b)-(d), 16(b)-(e), 17(b)-(f), 18(b)-(d), 19(b)-(e), 20(b)-(d), 21(b)-(e), 22(b)-(c), 23(b)-(d), and 24-29, Respondent has been interfering with, restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

31. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as a part of the remedy for the unfair labor practices alleged above in paragraphs 10, 11, 14 - 17, 19, 21, and 23 the General Counsel seeks an order requiring that Respondent reimburse Marley, Howard, Martinez, Cruz, Nogueda, Skeen, Surdam, Davunt, and Holstein for all search-for-work and work-related expenses regardless of whether they received interim earnings in excess of these expenses, or at all, during any given quarter, or during the overall backpay period.

FURTHER, the General Counsel also seeks remedial relief for all employees, known and unknown to the General Counsel, who received unexcused absences for participating in the protected strikes listed above.

FURTHER, in order to fully remedy the unfair labor practices set forth above, the General Counsel seeks an order requiring that the employees be made whole, including, but not limited to, payment for consequential economic harm they incurred as a result of the Respondent's unlawful conduct.

FURTHER, as part of the remedy for the unfair labor practices alleged in paragraphs 6-32, the General Counsel seeks an Order requiring that the Notice be read by Respondent to its employees at all of its facilities within the United States during working time in English and Spanish or any other language deemed appropriate.

FURTHER, the General Counsel also seeks, as part of the remedy, an Order requiring Respondent to post the Notice at all its facilities within the United States.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the First-Amended Consolidated Complaint. The answer must be **received by this office on or before November 15, 2016 or postmarked on or before November 14, 2016**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlrb.gov, click on **E-File Documents,** enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that

the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the First-Amended Consolidated Complaint are true.

NOTICE OF HEARING

AS PREVIOUSLY NOTICED, a hearing in this matter will be held before an administrative law judge of the National Labor Relations Board in the E.V.S. Robbins Courtroom 306 (third floor), 901 Market Street, San Francisco, California, beginning at 9:00

a.m. on January 30, 2017, and on consecutive days thereafter until concluded, unless otherwise ordered by the judge.

DATED AT San Francisco, California, this 1st day of November 2016.

Joseph F. Frankl, Regional Director
National Labor Relations Board
Region 20
901 Market Street, Suite 400
San Francisco, California 94103-1735

Form NLRB-4668
(6-2014)

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlrb.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.

- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.

- **Exhibits: Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered**

(OVER)

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts**: An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.

- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

- **Date for Filing Post-Hearing Brief**: Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.

- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.

- **Exceptions to the ALJ's Decision**: The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

FORM NLRB 4338
(6-90)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE

Cases 12-CA-121109 et al.

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

(1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).

(2) Grounds must be set forth in ***detail***;

(3) Alternative dates for any rescheduled hearing must be given;

(4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and

(5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

David Young , Store Manager
Wal-Mart Stores, Inc.
1500 E. Merritt Island CSWY.
Merritt Island, FL 32592

Silvo Garbario , Employer Representative
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EXHIBIT 14

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Agency Website: www.nlrb.gov
Telephone: (813)228-2641
Fax: (813)228-2874

Agent's Direct Dial: (813)228-2644

February 21, 2014

ALAN BAYLESS FELDMAN, ESQ.
STEPTOE & JOHNSON, LLP
201 E. Washington St., Suite 1600
Phoenix, AZ 85004-2428

VIA E-MAIL ONLY TO:
AFELDMAN@STEPTOE.COM

Re: Wal-Mart Stores, Inc.
Cases 12-CA-121109 and 12-CA-121209

Dear Mr. Feldman:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client, Wal-Mart Stores, Inc. (the Employer), regarding the allegations raised in the investigation of the above-referenced cases. Set forth below are the allegations and issues on which your evidence is needed, a request to take affidavits, a request for documentary evidence, and the date for providing your evidence.

Allegations: The allegations for which I am seeking your evidence are as follows.

With respect to Case 12-CA-121109, OUR Walmart alleges that the Employer (Merritt Island, FL) violated Section 8(a)(1) of the Act on or about November 25, 2013, by giving employees unexcused absences and on or about January 10, 2014, by rescinding Thanksgiving holiday pay for same employees all in retaliation for engaging in lawful strike activity.

With respect to Case 12-CA-121209, OUR Walmart alleges that the Employer (Tampa, FL) violated Section 8(a)(1) of the Act on or about November 23, 2013, by refusing to allow employees to distribute literature outside of its store and by directing a police officer to order employees with the intent of distributing literature off of its property.

Board Affidavits: I am requesting to take affidavits from Merritt Island Store Manager David Young, Merritt Island Co-Manager Chrissie (last name unknown), Merritt Island AP Manager Cindy (last name unknown), Tampa Store Manager Robert Talbort, Tampa Co-Manager Gerard (last name unknown) and any other individuals you believe have information relevant to the investigation of this matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me by no later than February 26, 2013, to schedule these affidavits.

Documents: Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1. For the period from January 1, 2012 to present, the complete employee handbook(s), policy manual(s) and all other documents which show the Employer's attendance, holiday and distribution policies in effect at the Employer's stores located at 1500 E. Merritt Island Cswy., Merritt Island, Florida (Merritt Island store) and 6192 Gunn Highway, Tampa, Florida (Tampa store).

2. All documents including, but not limited to strike and return strike notices, as will show employees at the Merritt Island store who were on strike from employment for the period of November 1, 2013 to present.

3. All documents including, but not limited to absence occurrence reports, as will show employees at the Merritt Island store who were given unexcused absences for engaging in strike activity for the period of November 1, 2013 to present.

4. All documents including, but not limited to payroll records, as will show employees at the Merritt Island store who had any holiday pay rescinded for the period of January 1, 2011 to present.

5. All documents and records as will show discussions with the police concerning OUR Walmart's "Action" conducted on November 23, 2013 at the Tampa store.

6. Copies of property records or leases for the Tampa store including, but not limited to store property and surrounding parking lots.

Position on 10(j) Relief: You are also requested to provide your position as to the appropriateness of Section 10(j) injunctive relief in this matter. As you may know, Section 10(j) of the Act permits the NLRB to ask a federal district court "for appropriate temporary relief or restraining order" pending the Board's resolution of an unfair labor practice charge. The district court is authorized to grant "such temporary relief or restraining order as it deems just and proper." *If* the Region determines the Charged Party has violated the Act as alleged, the Region will consider whether to seek injunctive relief in this matter. Accordingly, please provide your position, legal theory, case law, and supporting evidence regarding whether injunctive relief would be appropriate for the alleged violations in this case and whether such injunctive relief would be just and proper. I wish to emphasize that the Region has not yet made a decision as to whether the Charged Party has violated the Act as alleged. Rather, we want to provide you with adequate notice that injunctive relief will be considered if such a decision is made.

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by March 3, 2014 for presenting all evidence. If you are willing to allow me to take affidavits, please contact me by February 26, 2014 for scheduling a time to take affidavits. Electronic filing of position statements and

documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlrb.gov,** select **E-File Documents,** enter the **NLRB case number,** and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (813) 228-2644, or e-mail, paul.d'aurora@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

/s/ Paul D'Aurora

PAUL D'AURORA
Field Examiner

EXHIBIT 15

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Agency Website:
www.nlrb.gov
Telephone: (813)228-2641
Fax: (813)228-2874

March 31, 2014

Deborah Gaydos, Esq.
United Food & Commercial Workers International Union
UFCW, 1775 K Street, N.W.
Washington, DC 20006

Re: Wal-Mart Stores, Inc.
Case 12-CA-121109

Dear Ms. Gaydos:

We have carefully investigated and considered your charge that Wal-Mart Stores, Inc. (the Employer) has violated the National Labor Relations Act.

Decision to Partially Dismiss: I have concluded that further proceedings are not warranted regarding the portion of your charge alleging that, on or about January 10, 2014, the Employer rescinded Thanksgiving holiday pay that it had previously paid to an associate who was absent from work because she was engaged in lawful strike activity in violation of Section 8(a) (1) of the Act.[1]

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **E-File Documents,** enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **April 14, 2014**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than April 13, 2014. **If an appeal is postmarked or given to a delivery**

[1] The remaining allegations of your charge are being processed further.

service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before April 14, 2014.** The request may be filed electronically through the ***E-File Documents*** link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after April 14, 2014, **even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

Margaret J. Diaz

Margaret J. Diaz
Regional Director

i.t.

Enclosure

cc: David Young, Store Manager
Wal-Mart Stores, Inc.
1500 E. Merritt Island CSWY.
Merritt Island, FL 32592

The Organization United for Respect at
Walmart (OUR Walmart)
P.O. Box 66536
Washington, DC 20036-6536

Steven D. Wheeless, Esq.
Alan Bayless Feldman, Esq.
Steptoe & Johnson, LLP
201 East Washington Street
Suite 1600
Phoenix, AZ 85004-5299

EXHIBIT 16

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Agency Website: www.nlrb.gov
Telephone: (813)228-2641
Fax: (813)228-2874

Agent's Direct Dial: (813)228-2644

April 28, 2014

ALAN BAYLESS FELDMAN, ESQ.
STEPTOE & JOHNSON, LLP
201 E. Washington St., Suite 1600
Phoenix, AZ 85004-2428

VIA E-MAIL ONLY TO:
AFELDMAN@STEPTOE.COM

Re: Wal-Mart Stores, Inc.
Case 12-CA-124847

Dear Mr. Feldman:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client, Wal-Mart Stores, Inc. (the Employer), regarding the allegations raised in the investigation of the above-referenced case. Set forth below are the allegations and issues on which your evidence is needed, a request to take affidavits, a request for documentary evidence, and the date for providing your evidence.

Allegations: The allegations for which I am seeking your evidence are as follows.

OUR Walmart alleges that the Employer at its 1505 N. Dale Mabry Highway, Tampa, Florida store violated Section 8(a)(1) of the Act by issuing an incomplete work shift on November 22, 2013 to Michael Ortiz, by issuing unexcused absences on November 23, 2013 to Ortiz and Angelo Escano and by conducting verbal coachings in January 2014 to Ortiz and Escano in retaliation for engaging in lawful strike activity.

Board Affidavits: I am requesting to take affidavits from Store Manager Stephanie White, Assistant Manager Tammy Jackson, Assistant Manager Michael (last name unknown), Customer Service Manager Jess (last name unknown), Co-Manager Benson (last name unknown) and any other individuals you believe have information relevant to the investigation of this matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me by no later than May 5, 2014, to schedule these affidavits.

Documents: Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1. For the period of January 1, 2012 to present, the complete employee handbook(s), policy manual(s) and all other documents as will show the Employer's incomplete work shift and attendance policies in effect at the Employer's store located at 1505 N. Dale Mabry Highway, Tampa, Florida.

2. For the period of November 1, 2013 to present, copies of strike and return from strike notices of all employees including, but not limited to Ortiz and Escano.

3. For the period of November 1, 2013 to present, all documents including, but not limited to associate attendance reports, as will show that Ortiz was given an incomplete work shift and that Ortiz and Escano were given unexcused absences and verbal coachings.

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by May 8, 2014 for presenting all evidence. If you are willing to allow me to take affidavits, please contact me by May 5, 2014 for scheduling a time to take affidavits. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlrb.gov,** select **E-File Documents,** enter the **NLRB case number,** and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (813) 228-2644, or e-mail, paul.d'aurora@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

/s/ Paul D'Aurora

PAUL D'AURORA
Field Examiner

EXHIBIT 17

United States Government
NATIONAL LABOR RELATIONS BOARD
Region 16
819 Taylor Street - Room 8A24
Fort Worth, TX 76102-6178
Agency Web Site: www.nlrb.gov

April 7, 2014

Via Electronic Mail Only
Alan Bayless Feldman, Esq.

Re: Wal-Mart Stores, Inc.
Case No. 16-CA-124905

Dear Mr. Feldman:

As you are aware, I am the Board Agent assigned to investigate the above-captioned charge that was filed by OUR Walmart (OUR) against your client, Wal-Mart Stores, Inc. (Employer). I have attached a copy of the charge for your convenience. This letter will serve to inform you of the specific allegations that have been raised by the preliminary investigation of the above-captioned charge, and to solicit your cooperation in the instant investigation. In order to allow this office to fully weigh all of the facts in this case and to allow all parties an opportunity to present their views and evidence, a response setting forth the Employer's position is strongly encouraged.

Based on a preliminary investigation of the charge, it is alleged that the Employer, at its Grand Prairie, Texas facility, engaged in the following unlawful conduct in violation of Section 8(a)(1) of the Act (Please be advised that a first-amended charge is forthcoming, and I note that the all of the following allegations are currently encompassed in the original charge):

- Around late November 2013, Manager Viviana Garcia restrained and coerced an associate by i) dropping boxes he had folded up on the floor; ii) giving the impression that employees' protected concerted activities were under surveillance; and iii) interrogating employees about their protected concerted activities;
- About a month after November 20, 2013, Manager Ashley Livingston, issued overnight stocker Jimmy Lozano a verbal discussion by telling that his absence on November 20, 2013 would be counted against him in accordance with the Employer's progressive disciplinary absence policy, even though he was participating in a protected concerted strike on that day;
- On or about December 17, 2013, Manager Ashley Livingston, issued employee Qulima Knapp a verbal discussion in accordance with its absence policy, even though her November 20, 2013 absence was when she was engaged in a protected concerted strike; and
- On or about February 7, 2014, Manager Lisa (Last Name Unknown) issued Ms. Knapp a coaching, which included the absence counted against her when she was involved in a protected concerted strike.

The Region seeks to avoid unnecessary litigation wherever possible, which goal can often be achieved when the full facts are available for review. Accordingly, your full and complete cooperation in this investigation is requested. Full and complete cooperation includes the timely provision of all material witnesses under your control to a Board Agent, so that the witness' evidence can be reduced to affidavit form, and providing all relevant documentary evidence requested. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Further, the submission of a position letter or memorandum, or the submission of affidavits or declarations not taken by a Board Agent does not constitute full and complete cooperation. Accordingly, I am hereby requesting to take Board Affidavits from the following individuals:

1. Store Manager Derrick Derman;
2. Manager Viviana Garcia;
3. Manager Ashley Livingston;
4. Manager Lisa (Last Name Unknown)

In the event you decline to make witnesses available for Board prepared affidavits, you may submit a position statement setting forth your view of the case. However, please be advised that, as noted above, <u>only making witnesses available for Board prepared affidavits constitutes full and complete cooperation</u>. It is recommended that the position statement also include a legal argument in support of the Employer's position

If you submit a position statement, it should respond to the following.

1. Please respond to the above allegations.
2. Please provide any documents relevant to the allegations.
3. It is my understanding that the Employer uses a progressive disciplinary system with regard to attendance. It is my understanding that employees who are tardy three times are counted for an absence, or occurrence. It is my understanding that if employees are not going to be at work, they are required to call an 800 number to report their absence. Employees who receive three absences within a three month period are issued a verbal discussion. The fourth absence results in a verbal coaching. The fifth absence results in a written coaching. The sixth absence results in discharge.
    a. Is the foregoing an accurate depiction of the Employer's policy with regard to absences? If this is not accurate, please provide a detailed explanation of the Employer's policy with regard to absences, and the issuance of discipline (verbal or written, discussion or coaching) in

connection therewith. Please provide a copy, to the extent it exists, of the Employer's tardy/absence policy.

4. With regard to the allegations that the Employer counted an absence against employees Jimmy Lozano and Qulima Knapp on November 20, 2013, which was the day that they were allegedly participating in a protected concerted strike, and which absence led to both of them being issued a verbal discussion, and Knapp a coaching:
    a. It is alleged that Lozano and Knapp, on November 20, 2013, notified Manager Garcia at around 1:30 am that they were leaving to participate in a ULP strike.
        i. Please explain what, if anything, Ms. Garcia recalls of the named employees advising her of their intentions on November 20.
    b. It is alleged that OUR notified the Employer by fax that Lozano and Knapp would be participating in a protected concerted ULP strike
        i. Did the Employer receive a fax stating something to this effect? Who received this document? Please provide a copy of this document.
    c. Did the Employer count Lozano's and Knapp's absences from work on November 20 or 21, 2013 against them in accordance with the progressive absence disciplinary policy? If so, why did the Employer do so?
    d. Please provide any and all documents in the form of Manager notes, discussion and coaching logs, attendance sheets, notes, emails and any other written documentation, concerning Lozano's and Knapp's absences on November 20, 2013.
5. With regard to the allegation of throwing boxes, giving the impression that employees' protected activities were under surveillance, and unlawful interrogation, it is alleged that, around late November 2013, and after November 20, 2013, manager Viviana Garcia approached an employee who was stocking in the canned goods aisle. Ms. Garcia said something to the effect of "I don't treat you good, huh?" At the same time, Ms. Garcia allegedly took folded boxes from the employee's shopping cart and dropped them on the floor. During the same exchange, it is alleged that Ms. Garcia told the employee that she (Ms. Garcia) knew the employees had meetings at the Burger King. It is further alleged that Ms. Garcia asked the employee who else was in the organization (allegedly referring to OUR Walmart).
    a. Please respond to the above allegations.
    b. What does Ms. Garcia recall, if anything, of the above exchange.

Please be advised that we cannot accept any limitations on the use of any evidence or position statements that are provided to the Agency. Any such limitations will be disregarded and any position statement will be considered in the investigation and

may be introduced into the record in the event that the above-captioned matter is litigated.

Finally, this letter will serve as notice to you of the possibility of the Region seeking 10(j) injunctive relief regarding the allegations contained in the charge referenced above. Please submit the Employer's position regarding the appropriateness of the Region seeking 10(j) by **Monday, April 14, 2014.**

If you make witnesses available for Board prepared affidavits, it will be necessary to interview them by **Monday, April 14, 2014**. If you submit a position statement in lieu of affidavits, it should be received at this office by **Monday, April 14, 2014**. After that time, the Region may decide the merits of the case based upon the information contained in the case file.

Very Truly Yours

/s/ Zachary Austin Long
Board Agent

EXHIBIT 18

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
Region 20
901 Market Street, Suite 400
San Francisco, California 94103-1735

Telephone **415/356-5210**
FAX **415/356-5156**
Email **noelle.powell@nlrb.gov**

Sent Via Email and Regular U.S. Mail

May 1, 2014

Steven D. Wheeless
Steptoe & Johnson LLP
201 East Washington Street
Suite 1600
Phoenix, AZ 85004-2382

Re: Wal-Mart Stores, Inc.
20-CA-126824

Dear Mr. Wheeless:

As you know, on April 16, 2014, OUR Walmart ("Charging Party") filed a charge against Wal-Mart Stores, Inc. ("Employer") alleging violations of Section 8(a)(1) of the Act. In addition to those allegations, the Region anticipates that the Charging Party will be filing an amended charge. In the interest of time, I am requesting information regarding those anticipated allegations at this time as well.

In addition, to assist our investigation, I am requesting to take face-to-face affidavits with members of management at the Florin Road store in Sacramento, California: Silvio Garbario, Angelina Gonzalez, Marlene (Last Name Unknown) and Zina Burns. I will also take affidavits from any other witnesses the Employer wishes to present. I also request that the Employer present all relevant evidence, including all supporting documentation, to address the legal and factual assertions of the charge. The Employer's evidence, at a minimum, should address the items set out below.

It is the policy of the National Labor Relations Board that full and complete cooperation from a Charged Party includes, where relevant, the timely providing of all material witnesses under its control to a Board agent so that the witnesses' statements can be reduced to affidavit form and the providing of all relevant documentary evidence requested by the Board agent. The submission of a position letter or memorandum, or the submission of declarations not taken by a Board agent, does not constitute full and complete cooperation.

In order to complete the investigation in a timely fashion, your evidence must be in my possession by Wednesday, May 14, 2014. The Regional Director will make determinations about the merits of the case shortly after that date. If you will be presenting

witnesses for face-to-face affidavits, please inform me of this no later than the close of business Friday, May 9, 2014.

1) The Charging Party alleges that employee, Meiasha Bradley, was terminated in retaliation for her protected, concerted activity and/or that, in terminating her, Wal-Mart relied on a discipline that was issued to Bradley in retaliation for protected, concerted activity. Please provide your position and please include responses to the following:

A. What was the reason for Bradley's termination?

B. Name the individuals responsible for making the decision to terminate Bradley.

C. Bradley's termination paperwork states that, at the time, she was "currently on a third written coaching." Please provide copies of the three written coachings that were considered in terminating Bradley.

D. Please provide all rules, policies, or provisions that Bradley was found to have violated, ultimately, resulting in her termination.

E. Please provide a copy of Bradley's personnel file.

F. Please provide documentation of all disciplines, including but not limited to terminations, issued to employees at the Florin Road location in Sacramento, California in the last six months.

2) It is the Charging Party's position that, on or about November 22, 2013, Bradley engaged in protected, concerted activity by participating in a "Black Friday" protest at a Wal-Mart store. Was Bradley disciplined for her activity on November 22? How was her absence that day recorded in Wal-Mart's records and how does Wal-Mart view such an absence?

3) The Charging Party alleges that, in or around late November or early December 2013, store manager, Silvio Garbario, created the impression of surveillance of employees meeting for their mutual aid and protection on non-working time and not on Wal-Mart property. Please provide your position.

4) The Charging Party alleges that, in or around late December 2013, store management created the impression of surveillance by beginning to eat lunch in the employee break room when employees were discussing issues for their mutual aid and protection during their lunchtime. Please provide your position.

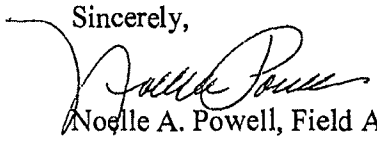
5) The Charging Party alleges that, in or around late November 2013, Silvio Garbario interrogated an employee about the employee's protected, concerted activities in connection with OUR Walmart when the employee asked about a promotion. Please provide your position.

6) The Charging Party alleges that, in or around late November 2013, Silvio Garbario informed an employee that the employee's participation in a "Black Friday" protest was considered when the employee was assigned fewer hours. Please provide your position.

7) The Charging Party alleges that, in or around the end of March 2014, Silvio Garbario and Angelina Gonzalez, in a meeting with an employee about the terms and conditions of employment, commented on the employee's participation in protests outside of the store and suggested that such activity could impact employment references from Wal-Mart in the future. Please provide your position.

Thank you in advance for your anticipated cooperation.

Sincerely,



Noelle A. Powell, Field Attorney

EXHIBIT 19

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market St Ste 400
San Francisco, CA 94103-1738

Agency Website: www.nlrb.gov
Telephone: (415)356-5130
Fax: (415)356-5156

Agent's Direct Dial: (415)356-5168

November 13, 2014

Alan Bayless Feldman, Esq.
201 East Washington Street
Suite 1600
Phoenix, AZ 85004-2428

Via Email: afeldman@steptoe.com

Re: Wal-Mart Stores, Inc.
Case 20-CA-138553

Dear Feldman:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the allegations raised in the investigation of the above-referenced matter. There are additional allegations to those listed below and you may receive subsequent request for evidence letters concerning those allegations. Set forth below are the allegations and issues on which your evidence is needed, a request to take affidavits, a request for documentary evidence, and the date for providing your evidence.

Allegations: The allegations for which I am seeking your evidence are as follows.

All dates refer to the year 2014 unless otherwise noted. The Union alleges that the Employer unlawfully issued unexcused absences to the following employees located in Northern California who participated in unfair labor practice strikes in June 2014: Tatayana "Nikki" Simmons (Simmons), Dorothy Halvorson (Halvorson), Margaret Hooten (Hooten), Candy Breckling (Breckling), and Matt Gauer. The Employer informed these employees that they were receiving unexcused absences because it was mandated at the corporate level.

I understand that in February 2013, the Employer at locations across the country, read employees a series of corporate "Talking Points" that informed the employees they would not be disciplined for their prior absences related to strikes or alleged intermittent work stoppages (IWS), but all future absences related to IWS would be treated as an unexcused absences. Is this correct? If so, please provide me with a copy of these Talking Points and confirm if the employees listed above received unexcused absences pursuant to these Talking Points.

Board Affidavits: I am requesting to take affidavits from any individuals you believe have information relevant to the investigation of this matter. Please be advised that the failure to

present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me by November 17 to schedule these affidavits.

Documents: Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1. Documents showing that the employees listed above received unexcused absences for the day(s) they missed for participating in the June strike.

2. As mentioned above, the Employer's Talking Points concerning unexcused absences and participating in alleged intermittent work stoppages.

Position on 10(j) Relief: You are also requested to provide your position as to the appropriateness of Section 10(j) injunctive relief in this matter. As you may know, Section 10(j) of the Act permits the NLRB to ask a federal district court "for appropriate temporary relief or restraining order" pending the Board's resolution of an unfair labor practice charge. The district court is authorized to grant "such temporary relief or restraining order as it deems just and proper." *If* the Region determines the Charged Party has violated the Act as alleged, the Region will consider whether to seek injunctive relief in this matter. Accordingly, please provide your position, legal theory, case law, and supporting evidence regarding whether injunctive relief would be appropriate for the alleged violations in this case and whether such injunctive relief would be just and proper. I wish to emphasize that the Region has not yet made a decision as to whether the Charged Party has violated the Act as alleged. Rather, we want to provide you with adequate notice that injunctive relief will be considered if such a decision is made.

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by November 21. If you are willing to allow me to take affidavits, please contact me by November 17 to schedule a time to take affidavits. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlrb.gov,** select **E-File Documents,** enter the **NLRB case number,** and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (415)356-5168, or e-mail, jason.wong@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

JASON P. WONG
Field Attorney

EXHIBIT 20

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 20
901 Market St Ste 400
San Francisco, CA 94103-1738

Agency Website: www.nlrb.gov
Telephone: (415)356-5130
Fax: (415)356-5156

Agent's Direct Dial: (415)356-5168

December 19, 2014

Alan Bayless Feldman, Esq.
201 East Washington Street
Suite 1600
Phoenix, AZ 85004-2428

Via Email: afeldman@steptoe.com

Re: Wal-Mart Stores, Inc.
Case 20-CA-138553

Dear Feldman:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the additional allegations raised in the investigation of the above-referenced matter. This letter supplements my November 13, 2014 request for evidence letter to you. Set forth below are the allegations and issues on which your evidence is needed, a request to take affidavits, a request for documentary evidence, and the date for providing your evidence.

Allegations: The allegations for which I am seeking your evidence are as follows.

All dates refer to the year 2014 unless otherwise noted. The Union alleges that the Employer discriminated against employees because they engaged in unfair labor practice strikes. Due to the number of discriminatees and allegations, please refer to the attached chart for details of the allegations.

Board Affidavits: I am requesting to take affidavits from any individuals you believe have information relevant to the investigation of this matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me by December 26 to schedule these affidavits.

Documents: Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1. The personnel files of terminated employees Aubretia Edick, Jared Surdam, Maria E. Jefferson , Evelin Cruz, Victoria Martinez

2. A copy of the Employer's solicitation rule.

3. Documents supporting Employer counsel's December 5 "No Trespass Notice" to Ms. Evelin Cruz. For example, please provide a copy of the "Court Order" referenced in the "No Trespass Notice."

Position on 10(j) Relief: I have already received and reviewed your position on 10j relief in your December 4 position statement. Please supplement your position on 10j if you feel it is necessary. I wish to re-emphasize that the Region has not yet made a decision as to whether the Charged Party has violated the Act as alleged. Rather, we want to provide you with adequate notice that injunctive relief will be considered if such a decision is made.

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by **January 9, 2015**. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlrb.gov,** select **E-File Documents,** enter the **NLRB case number,** and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (415)356-5168, or e-mail, jason.wong@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

JASON P. WONG
Field Attorney

Encl.

WALMART (20-CA-138553):
CHART OF ALLEGATIONS ATTACHED TO
DECEMBER 19, 2014 REQUEST FOR EVIDENCE LETTER

NAME of EMPLOYEE	ALLEGATIONS (All dates refer to the year 2014 unless otherwise noted)
1. Pamela Marley	Works at the Mountain View, CA store. Participated in June strikes A few weeks after the June strikes, the Employer informed her that she received unexcused absences for the day(s) she missed to participate in the June strikes. After the June strikes, the Employer reduced her number of work hours. After the June strikes, in either June or July, the Employer instructed her to clean the front and back bathrooms even though it never instructs cashiers to do so. In July, she received her annual evaluation and was informed that she would not receive a raise even though she had always received one in previous evaluations. In July, the Employer gave her a verbal warning for refusing to help a customer that was harassing her even though the Employer has told employees that they can refuse service to harassing customers.
2. Linda Haluska	Works at the Glenwood, IL store Participated in the June strikes. After the June strikes, the Employer told her that she received "conditional absences" for the day(s) she missed work to participate in the strikes.
3. Aubretia Edick	Worked at Chicopee, MA store. Participated in the June strikes. Terminated on November 21, for her involvement in a car/pedestrian accident in the Walmart parking lot on November 7. Sometime in July, the Employer informed her that she received unexcused absences for the day(s) she missed work to participate in the June strikes.

	On August 7, the Employer gave her a verbal coaching for violating Employer's solicitation rule in August and July. In reviewing her personnel file, she found a September 11, second written counseling for attendance/punctuality. But the Employer never presented this second written counseling to her and she denies that she was late or missed work on the days cited in this second written counseling.
4. Ismael Nunez	Works at the Klamath Falls, OR store. Participated in June strikes On or about September 25, he was told that he received unexcused absences for the day(s) he missed work to participate in the strikes.
5. Jared Surdam	Worked at Lynwood, WA store Participated in the June strikes. In September, the Employer informed him that he received an unexcused absence for the day(s) he missed work to participate in the June strikes. Terminated on November 22, 2014. What was the basis of his termination?
6. Dorothy Halvorson	Works at the Placerville, CA store. Participated in June strikes At the end of July or early August, the Employer informed her that she received an unexcused absence for the days she missed work to participate in the June strikes.
7. Margaret Hooten	Works at the Placerville, CA store. Participated in the June strikes In mid June, the Employer informed her that she received an unexcused absence for the day(s) she called out of work to participate in the June strikes.
8. Charles Wolford	Works at the Lynwood, WA store. Participated in the June strikes. In July, he received an unexcused absence for the day(s) he missed work to participate in the June strikes.

9. Maria Ledesma	Works at the La Quinta, CA store Participated in the June strikes. Was given fewer hours after the June strikes even though she asked for more. In August, she asked Manager Wolff for more hours and he said he could not give her more hours due to her physical limitations. But the Employer has given other employees with physical limitations 40 hour work weeks at the La Quinta store.
10. Jennifer Sanchez	Works at the Klamath Falls, OR store. Participated in June strikes On September 25, she was told that she received unexcused absences for the day(s) she missed work to participate in the June strikes.
11. Charmaine Givens Thomas	Works at the Evergreen Park, IL location She participated in the June strikes. Sometime after the June strikes, the Employer informed her that she may have received an unexcused absence for the day(s) she missed work to participate in the June strikes.
12. Maria E. Jefferson	Worked at Paramount, CA location. During the summer of 2013, she participated in a strike at the Pico Rivera, CA store. She participated in the November 2013 Black Friday strike at the Paramount store. In April 2014, her hours were reduced from about 80 hours per two-week pay period to 70 hours per two-week pay period. On April 25, she received a coaching for taking an incomplete meal break. She participated in the June strikes. On September 5, she received a warning for not taking her lunch within 4.5 hours of her start time. On September 26, the Employer terminated her for receiving four "coachings."

13. Delfina Alfonso	Works at Indio, CA location Participated in June strikes. In November, the Employer began scheduling her for days and times that differed from what she was normally scheduled for. On or about September, manager Rose told her that if she wanted to work more hours, she would have to work in other departments with heavy work.
14. Evelin Cruz	Worked at the Pico Rivera, CA location Participated in the June strikes Terminated on November 6, for her August 4, alleged failure to mark photo chemicals set for transport as hazardous materials. She received a December 4, "No Trespass Notice" from Walmart Counsel Steven Wheeless.
15. Victoria Martinez	Worked at Pico Rivera, CA Store Participated in June strikes. On July 6, the Employer wrote her up for failing to take her lunch break at the right time, even though it is common for employees to take their lunch late and adjust their time clock afterwards. She was terminated on November 6, for her August 4, alleged failure to mark photo chemicals set for transport as hazardous materials.

EXHIBIT 21

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 20
901 Market St Ste 400
San Francisco, CA 94103-1738

Agency Website: www.nlrb.gov
Telephone: (415)356-5130
Fax: (415)356-5156

Agent's Direct Dial: (415)356-5168

January 30, 2015

Alan Bayless Feldman, Esq.
201 East Washington Street
Suite 1600
Phoenix, AZ 85004-2428

Via Email: afeldman@steptoe.com

Re: Wal-Mart Stores, Inc.
Case 20-CA-138553

Dear Feldman:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the additional allegations raised in the investigation of the above-referenced matter. This letter supplements my previous request for evidence letters to you. Set forth below are the allegations and issues on which your evidence is needed, a request to take affidavits, a request for documentary evidence, and the date for providing your evidence.

Allegations: The allegations for which I am seeking your evidence are as follows.

All dates refer to the year **2014** unless otherwise noted. Due to the number of discriminatees and allegations, please refer to the attached chart for details.

Board Affidavits: I am requesting to take affidavits from individuals you believe have information relevant to the investigation of this matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me by February 4, 2015 to schedule these affidavits.

Documents: Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1. The personnel files of terminated employees Graciela Blancas, and Chris Harros.

2. Employee handbook that applies to Walmart associates.

Position on 10(j) Relief: I have already received and reviewed your position on 10j relief in your previous position statements. Please supplement your position on 10j if you feel it is necessary. I wish to re-emphasize that the Region has not yet made a decision as to whether

the Charged Party has violated the Act as alleged. Rather, we want to provide you with adequate notice that injunctive relief will be considered if such a decision is made.

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by **February 17, 2015**. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlrb.gov**, select **E-File Documents,** enter the **NLRB case number,** and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (415)356-5168, or e-mail, jason.wong@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

JASON P. WONG
Field Attorney

Enclosure:

WALMART
20-CA-135883
LIST OF ALLEGATIONS FOR JANUARY[1] REQUEST FOR EVIDENCE

Employee	Store Where Employed	Allegations
Nancy Reynolds	Merritt Island, FL	After the June strikes,[2] the Employer issued an unexcused absence for the days she called out of work to participate in the June strikes. About a month after she participated in the June strikes, the Employer reduced her work hours. About two weeks before Christmas 2014, Reynolds requested that Store Manager David Young (Young) adjust her work schedule to accommodate her medical condition. Young failed to fulfill her request for an accommodation.
Angelo Escano	N. Dale Mabry Hwy; Tampa Bay, FL	About a month prior to June, Escano stated at a meeting with employees and Co-manager Tammy Jackson that he intended to go on strike. Later that same day, Co-manager Tammy Jackson asked him about the exact day he planned on going on strike.
Cantare Davunt	Apple Valley, MN	On or about June 4, Davunt tried to enter the store to read her strike letter to management. Co-manager Eric, Store Manager Heidi Crowel (Crowel), and HR Market Manager Deb (last name unknown) prevented Davunt from entering the store. About a month after she participated in the June strikes, the Employer reduced her work hours. After the June strikes, Store Manger Crowel, assistant manager Gary Bliss, and assistant manager Chad Chavez regularly failed to respond to Davunt's requests for management assistance up front. Prior to the June strikes, these managers would promptly respond to such

[1] All dates refer to the year 2014 unless otherwise noted.

[2] The "June strikes" refer to the strike action that many Walmart employees engaged in from about May 31 – June 9.

		requests. Sometime around Labor Day Weekend 2014, Davunt asked Crowel for assistance up front at the registers. While at the registers, Crowel told Davunt that she should pull cashiers from one side of the store to the other side of the store, and that if Davunt could not manage the front end, she would find someone else to do it for her. Crowel then repeated this comment to Davunt. On November 15, various managers, including Kyle (last name unknown) told employees, including Davunt, to remove their stickers that demanded full time work and $15 per hour from the Employer. On or about November 20, Crowel and Kyle issued a written coaching to Davunt concerning her November 15 request for an "open door meeting" with Crowel, an employee who was upset about being told to remove their sticker, and herself. On or about November 27, Davunt and three other employees read a strike letter to Crowel. The Employer called the police on this group of employees. Sometime in August, Davunt entered the store to deliver a petition to management. Manager Chad Chavez told Davunt to leave the property and that the police were called.
Megan Jenkins	Clovis, NM	On May 31, several Walmart employees and OUR Walmart representatives attempted to enter the store to read the employees' strike letter to management. Store Manager Susie Moore (Moore) told the group that all non-employees had to vacate the Employer's property. She then said employees could stay but they could not hold signs or banners, speak or hand out flyers to customers, or chant. The Employer called the police on the group. On August 31, 3rd Shift Manager Stacey Sharp

		(Sharp) informed Jenkins that she was receiving two unexcused absences for the days she called out of work to participate in the June strikes.
Zandi Queener	Clovis, NM	Prior to April, Queener engaged in protected activity. On April 19, Sharp issued a written warning to Queener for "ghost picking" merchandise. "Ghost picking" refers to the scanning merchandise from the backroom as to take it out but the merchandise is not taken out of the backroom. On May 31, several Walmart employees and OUR Walmart representatives attempted to enter the store to read the employees' strike letter to management. Store Manager Susie Moore (Moore) told the group that all non-employees had to vacate the Employer's property. She then said employees could stay but they could not hold signs or banners, speak or hand out flyers to customers, or chant. The Employer called the police on the group. On August 1, Sharp told her that she was receiving two unexcused absences for the days she called out of work to participate in the June strikes, so she now had four absences which required a write up. About two to three weeks before August 1, Queener submitted a request for days off on August 3 – 5. During the last week of July, Sharp denied her request. On August 8, Sharp issued a write up to Queener for her absences on March 21, May 31, June 3, and August 3.
Paula Nez	Clovis, NM	On May 31, several Walmart employees and OUR Walmart representatives attempted to enter the store to read the employees' strike letter to management. Store Manager Susie Moore (Moore) told the group that all non-employees had to vacate the Employer's property. She then said employees could stay but they could not

		hold signs or banners, speak or hand out flyers to customers, or chant. The Employer called the police on the group. On August 1, 2014, Shift Manager Stacey Sharp told Nez that she received two unexcused absences for the days she called out of work to participate in the June strikes, and she would have to be written up now because she had more than 3 absences. About two to three weeks before August 1, Nez submitted a request for days off on August 3 – 5. During the last week of July, Sharp denied her request. On August 8, Manager Sharp told Nez that she (Nez) was receiving a second write up due to excessive absences.
Allison Livengood	Oshkosh, WI	She participated in the Black Friday (November) 2014 strikes. The Employer recorded her absences (November 27 and 28) as "conditional status." What does "conditional status" mean? Were those absences later changed to excused or unexcused?
Gracielas Blancas	La Quinta, CA	The Employer reduced her work hours after she participated in the June strikes. In August or September, Blancas and two employees delivered a petition to manager Christie (last name unknown), and Assistant Manager Maria (last name unknown) took a photo of this group of employees in front of other employees. The ER terminated her on October 14. Support Manager Mariel (last name unknown) told Blancas that she was being terminated for engaging in sexual harassment, workplace harassment, and threatening someone with death. Sometime after her termination, Blancas visited the La Quinta store with OUR Walmart representative Romy Penny (Penny) and two

		Walmart employees. Support Manager Mariel said that Penny could not be in the store. At the same time, managers Teresa (last name unknown) and Rose (last name unknown) took pictures of the group.
Chris Harros	Pico Rivera, CA	On October 31, he was terminated for violating the Walmart's attendance policy.

EXHIBIT 22

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 20
901 Market St Ste 400
San Francisco, CA 94103-1738

Agency Website: www.nlrb.gov
Telephone: (415)356-5130
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April 2, 2015

Alan Feldman, Attorney
STEPTOE & JOHNSON, LLP
201 East Washington St.
Suite 1600
Phoenix, AZ 85004-2382

Via email: afeldman@steptoe.com

Re: Wal-Mart Stores, Inc.
Case 20-CA-138553

Dear Mr. Feldman:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the additional allegations raised in the investigation of the above-referenced matter. This letter supplements my previous request for evidence letters to you. Set forth below are the allegations and issues on which your evidence is needed, a request to take affidavits, a request for documentary evidence, and the date for providing your evidence.

Allegations: The allegations for which I am seeking your evidence are as follows.

All dates refer to the year **2014** unless otherwise noted. Due to the number of alleged discriminatees and allegations, please refer to the attached chart for details.

Board Affidavits: I am requesting to take affidavits from any individuals you believe have information relevant to the investigation of this matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me by April 8, 2015, to schedule these affidavits.

Documents: Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1. Please provide the personnel files of the terminated employees listed in the attached chart. Please provide a copy of all the disciplines at issue for the employees in the attached chart.

2. Please provide a copy of all Employer policies and rules that were used as the basis for disciplining the employees listed in the attached chart.

Position on 10(j) Relief: I have already received and reviewed your position on 10j relief in your previous position statements. Please supplement your position on 10j if you feel it is necessary.

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by **April 20, 2015.** Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlrb.gov,** select **E-File Documents,** enter the **NLRB case number,** and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (415)356-5168, or e-mail, jason.wong@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

JASON P. WONG
Field Attorney

ICM.20-CA-138553.Witnesses for 1st Amended Charge.xlsx
EAJA Chart Apr

Last	First	Location	Allegations
Daguioan	Edward	Milpitas, CA	He Received an unexcused absence for his absences for the 2014 Black Friday Strike.
Manley	Young	Milpitas, CA	She received an unexcused absence for her absences for the 2014 Black Friday Strike
Santiago	Conrado	Milpitas, CA	He Received an unexcused absence for his absences for the 2014 Black Friday Strike.
Nogueda	Victoria	Fremont, CA	She received unexcused absences for the Black Friday 2014 Strike. Before the Black Friday 2014 Strike, she averaged at least 34 hours per week. After the Black Friday Strike, she averaged less than 32 hours per week. On or about January 22 or 23, 2015, Nogueda asked Manager Tammy to change her schedule, so she could attend school in the afternoons from Tuesday through Thursday of each week. Tammy denied her request. Nogueda claims that former co-manager Tony previously changed her schedule, so she could attend school. Tammy said Nogueda would fall into part time status if she could not work afternoons. Nogueda claims that the Employer could have assigned her out of the fitting rooms and modified her job duties to accommodate her work restrictions and assign her full time hours. Why did the Employer deny Nogueda's request for a change in schedule?
Marley	Pamela	Mountain View, CA	She was listed in my December 19 request for evidence letter and you responded to her allegations in your January 26, 2015 position statement. However, she has since responded to your claims, received unexcused absences for the Black Friday 2014 Strike, and has been terminated. Marley claims she was not at her register during her last evaluation period because management constantly assigned her to perform tasks away from the registers (i.e. do go backs, assist handicap customers, price checks, and retrieve large items for customers). The Employer assigned her to such tasks in the past and she always received a raise during her annual evaluations except for the last one she received in July. Why was Marley's last evaluation inferior to her previous ones when there was no change in the amount of time she was on the register? On August 12, Marley was part of an OURWalmart delegation at the Employer's Oakland, CA store. On October 9, she was part of an OURWalmart delegation at the Mountain View, CA store. In November, she was part of an OURWalmart delegation that demonstrated at various Employer stores in Southern California. On January 21, 2015, she was terminated for absences she accrued during the Black Friday 2014 Strike. If not for the unexcused absences she received for the June and Black Friday Strike, would she have been up for termination according to the Employer's progressive discipline policy?

Last	First	Location	Allegations
Juanitas	John (aka John)	Fremont, CA	He received an unexcused absence for the June Strike. On June 10, he was part of an OURWalmart delegation that held a demonstration at the Employer's Oakland, CA store. On August 25, he was part of an OURWalmart delegation at the California State Capitol. On or about August 29, the Employer gave him a written coaching for tardiness but he denies he was tardy. In September, the Employer gave him a written coaching for stealing time. Within the last three years, has that store disciplined any other employees for stealing time? On October 9, he was part of an OURWalmart delegation at the Employer's Mountain View, CA store. On October 15, he was part of an OURWalmart delegation in Phoenix, AZ. On November 7, he was terminated for tardies. His Exit Interview states he was tardy from 10/28 - 10/29. Juanitas claims he was not scheduled to work on 10/29 and that he informed the Employer that he was running late on 10/27 and 10/28. Within the last three years, has that store disciplined any other employees for tardies? Was he terminated in part, due to the unexcused absence he received for the June Strike?
Skeen	Lyle	Marina, CA	On January 19, 2015, he was terminated. In Early December, his hours were reduced from 40 hours to 32 hours per week. On or about November 24, he received a first coaching for misusing his discount card. Skeen claims that all employees did what he was accused of doing. Within the last three years, has that store disciplined any other employees for the same reason Skeen was disciplined for? On or about December 4, he received a second coaching because her register had an extra $100 in it. Within the last three years, has that store disciplined any other employees for having extra money in their register? On January 3, 2015, Assistant Manager Stormy Maxey gave Skeen a third coaching for attendance, said not everyone gets written up for their attendance, asked Skeen why he was in OURWalmart, and said that OURWalmart was not needed at the store. Did Skeen's third coaching include his unexcused absence for the 2014 Black Friday Strike? After January 3, 2015, Skeens hours were reduced to about 25-28 hours per week. On January 14, 2015, Maxey told Skeen that his absences during the 2014 Black Friday Strike were unexcused and she asked Skeen to sign a document with her

ICM.20-CA-138553.Witnesses for 1st Amended Charge.xlsx
EAJA Chart Apr

Last	First	Location .	Allegations
Arroyo	Claudia	Sacramento, CA	On December 10, the Employer terminated her after it gave her a fourth coaching for "not being dependable." She claims that her first warning was for misusing her discount card. Within the last three years, has that store disciplined any other employees for misusing their discount card? She claims her second warning was for tardies. She claims that her third warning was for "switching her days around" and tardies. Within the last three years, has that store disciplined any other employees for tardies and "switching their days around?" Did she receive an unexcused absence for the Black Friday Strike. If yes, was her termination, based in part on her receipt of that unexcused absence?
Howard	Kiana	Sacramento, CA	On October 15, she was part of an OURWalmart delegation in Phoenix, AZ. In November, she was part of an OURWalmart delegation that demonstrated at various Employer stores in Southern California. She participated in the Black Friday 2014 Strike. Sometime in December, the Employer disciplined her for misusing her employee discount card. On January 13, 2015, Assistant Manager Sheila ___ read from a script and said that Howard's absences during the Black Friday Strike were not federal protected, so Howard was receiving a coaching for those absences. Sheila said that brought Howard up to four coachings, which was grounds for termination, and that Howard was fired.

Last	First	Location	Allegations
Pearson	Shantell	Sacramento, CA	In November 2014, she was part of an OURWalmart delegation that demonstrated at various Employer stores in the LA area (LA Strike). She informed the Employer that she was participating in the LA Strike before actually going. About a week after the LA Strike, the Employer disciplined her for her attendance. A couple of days later, Pearson asked Assistant Manager Detra ___ if associates would get disciplined if they did not work on Black Friday. Detra said that Store Manager Silvio ____ said everyone must work on Black Friday or they would receive discipline. A few days before November 27, Assistant Manager Lou told Pearson to write a statement explaining why she adjusted her time, so she would not get in trouble. A few days after that, Assistant Manager Sheila ___ disciplined Pearson for adjusting her time. Pearson claims she adjusted her time because she took her lunch early, worked through her normally scheduled lunch period, and tried to adjust her time to reflect the actual _____. In the beginning of December, the Employer issued Pearson a third discipline for not taking a meal break before the fifth hour of her shift. Within the last three years, has that store disciplined any other employees for adjusting their time and not failing to take a meal break prior to the fifth hour of their shift? A few days prior to February 15, 2015, Pearson spoke with Assistant Manager Angelina ___. Angelina told Pearson that her absences for the LA Strike were
Faulkner	Tyfani	Sacramento, CA	She participated in the June Strike. She received an unexcused absence for the June Strike. She participated in the LA Strike in November. She participated in the Black Friday 2014 Strike. On or about January 8, 2015, Assistant Manager Detra gave Faulkner a second written coaching for absences. On January 13, 2015, Assistant Manager Rosalee ___ gave Faulkner her third written coaching, stating that the coaching was based on the unexcused absences she received for the Black Friday Strike.
Brown	Kerry	Hadley, MA	About a week after May 29, Store Manager Schwall and Regional Manager John Hierlriech verbally coached Brown regarding her distribution of literature to associates at the Westfield, MA store on May 29. She participated in the June Strike. On October 16, she was part of an OURWalmart delegation in Washington DC. She participated in the Black Friday 2014 Strike. During this strike she distributed literature at the Employer's Westfield and Springfield locations. On December 20, Store Manager Schwall and Assistant Manager Christianson told her that she was terminated for repeatedly violating the Employer's solicitation and distribution policy.

Last	First	Location	Allegations
Olean	Mark	Lynwood, WA	He participated in the June Strike. Soon after the June Strike, he spoke with Co-Manager Carter ___, expressing his support for OURWalmart and concerns about his terms and conditions of employment. He participated in the Black Friday 2014 Strike. On or about January 24, 2015, manager Jerry ___ and a female manager issued Olean a write up for attendance that included unexcused absences for the Black Friday Strike. The write up also included an absence caused by three tardies and an absence for incomplete shifts. Olean denies being tardy and working an incomplete shift on the days cited on the written warning. In either late January or early February, managers Carter ____ and Janine Jordan (Jordan) issued Olean another written warning for attendance. Janine told Olean that he had numerous absences due to his involvement with the Union and OURWalmart and he was receiving unexcused absences for Black Friday. Jordan asked Olean to sign the written warning but rejected his first two comments, which said that he was part of an action to protest poor pay and poor working conditions and that he felt he had the right to engage in such protest. Jordan finally accepted Olean's generic
Pruitt	Mae	Pico Rivera, CA	At the time of her termination, she was a department manager for Pets, Chemicals, and Paper Goods. Does the Employer contend that she was a 2(11) supervisor? If yes, please provide the evidence. She participated in the LA Strike in November, which included actions at her store. Shortly thereafter, the Employer assigned her two additional departments to be responsible for on top of the Pet Department: Chemicals and Paper Goods. Pruitt claims that the ER gave her the two additional departments to try to overload her with work. Sometime in December, co-manager Jesse ___ told Pruitt that her wearing of a red sweater violated the Employer's dress code, so she needed take it off. On January 12, 2015, manager Jorge ___told Pruitt she was fired because on January 6, 2015, she walked on top of the paper goods warehouse steel and tossed boxes down to an associate on the floor below in the presence of customers. Did Pruitt have any written coachings prior to January 12, 2015? If yes, what were they and please provide the supporting documentation. Within the last three years, has that store terminated or disciplined any other employees for a similar infraction?

Last	First	Location	Allegations
Miller	Daniel	Jennings, LA	He participated in the Black Friday 2014 Strike. On December 22, he received a first coaching because he took too long of a break. Shift Manager Chad Lancaster said Miller took a 26 minute break when he was only allowed a 15 minute break. Miller denies taking a 26 minute break and claims that it is common for employees to take longer than a 15 minute break. On December 29, he received his second coaching for a task management discrepancy. Shift Manager Carl told Miller he was being written up because he did not complete his task and was not where he was supposed to be. Miller claims that he completed his task and simply forgot to enter "completed" on his task manager and that he was not in his assigned aisle because he had finished the task and was helping a co-worker.
Holstein	Jessica	Lake Charles, LA	Sometime prior to the Black Friday Strike, Holstein wore her green OURWalmart t-shirt under her work shirt during work. Manager Keith Duplechin told her to either take off the OURWalmart t-shirt or tuck it in. Later that same day, Co-Manager Rebecca Bauer told Holstein that the Employer's dress code mandated that undershirts be black, navy blue, khaki, or white, and that Holstein had to take off her green OURWalmart undershirt. Please provide the Employer policy that forbids employees from wearing green undershirts. Holstein participated in the Black Friday Strike and received unexcused absences for it. On either January 24 or 25, Co-Manager Sharon Savage read from a script, saying that Holstein's absences during the Black Friday Strike were unexcused. Savage said that Holstein was already on an active third coaching, so her unexcused absences for Black Friday exceeded the allowable amount of absences and she was terminated. Savage said that Holstein accrued 13 absences in a six month period. Holstein denies she had 13 absences. Within the last three years, has that store terminated any other employees for attendance issues? Please provide a copy of the

ICM.20-CA-138553.Witnesses for 1st Amended Charge.xlsx
EAJA Chart Apr

Last	First	Location	Allegations
Kanger-Born	Marie	Crestwood, IL	She participated in the Black Friday 2014 Strike and received unexcused absences for it. On November 27, she was part of an OURWalmart delegation at the Employer's Pullman store at 109th and South Doty Avenue in Chicago, IL. While there, she and several employees handed out flyers and spoke to customers in the parking lot. A male manager (name unknown) approached them in the parking lot and told them that they could not hand out literature in the parking lot and had to leave. Before the Black Friday Strike, Kanger-Born never had to pull back her pallet of overstocks to the backroom. A storeroom person or manager would pull her pallet of overstocks to the backroom for her. After the Black Friday Strike, the Employer requires her to pull her pallet of overstocks to the backroom with a pallet jack even though the Employer never trained her on how to use a pallet jack.
Livengood	Allison	Oshkosh, WI	She received a conditional absence for the June Strike.

EXHIBIT 23

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market St Ste 400
San Francisco, CA 94103-1738

Agency Website: www.nlrb.gov
Telephone: (415)356-5130
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Agent's Direct Dial: (415)356-5168

May 20, 2015

Alan Bayless Feldman, Esq.
201 East Washington Street
Suite 1600
Phoenix, AZ 85004-2428

Via Email: afeldman@steptoe.com

Re: Wal-Mart Stores, Inc.
Case 20-CA-138553

Dear Feldman:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the additional allegations raised in the investigation of the above-referenced matter. This letter supplements my previous request for evidence letters to you. Set forth below are the allegations and issues on which your evidence is needed, a request to take affidavits, a request for documentary evidence, and the date for providing your evidence.

Allegations: The allegations for which I am seeking your evidence are as follows.

All dates refer to the year **2014** unless otherwise noted. Due to the number of alleged discriminatees and allegations, please refer to the attached chart for details. The "June Strike" refers to the "Shareholders Week" strike that occurred from about May 31 – June 8. The "LA Strike" refers to the "LA Sit In" Strike that occurred from about November 11 – 14, in Southern California. The "Black Friday Strike" refers to the Black Friday Strike that occurred from about November 24 – 28.

Board Affidavits: I am requesting to take affidavits from individuals you believe have information relevant to the investigation of this matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me by May 27, 2015 to schedule these affidavits.

Documents: Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1. The personnel files of all terminated employees listed in the attached chart.

2. Records showing that the Employer has disciplined other employees for the same conduct that the employees in the chart were disciplined for.

Position on 10(j) Relief: I have already received and reviewed your position on 10j relief in your previous position statements. Please supplement your position on 10j if you feel it is necessary. I wish to re-emphasize that the Region has not yet made a final decision as to whether the Charged Party has violated the Act as alleged. Rather, we want to provide you with adequate notice that injunctive relief will be considered if such a decision is made.

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by **June 8, 2015**. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlrb.gov,** select **E-File Documents,** enter the **NLRB case number,** and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (415)356-5168, or e-mail, jason.wong@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

JASON P. WONG
Field Attorney

Enclosure:

ICM.20-CA-138553.Witnesses for 1st Amended Charge.xlsx
EAJA Chart May 2015

Last	First	Location	Allegations
Jackson	Linda	Chicago, IL	Received Unexcused Absence for the Black Friday Strike
Montague	Tim	Chicago, IL	Received Unexcused Absence for the Black Friday Strike
Weaver	Tristean	Greensburg, PA	Received Unexcused Absence for the Black Friday Strike
Resendez	Lupita	La Quinta, CA	Received Unexcused Absence for the Black Friday Strike
Dehard	Emily	Merritt Island, FL	Received Unexcused Absence for the Black Friday Strike
Schortgon	Denise	Merritt Island, FL	Received Unexcused Absence for the Black Friday Strike
Buscit	Rosalinda	Milpitas, CA	Received Unexcused Absence for the Black Friday Strike
Bridgers	Candy	Sacramento, CA	Received Unexcused Absence for the Black Friday Strike
Henderson	Shannon	Sacramento, CA	Received Unexcused Absence for the Black Friday Strike
Whitley	Jennifer	Sacramento, CA	Received Unexcused Absence for the Black Friday Strike
Wilson	Christina	Sacramento, CA	Received Unexcused Absence for the Black Friday Strike
Haluska	Linda	Chicago, IL	Received Unexcused Absences for the June Strike and Black Friday Strike
Sumagaysay	Maria	Fremont, CA	Sumagaysay participated in LA Strike and Black Friday Strike. She received unexcused absences for the days she missed work to participate in those strikes.
Sellers	Martha	Paramount, CA	Sellers participated in the June Strike and Black Friday Strike. She received unexcused absences for the time she missed work to participate in those strikes.
Sanchez	Jessica	Klamath Falls, OR	She participated in the June Strike and Black Friday Strike and received unexcused absences for the days she missed work to participate in those strikes. On January 24, 2015, Sanchez joined an OURWalmart delegation at the State Capitol in Salem, Oregon. On January 26 and 27, 2015, Sanchez and other employees demonstrated outside of the Klamath Falls store. On January 27, 2015, the Employer changed Sanchez's normal schedule. Prior to January 27, 2015, Sanchez always had Tuesdays and Wednesdays off. After January 27, 2015, the Employer scheduled Sanchez's days off for Mondays and Tuesdays. During a meeting with night shift employees on April 12, 2015, Employer representative Michael ____ told employees that it was their choice if they wanted to sign on with the Union but they have to know what they are signing on for because the employees could get into a lot of trouble and get into something they cannot get out of. Assistant Manager Eric Nations also attended this meeting.

ICM.20-CA-138553.Witnesses for 1st Amended Charge.xlsx
EAJA Chart May 2015

Last	First	Location	Allegations
Nunez	Ismael	Klamath Falls, OR	He participated in the June Strike and Black Friday Strike and received an unexcused absences for the days he missed work to participate in those strikes. On or about January 7, 2015, assistant Manager Mark ____ suspended Nunez for allegedly leaving eggs out of cold storage for an extended period of time. That same day, Assistant Manager Mark called the police on Nunez and the police escorted Nunez off store property in front of employees. On January 24, 2015, Nunez joined an OURWalmart delegation at the State Capitol in Salem, OR. On January 25, 2015, Store Manager Kelly Cooper fired Nunez. On January 26, 2015, Nunez and other employees demonstrated outside of the Klamath Falls, OR store. What was the basis for Nunez's termination? Was his termination based in part on the unexcused absences he received for participating in the June Strike and Black Friday Strike? Please provide the security video footage showing how long Nunez allegedly left the eggs out of cold storage. Within the last three years, has that store terminated any other employees in part for leaving eggs/food out of cold storage for an extended period of time? Nunez claims that he regularly told managers Shilo ___, Mark ____, Stan ____, and Corey about the dairy employees leaving pallets of food out for more than 20 minutes and they told him not to worry about it.
Wagner-Frischknecht	Nicole	Union City, CA	She participated in the Black Friday 2014 Strike. Did the Employer issue her unexcused absences for the days she missed work to participate in the Black Friday Strike? Before the Black Friday Strike, she worked between 36 - 40 hours per week. After the Black Friday Strike, the Employer reduced her weekly hours. In December, the Employer moved her from the Garden Center to the fitting rooms, and further reduced her weekly hours.
Davunt	Cantare	Apple Valley, MN	On January 15, 2015, Davunt was terminated for an alleged incident on December 17, where Ms. Davunt allegedly cashed a check from a customer and gave the check back to the customer instead of holding onto the check in accordance with the Employer's policy. Was her termination based in part on any unexcused absences she received for participating in the June Strike or Black Friday Strike?

ICM.20-CA-138553.Witnesses for 1st Amended Charge.xlsx
EAJA Chart May 2015

Last	First	Location	Allegations
Watkins	Demondtre	Cincinnati, OH	Beginning in August 2014, Watkins and other employees complained to various managers that employee Antwan ___ threatened employees: Third shift manager Karen ___, Day shift manager Jason Fischer, Richard France, and Jason Doss. Sometime in October, Watkins met with Doss and France. During this meeting, Doss told Watkins that he did not want to hear anything more about Antwan or the Antwan investigation. Doss also said that if Watkins brought up the Antwan situation, he would fire Watkins. Watkins participated in an OURWalmart November 20 and 21 strike action against Walmart and informed Walmart of it in writing. During the November 20 strike, he told Manager Richard France that he wanted higher pay and his schedule changed due to his work safety concerns. France then asked him why he was going on strike. Watkins reminded France that he previously told France that another co-worker named Antwan ___ had threatened his life and the Employer had done nothing about it. France told Watkins that the investigation into the matter was over, Watkins was fine, and Watkins should return to work on November 23. France also told Watkins that he could come into work 15 minutes early and leave work 15 minutes early for two weeks as he worked out his transportation issues. On November 23, managers Doss ___ and Rick Roberts told Watkins that they conducted an investigation into Watkins' claims against Antwan for workplace violence and found that Watkins sent threatening text messages to another co-worker, so the Employer was going to terminate Watkins. Watkins denies that he ever threatened a co-worker and claims that his co-worker Antwan ___ threatened him and other employees regularly. Please provide the Employer's investigatory documents concerning Watkins' allegations of workplace violence including, but not limited to, the alleged threatening text messages Watkins sent to a co-worker.
Bekech	Phil		He participated in the Black Friday Strike. During the Black Friday Strike on November 28, he leafleted at the Westfield store and spoke to employees, and Market Human Resources Manager John Hellreich told Bekech that it was illegal to distribute literature on the sales floor. On December 24, Store Manager Scott Ring told Bekech that Bekech was going to receive a second written warning for violating the Employer's distribution and solicitation policy on November 28.

EXHIBIT 24

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market St Ste 400
San Francisco, CA 94103-1738

Agency Website: www.nlrb.gov
Telephone: (415)356-5130
Fax: (415)356-5156

Agent's Direct Dial: (415)356-5168

July 1, 2015

Alan Bayless Feldman, Esq.
201 East Washington Street
Suite 1600
Phoenix, AZ 85004-2428

Via Email: afeldman@steptoe.com

Re: Wal-Mart Stores, Inc.
Case 20-CA-138553

Dear Mr. Feldman:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the additional allegations raised in the investigation of the above-referenced matter. This letter supplements my previous request for evidence letters to you. Set forth below are the allegations and issues on which your evidence is needed, a request to take affidavits, a request for documentary evidence, and the date for providing your evidence.

Allegations: The allegations for which I am seeking your evidence are as follows.

All dates refer to the year **2014** unless otherwise noted. Due to the number of alleged discriminatees and allegations, please refer to the attached chart for details. The "June Strike" refers to the "Shareholders Week" strike that occurred from about May 31 – June 8. The "LA Strike" refers to the "LA Sit In" Strike that occurred from about November 11 – 14, in Southern California. The "Black Friday Strike" refers to the Black Friday Strike that occurred from about November 24 – 28.

Board Affidavits: I am requesting to take affidavits from individuals you believe have information relevant to the investigation of this matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me by July 7, 2015 to schedule these affidavits.

Documents: Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1. The personnel files of all terminated employees listed in the attached chart.

2. Records showing that the Employer has disciplined other employees for the same conduct that the employees in the chart were disciplined for.

Position on 10(j) Relief: I have already received and reviewed your position on 10j relief in your previous position statements. Please supplement your position on 10j if you feel it is necessary. I wish to re-emphasize that the Region has not yet made a final decision as to whether the Charged Party has violated the Act as alleged. Rather, we want to provide you with adequate notice that injunctive relief will be considered if such a decision is made.

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by **July 17, 2015**. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlrb.gov,** select **E-File Documents,** enter the **NLRB case number,** and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (415)356-5168, or e-mail, jason.wong@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

JASON P. WONG
Field Attorney

Enclosure:

July 1 Chart to ER

Last	First	Location	Allegations *(All dates refer to the year 2014 unless otherwise noted)*
Williams	Montreissa	Sturtevant, WI	On November 7, Assistant Manager (Kenosha Store) Angel ___ told Williams to takle off her sticker that read "ask me why my lines are long." Manager Christina May told Williams that if she did not remove the sticker, she would have to clock out and go home. Williams participated in the Black Friday Strike. Did she receive unexcused absences for the days she participated in that strike? Williams claims that the Employer reduced her weekly hours after the Black Friday Strike. She claims that during a two-month period, she was only scheduled between 13-15 hours per week and for one week, she was only scheduled for 8 hours.
Nogueda	Victoria	Fremont, CA	Nogueda alleges that in May 2015, the Employer terminated her for unexcused absences she received for participating in ULP Strikes in November 2014.

EXHIBIT 25

From: Wong, Jason P <Jason.Wong@nlrb.gov>
Sent: Tuesday, March 17, 2015 3:28 PM
To: Feldman, Alan
Subject: Walmart - follow up on your Jan position statement - 1

I received your third position statement. Thank you.

I am going to send you follow up questions as I am writing the investigation report for the first round of witnesses. Due to the sheer number of allegations and discriminatees, let me apologize beforehand for the number of emails you will probably receive from me.

Edick –

- Tabs 14 and 15 of your January position statements purport to be pictures of Edick and non-employees soliciting in the store on July 16 and 31 respectively. But the pictures do not show a date on them. Can you send me pictures that show the date?
- Tabs 14 and 15 also includes a diagram of a CD that purports to contain video footage of Edick's soliciting in the store but I do not have the actual video. If I need the actual video, can you send it to me via flash drive or CD?
- You state that employees acknowledge receipt of written coachings by "electronic acknowledgement." See page 11 where you claim that Edick entered her electronic acknowledgement that she received the written coaching. I only have a black and white copy of employee written coachings (i.e. Tab 17). Where on the coaching does it show that the employee's electronic acknowledgement of receipt?

Surdam

- How many attendance/punctuality "occurrences" have to occur for an employee during a six month period to prompt their discharge?
- Page 1 of Tab 29 states that "Personal Discussions expire six months from the date of Associate's first of the three absence occurrences." Surdam received his first written coaching for attendance on 8/11/13 which would have expired on 2/11/14. He received his second written coaching on 4/7/14, which would have expired on 10/7/14. He received his third written coaching on 7/28/14. When the Employer terminated him on 11/24/14, the only active coaching would have been his 7/28 coaching, which included his 6/6 absence. With only one active coaching, how was he on his third active coaching? Did his November absences alone count as five "occurrences"?
- Within the last 2 years, has the Employer terminated any other employees for absence/punctuality issues? If yes, please provide details to these terminations.

Jefferson

- You state that the Employer terminated Jefferson on September 26, 2014, because she received her fourth written coaching when she violated the meal policy on August 23. Her previous coachings were on September 6, 2013, March 6, 2013, and March 29, 2013. But didn't her September 6, 2013 coaching expire after six months of its issuance? If yes, then Jefferson only had three coachings when she received one for violating the meal policy on August 23. Don't employee have to incur four coachings to be terminated?
- You state that in April, the Employer noticed that Jefferson was working more than hours than permitted as a part time employee, so the Employer made adjustments to her schedule to maintain her part time status. Can you give me examples of other employees who the Employer did this to in 2014?

- You provided Jefferson's time reports for certain time periods in 2014, but certain time periods are missing. There are no time reports for the time period 5/3 – 6/27; 7/12-9/5. Please send me these missing reports.
- Within the last 2 years, has the Employer terminated any other employees for violating the Meal Policy? If yes, please provide the details of these terminations.

Jason P. Wong
Field Attorney
NLRB - Region 20
901 Market Street, Suite 400
San Francisco, CA 94103
Phone: 415-356-5168
Fax: 415-356-5156

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EXHIBIT 26

From: Wong, Jason P <Jason.Wong@nlrb.gov>
Sent: Tuesday, March 17, 2015 5:20 PM
To: Feldman, Alan
Subject: Walmart - summary of 1st amended charge

Alan:

I am still in the process of gathering the Union's evidence for the amended charge. As with the last round of witnesses, affidavits come into my office intermittently. I have affidavits from a few of the witnesses involved in the amended charge and I do not know who will ultimately submit affidavits. The Union told me the individuals involved in the amended charge and their respective allegations. Due to the sheer number of discriminatees and allegations (you will see that there are quite a few terminations here), I attach a spreadsheet summarizing the allegations involved in the amended charge. When I receive a number of affidavits, I will send you a request for evidence letter concerning the individuals who present a prima facie case. Thanks. J

Jason P. Wong

Field Attorney

NLRB - Region 20

901 Market Street, Suite 400

San Francisco, CA 94103

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Fax: 415-356-5156

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Attachments:
ICM.20-CA-138553.Witnesses and Allegations for 1st Amended Charge.pdf (75862 Bytes)

ICM.20-CA-138553.Witnesses for 1st Amended Charge.xlsx
Amend All Witnesses to ER

Last	First	Location	Allegations
Arroyo	Claudia	Sacramento, CA	Given a Lvl 4 Coaching and terminated
Howard	Kiana	Sacramento, CA	Given a Lvl 4 Coaching and terminated
Pearson	Shanteli	Sacramento, CA	Given three coachings
Faulkner	Tyfani	Sacramento, CA	Given a Lvl 3 Coaching for unexcused absences on dates she particiapted in ULP strikes
Henderson	Shannon	Sacramento, CA	Given unexcused absences and Lvl 3 coaching
Wilson	Christina	Sacramento, CA	Given unexcused absences and Lvl 3 coaching
Bridgers	Candy	Sacramento, CA	Given unexcused absences and Lvl 2 coaching
Whitley	Jennifer	Sacramento, CA	Given unexcused absences and Lvl 3 coaching
Santiago	Conrado	Milpitas, CA	Given unexcused absences and told that their attendance would be monitored
Daguojan	Ed	Milpitas, CA	Given unexcused absences and told that their attendance would be monitored
Manely	Young	Milpitas, CA	Given unexcused absences and told that their attendance would be monitored
Juanitas	Jon	Fremont, CA	Given unexcused absences and terminated
Nogueda	Victoria	Fremont, CA	Her hours were cut, she was taken off the schedule, she received unexcusued absences, and she was given Lvl 2 coaching
Skeen	Lyle	Marina, CA	Received unexcused absences, hours reduced, given two coachings, and terminated
Wagner	Nicole	Union City, CA	Hours reduced, did not receive accomodations for pregnancy, and has been harassed by managers
Marley	Pamela	Hayward, CA	Received unexcused absences and terminated.
Sumagay	Maria	Fremont, CA	Received unexcused Absence
Davunt	Cantare	Apple Valley, MN	Lvl 3 Coaching and Terminated
Nunez	Ismael	Klamath Falls, OR	suspended without pay
Sanchez	Jessica	Klamath Falls, OR	unexcused absences
Pruitt	Mae	Pico Rivera, CA	Terminated
Sellers	Martha	Paramount, CA	unexcused absences
Olean	Mark	Lynwood, WA	given a coaching
Wilbert	Nefertira	Chicago, IL	Terminated
Montague	Tim	Chicago, IL	unexcused absences and terminated
William	Jessica	Chicago, IL	Terminated
Haluska	Linda	Chicago, IL	unexcused absences
Jackson	Linda	Chicago, IL	unexcused absences
Born	Marie	Crestwood, IL	unexcused absences
Montreissa		Wisconsin, WI	hours reduced
Dehard	Emily	Merritt Island, FL	unexcused absences
Schortgon	Denise	Merritt Island, FL	unexcused absences and told she would be fired if she missed another day
Holstein	Jessica	Lake Charles, LA	unexcused absences and terminated
Sparks	Janet	Baker, LA	received a written coaching for being short on the register
Miller	Daniel	Jennings, LA	received three coachings

ICM.20-CA-138553.Witnesses for 1st Amended Charge.xlsx
Amend All Witnesses to ER

Brown	Kerry	Hadley, MA	received a coaching and terminated for passing out leaflets during her shift
Bekech	Phil	Westfield, MA	received a coaching and terminated for passing out leaflets during her shift
Watkins	Demondtre	Cincinnati, OH	terminated

EXHIBIT 27

From: Wong, Jason P <Jason.Wong@nlrb.gov>
Sent: Wednesday, March 25, 2015 6:13 PM
To: Feldman, Alan
Subject: Walmart - follow up - Queener and Blancas

Queener:

1. You refer me to Tabs 19 and 20 to reference other employees who were disciplined for failing to follow stocking procedures and lying about it. Your examples do not include anybody who was disciplined for "ghost picking" like Queener was. Within the last two years, has the Clovis store disciplined anyone besides Queener for "ghost picking?" If yes, who and when?

2. Queener held an IMS position and worked in the backroom from October 2011 to April 2014. How often do associates conduct audits of the bins in the backroom? Did the Employer ever discover that Queener engaged in ghost picking prior to April 2014?

3. Queener claims that when Sharpe denied her time off request for August 4 and 5, she asked Queener if there were other dates she could take off to take her brother to school in Oklahoma. Queener said August 8 and 9. Sharpe said it looked like the same four people who requested time off for August 4 and 5, requested time off for August 8 and 9.

a. You referred me to Tab 22 to see that two other overnight stockers already requested and received days off for August 4 and 5. Why did Sharpe not allow Queener and Nez to take off of work on August 8 and 9? Please send me documents showing which overnight stockers, if any, requested and received days off for August 8 and 9.]

b. You refer me to Tab 21 to see when Nez and Queener made their request for time off. Under the "Reject Reason Desc." Column for both individuals, it states "Documentation Needed" for 8/4 and 8/5. What does the term "Documentation Needed" mean? What is the difference between "Documentation Needed" and "No Coverage"? See Tab 23.

c. Queener alleges that the Employer allows up to four overnight stockers to take off during the same shift. You state that the Employer only allows for two. Do you have any documents showing that the Employer only allows up to two overnight stockers to take off during the same shift?

Blancas:

1. You talk about Blancas and two non-associates requesting the store's OSHA form 300 logs on August 21. See page 25 of your position statement. When Blancas alleged that Assistant Manager Maria took a photograph of two associates from another store, community members, and her, she

claims she presented a petition to Christy Wolff that requested her personnel file in either August or September. Please contact your client to see if they recall what happened during this incident.

Jason P. Wong

Field Attorney

NLRB - Region 20

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San Francisco, CA 94103

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Fax: 415-356-5156

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EXHIBIT 28

From: Wong, Jason P <Jason.Wong@nlrb.gov>
Sent: Friday, March 27, 2015 5:53 PM
To: Feldman, Alan
Subject: Walmart Follow Up - Surdam (additional), Cruz, Martinez, Haros, Nez

Alan:

Surdam

1. The ER issued him his 3rd Written for missing work on June 6, when he participated in the June Strike. However, if the June Strike is found to be protected, then his 3rd Written will be found illegitimate. He accrued several absences in November, which led to his discharge. But if the 3rd Written is found invalid, then he would have only received a 3rd Written for the November absences and not been discharged right?

Cruz and Martinez

1. You state that the ER terminated Cruz and Martinez for intentionally violating the company's hazardous and shipping procedures, citing that Cruz told Lopez there were no chemicals to ship, and Cruz and Martinez placing the replenisher in the middle of the pallet. But you also state that Martinez gave Contreas a list of supplies that said a hazardous material was on the pallet. Page 25 of your position statement. How can the Employer argue that Cruz and Martinez tried to conceal the shipping of the replenisher when they created the list that said the pallet contained replenisher?

Haros

1. You state that Haros was on a third active coaching when he was given the next level of discipline (discharge) for his attendance issues. See page 31 of your position statement. What was his third active coaching? Please provide a copy of his 1st, 2nd, and 3rd written coachings.

Nez:

1. Please disregard my previous email to you requesting evidence that the Employer only allowed 2 overnight stockers to take off during the same shift.

Jason P. Wong

Field Attorney

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EXHIBIT 29

From: Wong, Jason P [mailto:Jason.Wong@nlrb.gov]
Sent: Friday, May 22, 2015 2:52 PM
To: Feldman, Alan
Subject: Walmart - follow up for Cantare Davunt

Alan: Please respond to the following:

Name	Question
Cantare Davunt (Apple Valley, MN)	Video surveillance on June 4, showing that Davunt was in the store prior to exiting to read her strike notice to management. See page 9 of your March 12, 2015 Position Statement. Video surveillance sometime in August, showing Davunt and two non-associates blocking customer access to the Customer Service and Photo counters, and loudly chanting. Surveillance video of the group blocking customers in the vestibule. See pages 11 -12 of your March 12, 2015 Position Statement. In August, when Davunt held up a large sign and allegedly blocked customers in the vestibule, did Manager Chad Fercho tell Davunt and the employee with her that their concerns should be raised when they are on the clock? See pages 11 – 12 of your March 12, 2015 Position Statement. Video surveillance on November 15, showing Davunt acting aggressively and yelling at Manager Heidi Crowell, and that a customer had to wait in line for 20 minutes when Davunt confronted Heidi. See page 13 of your March 12, 2015 Position Statement. What is the ER's policy regarding employees wearing stickers and buttons while working? The Union alleges that many employees wear non-Walmart buttons and pins while working.

Jason P. Wong
Field Attorney
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EXHIBIT 30

From: "Wong, Jason P" <Jason.Wong@nlrb.gov>
Date: May 29, 2015 at 5:28:51 PM MST
To: "afeldman@steptoe.com" <afeldman@steptoe.com>
Subject: Walmart (20-CA-138553) - addendum to my May 20 request for evidence letter

Alan:

The chart below is an addendum to my May 20 request for evidence letter. The three individuals were listed in my May 20 letter but the chart below adds more detail to their allegations. Thanks. J

Name	Location	Allegations
Emily Dehart	Merritt Island, FL	In October 2014, she participated in an OURWalmart protest against Walmart in New York. Upon returning to work, Jewelry Department Manager Carol Storeback told her that she was stupid for protesting in New York and that if she wanted to move up in Walmart, then she should not protest because it would not get her anywhere. Dehart participated in the Black Friday Strike and received Unexcused Absences for it. About a month after the Black Friday Strike, Store Manager David Young told Dehart that she was receiving a verbal discipline because she accumulated three unexcused absences in a six month period, including the unexcused absences she received for the Black Friday Strike. On or about May 15, 2015, Assistant Manager Patrick Perry told Dehart that she was receiving a verbal warning for accumulating three unexcused absences in a six month period, including the unexcused absences she received for the Black Friday Strike. Can a verbal warning lead to a written coaching? Does a verbal warning go into an employee's personnel file? Did the Employer treat Dehart's two verbal warnings as a written coaching?
Denise Schortgon	Merritt Island, FL	She participated in the Black Friday Strike. She then received unexcused absences and a January 2015 written coaching for it.
Tristean Weaver	Greensburg, PA	She participated in the Black Friday Strike. She received unexcused absences for it. In March 2015, Assistant Manager Paul ____ gave Weaver a written copy of an Associate Attendance Personal Discussion Log that listed her unexcused absences for the Black Friday Strike. On May 8, 2015, the Employer issued her a written coaching for attendance that was based, in part, on the unexcused absences she received for the Black Friday Strike. Please send me a copy of her May 8, 2015 written warning.

Jason P. Wong
Field Attorney
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EXHIBIT 31

From: Wong, Jason P <Jason.Wong@nlrb.gov>
Sent: Wednesday, June 10, 2015 10:25 AM
To: Feldman, Alan
Subject: Walmart - follow up to our June 10 convo

Alan:

As requested here is the email:

I will talk with my supervisor about Nogueda's new charge in R32. I'll let you know which Region will handle her charge.

For Bridgers, Henderson, Whitley, and Wilson (all from Sacramento), you only need to respond to the allegation that they all received unexcused absences for participating in the Black Friday Strike.

For Davunt, there is no surveillance allegation. I am requesting video surveillance footage for the events noted in my May 22 email to you.

For Dehart, the following is an 8a1 threat allegation: "Upon returning to work, Jewelry Department Manager Carol Storeback told her that she was stupid for protesting in New York and that if she wanted to move up in Walmart, then she should not protest because it would not get her anywhere."

Jason P. Wong
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Fax: 415-356-5156

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EXHIBIT 32

From: Wong, Jason P <Jason.Wong@nlrb.gov>
Sent: Thursday, June 25, 2015 5:44 PM
To: Feldman, Alan
Subject: Walmart - follow up questions - Marley, Pearson, Faulkner, Brown, Olean,
Attachments: DEV.20-CA-138553.Tyfani Faulkner 3rd Coaching.pdf

Marley:

1. Provide me with a copy of her 2012-2013 annual evaluation
2. Provide me with other employee evaluations where they received an overall rating of Development Needed due to a low Scans per Hour.
3. Did she have attendance issues during the 2012-2013 evaluation period?

Shantell Pearson

1. What did Pearson allegedly steal?
2. Why do you say she admitted to stealing?

Tyfani Faulkner

1. You address her 2nd written coaching in your May 13, 2015 position statement. But you failed to respond to her allegation that she received a third written coaching for unexcused absences she received on November 26 and 27, 2014, to participate in the Black Friday Strike. Her 3rd written warning is attached for your convenience. Why did one absence (January 1, 2015) lead to a 2nd written warning? Why didn't the Employer simply include her unexcused absences on November 26 and 27 into her 2nd written warning rather than issue her a third written warning?

Kerry Brown

1. You state that the Matrix states that "any reckless unsafe behavior that could result in injury to self, an Associate, or Customer" should result in "a *minimum* Second Written Coaching for a first offense" (*i.e.*, taking two steps in the disciplinary process). Thus, Brown received a Second Brown received a Third Written Coaching for the pallet jack incident. On Tab 75 of your May 13, 2015 position statement, you list two employees who were disciplined for safety violations (Paul ___ and Idaliz ____). But Paul ___ did not receive a "two step" discipline. Can you confirm that Idaliz received a "two step" discipline?

Mark Olean

1. On page 29 of your May 13 position statement, you state that Olean received a 2nd written coaching on 1/1/15 for being absent from 11/26 – 29, and on 12/15/14. However, his 2nd written coaching says it was issued 1/15/15. Is 1/15/15 the correct date?
2. You state that even without the November 26 – 29 absences, Olean would still have received the Second Written Warning based on the December 15, 2014 absence. Please explain.
3. You state that Olean received his third written coaching for missing his shift on January 12, 2015. Please explain why one absence led to his Third Written Coaching, especially since he only received his First Written Coaching after accruing 8 absences. If you don't count his November 26 – 29 absences in his 2nd Written Coaching, would Olean still have received the Third Written Coaching for his January 12, 2015 absence?

Iason P. Wong
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San Francisco, CA 94103
Phone: 415-356-5168
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EXHIBIT 33

From: Wong, Jason P <Jason.Wong@nlrb.gov>
Sent: Thursday, July 02, 2015 2:24 PM
To: Feldman, Alan
Subject: Walmart - follow up: Emily Dehart (Carol Storeback supervisory status)

Alan:

You claim that Jewelry Department Manager Carol Storeback is not a 2(11) supervisor. See page 6 of your June 25 position statement.

Please send me documents showing Storeback's job duties and responsibilities (i.e. a job description). Please also send me an organization chart for the store Storeback works at, showing where she falls within the managerial hierarchy.

Thanks.

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EXHIBIT 34

From: Wong, Jason P <Jason.Wong@nlrb.gov>
Sent: Monday, July 13, 2015 5:11 PM
To: Feldman, Alan
Subject: Walmart (20-CA-138553) - Wagner follow up

Alan:

Please answer the follow up questions re Wagner (Union City, CA):

1. Wagner claims a reduction in hours after the Black Friday Strike. You showed me her hours for the 1st, 3rd, and last weeks of November. See page 15 of your June 25 position statement. I need to know what her weekly hours were before November. Provide me with her weekly hours during the 12-week period prior to the Black Friday Strike.

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EXHIBIT 35

From: Wong, Jason P <Jason.Wong@nlrb.gov>
Sent: Tuesday, July 14, 2015 5:32 PM
To: Feldman, Alan
Subject: Walmart (20-CA-138553) - follow up: Bekech, Miller, Wagner, Davunt

Alan:

Please follow up on the following:

1. Phil Bekech (Westfield, MA)
   a. Did he receive unexcused absences for his participation in the Black Friday Strike? If yes, did he subsequently receive any discipline based on those unexcused absences?

2. Daniel Miller (Jennings, LA)
   a. Did he receive unexcused absences for his participation in the Black Friday Strike. If yes, did he subsequently receive any discipline based on those unexcused absences?

3. Nicole Wagner (Union City, CA)
   a. To supplement my 7/13 email to you, please provide Wagner's work hours for the 12-week period before and after the Black Friday Strike. Wagner claims that she asked to start before 6pm and end before midnight months before the Black Friday Strike. She further claims that after she was transferred to the Fitting Room, she was not scheduled to work many days and her hours decreased. Please respond to her allegations.

4. Cantare Davunt (Apple Valley,MN)
   a. Did she receive unexcused absences for the Black Friday Strike? If yes, did she subsequently receive any discipline based on those unexcused absences?

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EXHIBIT 36

From: Wong, Jason P <Jason.Wong@nlrb.gov>
Sent: Thursday, July 16, 2015 5:32 PM
To: Feldman, Alan
Subject: Walmart - follow up: Miller, Sparks, Wilbert, Williams

Alan:

Please follow up:

The Union alleges that the following people participated in the Black Friday Strike and received unexcused absences for it. Please verify whether or not the Employer issued unexcused absences to them for the days they missed work to participate in the Black Friday Strike. Thanks. J

Last	First	Location
Sparks	Janet	Baker, LA
Wilbert	Nefertira	Chicago, IL
Williams	Jessica	Chicago, IL
Miller	Daniel	Jennings, LA

Jason P. Wong
Field Attorney
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EXHIBIT 37

From: Wong, Jason P <Jason.Wong@nlrb.gov>
Sent: Wednesday, August 19, 2015 5:02 PM
To: Feldman, Alan
Subject: Walmart - follow up - Nogueda

Alan:

Please answer the following:

1. Victoria Nogueda (Fremont, CA):
    a. In your May 13, 2015 position statement, you state that Nogueda received an unexcused absence for the Black Friday Strike. Did that unexcused absence play any part in her receiving her Fourth Written Coaching, which led to her termination? In your August 2015 position statement, you state that prior to her termination, she was on an active Third Written Coaching for attendance issues not related to any purported protected activity. But was her Second or First Written Coachings based on her unexcused absence for the Black Friday Strike? Nogueda claims she received a Second Written Coaching for her unexcused absence during the Black Friday Strike. Please send me a copy of her First and Second Coachings that predated her Third Written Coaching you cited in your August position statement. I checked the personnel file you sent me and could not find them.

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EXHIBIT 38

II. MANY OF THE UNION'S ALLEGATIONS FALL OUTSIDE THE SCOPE OF THE UNION'S CHARGES.

The Union seeks to shoehorn more than 60 allegations into a single allegation that Walmart "discriminated" or "retaliated" against associates "because they engaged in unfair labor practice strikes." However, many of the allegations identified in the Region's December 19, 2014 and January 30, 2015 correspondence requesting information fall outside the scope of the Union's Charges.

The Board's "authority to investigate matters 'related to those alleged in the charge and which grow out of them while the proceeding is pending before the Board' does *not* mean the Board has 'carte blanche to expand the charge as [it] might please . . . .'" *Allied Waste Svcs. of Fall River*, 01-CA-123082, 2014 WL 7429200 (NLRB Dec. 31, 2014) (quoting *NLRB v. Fant Milling Co.*, 360 U.S. 301, 308-09 (1959)). Therefore, when "the investigation uncovers evidence of unfair labor practices not specified in a charge, Board agents . . . must determine whether the charge is sufficient to support complaint allegations covering the apparent unfair labor practices found." NLRB Casehandling Manual ¶ 10062.5. "If the allegations of the charge are too narrow, not sufficiently specific or otherwise flawed," the Board Agent must advise "the charging party or its representative . . . that any complaint can cover only matters closely related to the allegations of the charge." *Id.*

Here, the Union's original October 9, 2014 Charge alleged only that Walmart unlawfully "discriminated against employees because they engaged in unfair labor practice strikes." The Region's November 13, 2014 correspondence expressly stated that the Union alleged Walmart "unlawfully issued unexcused absences to [five associates at two Northern California stores] who participated in unfair labor practice strikes in June 2014."

Based on the Region's December 19, 2014 and January 30, 2015 correspondence, it appears that the Union adds additional allegations involving 22 additional associates at 15 additional stores across the country from Southern California to Florida; countless managers; time periods from summer 2013 through December 2014; and various types of other alleged violations beyond absence coding and not limited to retaliation. The Union then filed a First Amended Charge on February 4, 2015, that alleged only that Walmart violated the Act "by retaliating against employees because they engaged in unfair labor practice strikes."

However, neither the original Charge nor the First Amended Charge covers many of the Union's add-on allegations. In particular, the following allegations (and potentially various others) fall outside the scope of the Union's Charges:

- In April 2014 at Store 821 in Clovis, New Mexico, Co-Manager Stacie Sharpe disciplined Zandi Queener for "ghost picking" because of "protected activity" Queener engaged in "[p]rior to April."
- In May 2014 at Store 821 in Clovis, New Mexico, Store Manager Susi Moore told associates that "all non-employees had to vacate the property," that "employees could stay but they could not hold signs or banners, speak or hand out flyers to customers, or chant," and called the police.

- In about May 2014 at Store 1960 in Tampa Bay, Florida, Co-Manager Tammy Jackson asked associate Angelo Escano what day he planned to go on strike after he announced his plans to do so.
- In June 2014 at Store 2642 in Apple Valley, Minnesota, various members of management prevented associate Cantare Davunt from entering the store.
- In August 2014 at Store 2642 in Apple Valley, Minnesota, Co-Manager Chad Fercho told Davunt to leave the property and that he called the police.
- In August 2014 at Store 5278 in Chicopee, Massachusetts, management disciplined associate Aubretia Edick for violating the solicitation policy. [*See* the Region's Second Request for Information.]
- In August or September 2014 at Store 1805 in La Quinta, California, management photographed associates delivering a petition to management.
- Sometime after October 14, 2014 at Store 1805 in La Quinta, California, management photographed former associate Graciela Blancas and a group of non-associates and told a union organizer to leave the store.
- In November 2014 at Store 2642 in Apple Valley, Minnesota, various managers told Davunt and another associate to remove a sticker.
- In November 2014 at Store 2642 in Apple Valley, Minnesota, Store Manager Heidi Crowel and Co-Manager Kyle Kaszubowski disciplined Davunt for requesting an Open Door about the sticker.
- In November 2014 at Store 2642 in Apple Valley, Minnesota, management called police on associates who were there to read a strike letter.
- In December 2014 at Store 2886 in Pico Rivera, California, Walmart sent former associate Evelin Cruz a cease-and-desist trespassing letter. [*See* the Region's Second Request for Information.]

None of the above allegations appear in any unfair labor practice Charge and none concern "retaliation" (or "discrimination") *because of a work stoppage*. Indeed, many of those allegations have *no connection whatsoever* to any work stoppage. *See, e.g., Nickles Bakery of Indiana*, 296 NLRB 927, 928 (1989) (complaint cannot issue on allegations that do not "arise from the same factual circumstances or sequence of events as the pending timely charge"). Indeed, some of those allegations occurred prior to an associate participating in a work stoppage and others complain of independent violations of the Act, *e.g.*, interrogation, surveillance, and interference – not retaliation. The Region thus has no authority to process those allegations.[2]

[2] Should the Region believe it has authority to process those allegations (it does not), Walmart responds to those allegations to further show that they do not have merit.

EXHIBIT 39

unlawful absence codings after they participated in the June 2014 (Shareholders Week) or the November 2014 (Black Friday) intermittent work stoppages (see the Region's April 2, 2015 correspondence identifying Daguioan, Manley, Santiago, Nogueda, Marley, Juanitas, Skeen, Arroyo, Howard, Faulkner, Olean, Holstein, Kanger-Born, and Livengood – but not Pearson, Brown, Pruitt, or Miller).[3]

II. MANY OF THE UNION'S ALLEGATIONS FALL OUTSIDE THE SCOPE OF ITS CHARGE.

As Walmart discussed in its March 12, 2015 position statement, the Union seeks to shoehorn numerous allegations into a single Charge that Walmart "*retaliated*" against associates "*because they engaged in unfair labor practice strikes*." Like numerous other allegations, however, many of the allegations identified in the Region's April 2, 2015 correspondence fall outside the scope of the Union's Charge. The Region thus has no authority to process those allegations. *Allied Waste Svcs. of Fall River*, 01-CA-123082, 2014 WL 7429200 (NLRB Dec. 31, 2014) (describing the Board's limited authority to investigate matters); NLRB Casehandling Manual ¶ 10062.5 (stating that the Board Agent "must determine whether the charge is sufficient to support complaint allegations" and that "the charge should allege the *type of conduct*" such as "Interrogation" or "Threats of discharge" (emphasis added)).

The allegations identified in the Region's April 2, 2015 correspondence concern 18 associates (two repeated from previous requests for information) at 12 different stores across the country; countless managers; time periods from April 2014 through February 2015; and various types of alleged violations beyond absence coding and not limited to retaliation because of a work stoppage. In particular, the following allegations (and potentially others) fall outside the scope of the Union's Charge:

- On April 16, 2014, at Store 2683 in Hadley, Massachusetts, management disciplined Brown for giving a customer a ride on a pallet jack.
- On May, 29, 2014 at Store 2683 in Hadley, Massachusetts, management "verbally coached" Brown for violating the Solicitation and Distribution of Literature Policy.
- On July 12, 2014, at Store 2735 in Sacramento, California, management disciplined Arroyo for violating the Break and Meal Periods Policy.

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[3] The following associates failed to work their scheduled shifts on the following days to engage in the above-described unprotected, Union-orchestrated intermittent work stoppage: Daguioan (11/27, 11/29), Manley (11/26, 11/27, 11/28), Santiago (11/26, 11/27, 11/28), Nogueda (11/27, 11/28), Marley (11/26, 11/27, 11/28), Skeen (11/28), Arroyo (11/27, 11/28), Howard (11/26, 11/27, 11/28), Faulkner (6/1, 6/2, 6/4, 6/5, 6/6, 11/26, 11/27, 11/28), Olean (11/26, 11/27, 11/28, 11/29), Holstein (11/26, 11/28, 11/29), Kanger-Born (11/24, 11/25, 11/28), and Livengood (11/24, 11/27, 11/28). ***Juanitas worked all of his scheduled shifts during that time period, thus Juanitas did not incur any absence occurrences for those days – and did not actually engage in an intermittent work stoppage.***

- In late August 2014, at Store 2886 in Pico Rivera, California, management gave Pruitt more responsibility in her departments.
- On October 30, 2014, at Store 2735 in Sacramento, California, management disciplined Arroyo for violating the Discount Card Policy.
- On November 24, 2014 at Store 2886 in Pico Rivera, California, management asked Pruitt to remove a red sweater because it violated the Dress Code Policy.
- On November 25, 2014, at Store 4488 in Marina, California, management disciplined Skeen for violating the Discount Card Policy.
- "Sometime prior to the Black Friday Strike," management told Holstein to remove a shirt that violated the Dress Code Policy.
- On November 27, 2014, management at Store 5965 in Chicago, Illinois, told Kanger-Born that she could not distribute literature in the parking lot and that she had to leave.
- In December 2014, at Store 2683 in Hadley, Massachusetts, management discharged Brown for repeatedly violating the Solicitation and Distribution of Literature Policy.

None of the above allegations appear in any unfair labor practice charge, none concern "retaliation" *because of a work stoppage* and many have no connection whatsoever with a work stoppage. *See, e.g., Nickles Bakery of Indiana*, 296 NLRB 927, 928 (1989) (complaint cannot issue on allegations that do not "arise from the same factual circumstances or sequence of events as the pending timely charge"). Indeed, some of those allegations occurred *before* an associate participated in a work stoppage while others complain of independent violations of the Act, *e.g.*, interference – not retaliation. Thus, the Region has no authority to process those allegations.[4]

III. WALMART DID NOT RETALIATE AGAINST ANY ASSOCIATES OR INTERFERE WITH ANY PROTECTED ACTIVITY.

In addition to the Union's allegations that Walmart unlawfully issued unexcused or conditional absences to the above-identified associates (it did not), the Union alleges that Walmart took alleged adverse employment actions against Nogueda, Marley, Juanitas, Skeen, Arroyo, Howard, Pearson, Faulkner, Brown, Olean, Pruitt, Miller, Holstein, and Kanger-Born because they engaged in the above-described intermittent work stoppages. Those allegations fail for several reasons under the *Wright Line* analysis.

Under the *Wright Line* framework, the Union must initially show that (1) the associates engaged in protected activity; (2) Walmart knew of the protected activity; and (3) Walmart bore animus toward such protected activity. *See Praxair Distrib., Inc.*, 357 NLRB No. 91, *1 n.2, *20 (2011) (applying *Wright Line* to 8(a)(1) retaliation claim). The *Wright Line* test presumes that the

[4] Should the Region believe it has authority to process those allegations (it does not), Walmart responds to those allegations to further show that they do not have merit.

EXHIBIT 40

Consequently, Walmart did not violate the Act when it issued unauthorized (or conditional) absences, and discipline where appropriate, to the those associates whom the Union alleges received unlawful absence codings after they participated in the June 2014 (Shareholders Week) or the November 2014 (Black Friday) intermittent work stoppages (see the Region's May 2015 correspondences identifying Jackson, Montague, Weaver, Resendiz, Dehart, Schortgen, Buscit, Bridgers, Henderson, Whitley, Wilson, Haluska, Sumagaysay, Sellers, Sanchez, and Nunez – but not Wagner, Davunt, Watkins, or Bekech).[3]

II. MANY OF THE UNION'S ALLEGATIONS FALL OUTSIDE THE SCOPE OF ITS CHARGE.

As Walmart discussed in its March 12 and May 13, 2015 position statements, the Union seeks to shoehorn numerous allegations into a single Charge that Walmart "*retaliated*" against associates "*because they engaged in unfair labor practice strikes*." Like numerous other previous allegations, however, many of the allegations identified in the May 20, 2015 correspondence (and supplemental correspondence) fall outside the scope of the Union's Charge. The Region thus has no authority to process those allegations. *Allied Waste Svcs. of Fall River*, 01-CA-123082, 2014 WL 7429200 (NLRB Dec. 31, 2014) (describing the Board's limited authority to investigate matters); NLRB Casehandling Manual ¶ 10062.5 (stating that the Board Agent "must determine whether the charge is sufficient to support complaint allegations" and that "the charge should allege the *type of conduct*" such as "Interrogation" or "Threats of discharge" (emphasis added)).

The allegations identified in the Region's May 2015 correspondence concern 20 associates at 15 different stores across the country; countless managers; time periods from August 2014 through April 2015; and various types of alleged violations beyond absence coding and not limited to retaliation because of a work stoppage. In particular, the following allegations (and potentially others) fall outside the scope of the Union's Charge:

- In August 2014, Co-Manager Chad Fercho at Store 2642 in Apple Valley, Minnesota, told Davunt that her concerns should be raised when she is on the clock.
- In October 2014, Co-Manager Jason Doss at Store 1521 in Cincinnati, Ohio, told Watkins that "he did not want to hear anything more about Antwan or the Antwan investigation" and that "if Watkins brought up the Antwan situation, he would fire Watkins."

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[3] The following associates failed to work their scheduled shifts on the following days to engage in the above-described unprotected, Union-orchestrated intermittent work stoppage: Jackson (11/27, 11/28), Montague (11/26, 11/27), Weaver (11/27, 11/28, 11/29), Dehart (11/26, 11/27, 11/28), Schortgen (11/24, 11/27, 11/28), Buscit (11/26, 11/28), Bridgers (11/26, 11/27, 11/28), Henderson (11/26, 11/27), Whitley (11/26, 11/27, 11/28), Wilson (11/26-27, 11/27-28, 11/28-29), Haluska (6/5, 6/6, 6/7, 11/27-28, 11/28-29), Sumagaysay (11/26, 11/27), Sellers (6/4, 11/25, 11/26), Sanchez (5/30-31, 5/31-6/1, 6/1-2, 6/2-3, 6/5-6, 6/6-7, 6/7-8, 11/27-28), Nunez (5/30-31, 5/31-6/1, 6/1-2, 6/2-3, 6/5-6, 6/6-7, 11/27-28). ***Resendiz worked all of her scheduled shifts during that time period, thus she did not incur any absence occurrences for those days – and did not actually engage in an intermittent work stoppage during Black Friday 2014.*** [Tab 3.]

- In October 2014, at Store 771 in Merritt Island, Florida, Department Manager Carol Storeback told Dehart "that she was stupid for protesting in New York and that if she wanted to move up in Walmart, then she should not protest because it would not get her anywhere."
- In November 2014, Store Manager Richard France at Store 1521 in Cincinnati, Ohio, asked Watkins why he was going on strike.
- In November 2014, Market HR Manager Jon Hellreich at Store 2174 in Westfield, Massachusetts, told Bekech that "it was illegal to distribute literature on the sales floor."
- In December 2014, Store Manager Scott Ring at Store 2174 in Westfield, Massachusetts, issued Bekech a Second Written coaching for violating the Company's Solicitation and Distribution Policy.
- In April 2015, Assistant Manager Michael Leary at Store 1772 in Klamath Falls, Oregon, told employees that "it was their choice if they wanted to sign on with the Union but they have to know what they are signing on for because the employees could get into a lot of trouble."

None of the above allegations appear in any unfair labor practice charge, none concern "retaliation" *because of a work stoppage* and many have no connection whatsoever with a work stoppage. *See, e.g.*, *Nickles Bakery of Indiana*, 296 NLRB 927, 928 (1989) (complaint cannot issue on allegations that do not "arise from the same factual circumstances or sequence of events as the pending timely charge"). Indeed, some of those allegations occurred *before* an associate even participated in a work stoppage while others complain of independent violations of the Act, *e.g.*, interference – not retaliation. Thus, the Region has no authority to process those allegations.[4]

III. WALMART DID NOT RETALIATE AGAINST ANY ASSOCIATES OR INTERFERE WITH ANY PROTECTED ACTIVITY.

In addition to the Union's allegations that Walmart unlawfully issued unexcused or conditional absences to the above-identified associates (it did not), the Union alleges that Walmart took other alleged adverse employment actions against Sanchez, Nunez, Wagner, Davunt, and Watkins because they engaged in the above-described unprotected intermittent work stoppages. Those allegations fail for several reasons under the *Wright Line* analysis.

Under the *Wright Line* framework, the Union must initially show that (1) the associates engaged in protected activity; (2) Walmart knew of the protected activity; and (3) Walmart bore animus toward such protected activity. *See Praxair Distrib., Inc.*, 357 NLRB No. 91, *1 n.2, *20 (2011) (applying *Wright Line* to 8(a)(1) retaliation claim). The *Wright Line* test presumes that the complaining employee suffered an adverse employment action. *LM Waste Serv. Corp.*, 357 NLRB No. 194, *1, *3, n.7 (2011).

[4] Should the Region believe it has authority to process those allegations (it does not), Walmart responds to those allegations to further show that they do not have merit.

EXHIBIT 41

benefits, and Walmart's retaliation" complaints raised in the prior work stoppages. [Tab 2; see previous position statements at Tab 2 for the same Union-supplied walk-out and walk-back letters that the other individuals discussed in this position statement used as part of their intermittent work stoppage.]

Consequently, Walmart did not violate the Act when it issued unauthorized (or conditional) absences, and discipline where appropriate, to the those associates whom the Union alleges received unlawful absence codings after they participated in the June 2014 (Shareholders Week) or the November 2014 (Black Friday) intermittent work stoppages (see the Region's July 2015 correspondences requesting information about the absences relating to Howard, M. Williams, Nogueda, Bekech, Miller, Davunt, Sparks, Wilbert, and J. Williams – but not Wagner).[3]

II. MANY OF THE UNION'S ALLEGATIONS FALL OUTSIDE THE SCOPE OF ITS CHARGE.

As Walmart discussed in its March 12, May 13, and June 25, 2015 position statements, the Union seeks to shoehorn numerous allegations into a single Charge that alleges that Walmart "*retaliated*" against associates "*because they engaged in unfair labor practice strikes.*" Like numerous other previous allegations, however, the allegation involving M. Williams identified in the July 1, 2015 correspondence (and noted below) falls outside the scope of the Union's Charge. The Region thus has no authority to process that allegation. *Allied Waste Svcs. of Fall River*, 01-CA-123082, 2014 WL 7429200 (NLRB Dec. 31, 2014) (describing the Board's limited authority to investigate matters); NLRB Casehandling Manual ¶ 10062.5 (stating that the Board Agent "must determine whether the charge is sufficient to support complaint allegations" and that "the charge should allege the *type of conduct*" such as "Interrogation" or "Threats of discharge" (emphasis added)). The Union alleges:

- On November 7, 2014, at Store 2668, management told Montressia Williams to take off a sticker that read "ask me why my lines are long" and told her if she did not remove the sticker, she would have to clock out and go home.

The above allegation does not appear in any unfair labor practice charge, it does not concern "retaliation" *because of a work stoppage*, and has no connection whatsoever with any work stoppage. *See, e.g.*, *Nickles Bakery of Indiana*, 296 NLRB 927, 928 (1989) (complaint cannot issue on allegations that do not "arise from the same factual circumstances or sequence of events as the pending timely charge"). Indeed, the above allegation occurred ***before*** M. Williams even participated in a work stoppage, not to mention alleges an independent violation of the Act, *e.g.*, interference – not retaliation. Thus, the Region has no authority to process that allegation.[4]

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[3] The following associates failed to work their scheduled shifts on the following days to engage in the above-described unprotected, Union-orchestrated intermittent work stoppage: Howard (11/26, 11/27, 11/28); M. Williams (11/28); Nogueda (11/27, 11/28); Bekech (11/26, 11/28); Miller (11/23, 11/24, 11/25, 11/28); Davunt (11/27, 11/28); Sparks (11/26, 11/27, 11/28); Wilbert (11/26, 11/27); J. Williams (11/26, 11/27, 11/28).

[4] Should the Region believe it has authority to process that allegation (it does not), Walmart responds to that allegation to further show that it does not have merit.

EXHIBIT 42

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20

WAL-MART STORES, INC.

and **Case 20-CA-138553**
32-CA-153782

UNITED FOOD & COMMERCIAL WORKERS INTERNATIONAL UNION, AFL-CIO AND THE ORGANIZATION UNITED FOR RESPECT AT WALMART (OUR WALMART)

WAL-MART STORES, INC.'S ANSWER TO CONSOLIDATED COMPLAINT

As and for its Answer to the Consolidated Complaint in the above-referenced matter, Wal-Mart Stores, Inc. ("Walmart") states as follows, with each number and letter below corresponding to the number and letter in the Complaint:

1. (a) Admits.

   (b) Admits.

   (c) Admits.

2. (a) Admits.

   (b) Admits.

   (c) Admits.

3. Admits.

4. Admits.

5. Walmart admits that the following individuals held the position set forth opposite their respective names at the respective locations identified in the Complaint and acted as

Walmart's supervisors and agents (for matters within the course and scope of their employment) during material times within the meaning of Sections 2(11) and 2(13) of the Act. Where the Complaint listed their last name as "unknown," Walmart provides it. David Young, Travis Underwood (identified in the Complaint as "Travis (last name unknown)"), Theresa Palmer, Mariel Gonzalez, Rose Sunstrong, Derek Berti (identified in the Complaint as "Derrick (last name unknown)"), Donald Fang (identified in the Complaint as "Donald (last name unknown)"), Ivan Angeles, Tammy Hileman, Eric Mackey (identified in the Complaint as "Eric (last name unknown)"), Aaron Bornhoft, Angelina Gonzalez, Detra Nevarez, Sheela Cottrell, Jorge Lopez, Gloria Lujan, Jesus Delgado, Carlos Campos, Todd Stokes, Tammy Sumner, Brian Huckabee, Eva Ballard (identified in the Complaint as "Eva (last name unknown)"), Stormi Maxey, Mark Saxton, Janine Jordan, Susi Moore, Eric Nopola, Heidi Crowel, Deb Becker, Kyle Kaszubowski, Christina May, Dawn Reed, Joe Manbernach (identified in the Complaint as "Joe (last name unknown)"), Sharon Savage, and Tammy Jackson.

Walmart admits that the following individuals acted as Walmart's supervisors and agents (for matters within the course and scope of their employment) during material times within the meaning of Sections 2(11) and 2(13) of the Act, but Walmart denies the listed job titles opposite their names in the Complaint. Walmart provides their correct job titles here in parentheses after their names: Teresa Wells (Co-Manager), Chad Fercho (Co-Manager).

Walmart denies that, at any material time, Maria (last name unknown) and Karen Campos, acted as Walmart's supervisors or agents within the meaning of Sections 2(11) or 2(13) of the Act. Walmart has no knowledge of who the Complaint refers to when it lists "Maria (last name unknown)" as an Assistant Manager at Store 1805. Walmart denies that it employed any Assistant Manager or individual named Maria who acted as Walmart's supervisor or agent

within the meaning of Sections 2(11) or 2(13) of the Act at Store 1805 in August or September 2014 (dates referenced in Paragraph 8(a) of the Complaint).

6. Denies.

7. (a) Denies.

(b) Denies.

(c) Denies.

(d) Denies. Walmart did not issue unexcused absences to associates for participating in "the June Strike" or "the Black Friday Strike"; rather, Walmart lawfully applied its Attendance/Punctuality Policy to certain associates who missed scheduled shifts to participate in the UFCW/OURWalmart's ongoing and admitted intermittent work stoppage campaign for a constant, unchanging purpose. Further, Walmart did not issue unexcused absences to any associates who participated in "the LA Sit In."

8. Store No. 1805 – La Quinta, CA

(a) Denies.

(b) Denies.

9. Store No. 2280 – Mountain View, CA

(a) Denies.

(b) Denies.

(c) Walmart admits that it discharged Marley on or about January 21, 2015, after she received multiple separate coachings over time under the Company's progressive discipline policy for violating the Company's attendance policy, and after she again violated the Company's attendance policy. Walmart otherwise denies the allegations in Paragraph 9(c).

10. Store No. 2735 – Sacramento, CA

(a) Denies.

(b) Denies.

(c) Denies.

(d) Walmart admits that it discharged Howard on or about January 13, 2015, after she received multiple separate coachings over time under the Company's progressive discipline policy for violating the Company's attendance policy and Discount Card policy, and after she again violated the Company's attendance policy. Walmart otherwise denies the allegations in Paragraph 10(d).

11. Store No. 2735 – Sacramento, CA

(a) Denies.

(b) Denies.

12. Store No. 2735 – Sacramento, CA

(a) Denies.

(b) Denies.

(c) Denies.

(d) Walmart admits that it issued Faulkner a Third Written coaching on or about January 13, 2015, after she received two other separate coachings over time under the Company's progressive discipline policy for violating the Company's attendance policy and notifying a suspected shoplifter of management's suspicions, and after she violated the Company's attendance policy. Walmart otherwise denies the allegations in Paragraph 12(d).

13. Store No. 2886 – Pico Rivera, CA

(a) Denies.

(b) Admits.

(c) Admits.

14. Store No. 2886 – Pico Rivera, CA

(a) Denies.

(b) Denies.

(c) Admits.

(d) Denies.

(e) Denies.

(f) Admits.

15. Store No. 2989 – Fremont, CA

(a) Denies.

(b) Walmart admits that it issued Nogueda a Second Written coaching on or about January 22, 2015, after she received a prior separate coaching for attendance violations under the Company's progressive discipline policy, and after she again violated the Company's attendance policy. Walmart otherwise denies the allegations in Paragraph 15(b).

(c) Walmart admits that it discharged Nogueda on or about May 13, 2015, after she received multiple separate coachings over time under the Company's progressive discipline policy for violating the Company's attendance policy, and after she again violated the Company's attendance policy. None of the attendance issues resulting in her discharge related to any work stoppage. Walmart otherwise denies the allegations in Paragraph 15(c).

16. Store No. 4488 – Marina, CA

(a) Denies.

(b) Admits.

(c) Denies.

(d) Walmart admits that it discharged Skeen on or about January 19, 2015, after he received multiple separate coachings over time under the Company's progressive discipline policy for violating the Company's attendance and Discount Card policies, and for making a cash register error, and after he again violated the Company's attendance policy. Walmart otherwise denies the allegations in Paragraph 16(d).

17. Store No. 1772 – Klamath Falls, OR

(a) Denies.

18. Store No. 2594 – Lynwood, WA

(a) Denies.

(b) Walmart admits that it issued Olean a Second Written coaching on or about January 16, 2015, after he received a prior separate coaching for attendance violations under the Company's progressive discipline policy, and after he again violated the Company's attendance policy, including missing multiple scheduled shifts not involving any work stoppage. Walmart otherwise denies the allegations in Paragraph 18(b).

19. Store No. 2594 – Lynwood, WA

(a) Denies.

(b) Walmart admits that it issued Surdam a Third Written coaching on or about July 29, 2014, after he received multiple separate coachings over time under the Company's progressive discipline policy, for poor performance and lack of productivity, and after he again violated the Company's attendance policy. Walmart otherwise denies the allegations in Paragraph 19(b).

(c) Walmart admits that it discharged Surdam on or about November 25, 2014, after he received multiple separate coachings over time under the Company's progressive discipline policy for (among other issues) poor performance and lack of productivity, and after he again violated the Company's attendance policy. Walmart otherwise denies the allegations in Paragraph 19(c).

20. Store No. 2594 – Lynwood, WA

(a) Denies.

(b) Walmart admits that it issued Wolford a Second Written coaching on or about July 28, 2014, after he received a prior separate coaching under the Company's progressive discipline policy for lack of productivity, and after he again violated the Company's attendance policy. Walmart otherwise denies the allegations in Paragraph 20(b).

21. Store No. 2642 – Apple Valley, MN

(a) Denies.

(b) Denies.

(c) Denies.

(d) Admits.

(e) Denies.

(f) Admits.

22. Store No. 3601 – Crestwood, IL

(a) Denies.

(b) Denies.

23. Store No. 469 – Lake Charles, LA

(a) Denies.

(b) Walmart admits that it discharged Holstein on or about January 24, 2015, after she received multiple separate coachings over time under the Company's progressive discipline policy for repeatedly violating the Company's attendance policy, and after she again violated the Company's attendance policy. Walmart otherwise denies the allegations in Paragraph 23(b).

24. Store No. 821 – Clovis, NM

(a) Denies.

25. Store No. 2668 – Sturtevant, WI

(a) Denies.

(b) Denies.

26. Store No. 1960 – Tampa, FL

(a) Denies.

27. Store No. 2642 – Apple Valley, MN

(a) Denies.

(b) Denies.

(c) Denies.

28. Denies.

29. Denies.

30. Denies.

31. Denies.

Walmart denies any allegation in the Consolidated Complaint or asserted at the hearing not expressly admitted here.

DEFENSES

1. The allegations found in the Complaint do not state a case under the Act because certain associates named in the Complaint did not engage in protected strikes, but, instead, participated in the UFCW/OURWalmart's ongoing and admitted campaign of repeated intermittent work stoppages for a constant, unchanging purpose.

2. The allegations found in the Complaint do not state a case under the Act because certain associates named in the Complaint engaged in unprotected demonstrations on the retail sales floors of two stores on November 13, 2014, while the stores were open to the public for shopping.

3. The allegations found in Paragraphs 10(a), 14(a), and 14(d) do not state a case under the Act because certain associates engaged in unprotected activity by demonstrating on the retail sales floor while the store was open to the public and disrupting working associates, trespassing at the home of Walmart's former Chairman, or blocking the street in front of his home.

4. The allegations in the Complaint do not state a case under the Act because Walmart lawfully maintained and applied its attendance policy in a non-discriminatory manner.

5. Section 10(b) bars the allegations found in the Complaint in Paragraphs 8(a), (b), 11(a), (b), 13(c), 14(f), 16(c), 17(a), 21 (b), (c), (d), 24(a), 25(a), (b), 26(a), 27(a), (b), and (c). No charge includes those allegations, and they do not closely relate to any charge allegation. All the foregoing alleged acts took place outside the Section 10(b) period.

6. The allegations in Paragraph 8(b) do not state a case under the Act because management videotaped non-associates to preserve evidence of the non-associates' trespass and

violation of a court injunction against the UFCW/OURWalmart's trespass for potential future litigation.

7. Paragraphs 17(a), 21(b)-(d), and 25(b) of the Complaint fail because those allegations falsely presume that the Act gives employees the right to force management to meet with multiple employees on demand by one or more employees. No Board or Court has ever endorsed such a radical interpretation of the Act.

8. The allegations in the Complaint do not state a case under the Act because many of the pertinent employees suffered no material adverse employment action.

9. The allegations in Paragraph 27(b) of the Complaint do not state a case under the Act because the pertinent associate at Walmart's Apple Valley, MN, facility physically blocked the Store's doorway with two non-associates.

10. With respect to the factual allegations raised in the Complaint, Walmart acted for legitimate business reasons that are lawful under the Act.

11. Certain allegations in the Complaint fail because they are factually inaccurate.

12. Board law does not support or allow the extraordinary remedies requested in the Complaint.

13. Walmart reserves and asserts all procedural, substantive, and jurisdictional defenses, and reserves the right to supplement these defenses as it discovers new or additional information.

WHEREFORE, having fully responded to the Consolidated Complaint in the above-captioned matter, Walmart respectfully requests that the Consolidated Complaint be dismissed in its entirety.

DATED this 10th day of May, 2016.

STEPTOE & JOHNSON LLP

By /s/ Alan Bayless Feldman
Steven D. Wheeless
Alan Bayless Feldman
201 E. Washington Street, Suite 1600
Phoenix, Arizona 85004-2382

Attorneys for Wal-Mart Stores, Inc.

ORIGINAL of the foregoing efiled with Region 20 of the National Labor Relations Board.

ORIGINAL and FOUR COPIES of the foregoing mailed this 10th day of May, 2016, to:

Joseph F. Frankl, Regional Director
National Labor Relations Board
Region 20
901 Market Street, Suite 400
San Francisco, CA 94103-1735

COPY of the foregoing e-mailed this 10th day of May, 2016, to:

David A. Rosenfeld
Counsel for UFCW/OURWalmart
drosenfeld@unioncounsel.net
adelgado@unioncounsel.net

/s/ Jackie Lynn Bell

EXHIBIT 43

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20

WAL-MART STORES, INC.	
and	
THE ORGANIZATION UNITED FOR RESPECT AT WALMART (OUR WALMART),	**Cases 12-CA-121109** **12-CA-124847** **16-CA-124905** **20-CA-126824**
and	
UNITED FOOD & COMMERCIAL WORKERS INTERNATIONAL UNION, AFL-CIO AND THE ORGANIZATION UNITED FOR RESPECT AT WALMART (OUR WALMART)	**20-CA-138553** **32-CA-153782**

WAL-MART STORES, INC.'S ANSWER TO FIRST-AMENDED CONSOLIDATED COMPLAINT

As and for its Answer to the First-Amended Consolidated Complaint ("Complaint") in the above-referenced matter, Wal-Mart, Stores, Inc. ("Walmart") states as follows, with each number and letter below corresponding to the number and letter in the Complaint:

1. (a) Admits.

(b) Admits.

(c) Admits.

(d) Admits.

(e) Admits.

(f) Admits.

(g) Admits.

(h) Admits.

(i) Admits.

(j) Admits.

2. (a) Admits.

(b) Admits.

(c) Admits.

3. Admits.

4. Admits.

5. Walmart admits that the following individuals held the position set forth opposite their respective names at the respective locations identified in the Complaint and acted as Walmart's supervisors and agents (for matters within the course and scope of their employment) during material times within the meaning of Sections 2(11) and 2(13) of the Act. David Young, Betty Pitts, Viviana Garcia, Ashley Livingston, Lisa Wellington, Travis Underwood, Mark Saxton, Robin Spurgeon, Theresa Palmer, Mariel Gonzalez, Rose Sunstrong, Michael Aprigliano, Tammy Jackson, Derek Berti (identified in the Complaint as "Derrick" Berti), Donald Fang, Ivan Angeles, Tammy Hileman, Eric Mackey, Aaron Bornhoft, Marlene Borchers, Angelina Gonzalez, Detra Nevarez, Sheela Cottrell, Jorge Lopez, Gloria Lujan, Jesus Delgado, Carlos Campos, Todd Stokes, Tammy Sumner, Brian Huckabee, Eva Ballard; Stormi Maxey, Janine Jordan, Susi Moore, Eric Nopola, Heidi Crowel, Deb Becker, Kyle Kaszubowski, Christina May, Dawn Reed, and Joe Manbernach.

Walmart admits that the following individuals acted as Walmart's supervisors and agents (for matters within the course and scope of their employment) during material times within the meaning of Sections 2(11) and 2(13) of the Act, but Walmart denies the listed job titles opposite their names in the Complaint. Walmart provides their correct job titles here in parentheses after their names: Teresa Wells (Co-Manager), Chad Fercho (Co-Manager).

Walmart denies that, at any material time, Maria (last name unknown) and Karen Campos, acted as Walmart's supervisors or agents within the meaning of Sections 2(11) or 2(13) of the Act. Walmart has no knowledge of who the Complaint refers to when it lists "Maria (last name unknown)" as an Assistant Manager at Store 1805. Walmart denies that it employed any Assistant Manager or individual named Maria who acted as Walmart's supervisor or agent within the meaning of Sections 2(11) or 2(13) of the Act at Store 1805 in August or September 2014 (dates referenced in Paragraph 9(a) of the Complaint).

6. Denies.

7. (a) Denies.

(b) Denies.

(c) Denies.

(d) Denies.

(e) Denies. Walmart did not issue unexcused absences to associates for participating in "the Black Friday 2013 Strike," "June 2014 Strike," or "Black Friday 2014 Strike"; rather, Walmart lawfully applied its Attendance/Punctuality Policy to certain associates who missed scheduled shifts to participate in the UFCW/OURWalmart's ongoing and admitted intermittent work stoppage campaign for a constant, unchanging purpose. Further, Walmart did not issue unexcused absences to any associates who participated in "the LA Sit In."

8. Store No. 896 – Grand Prairie, TX

(a) Denies.

(b) Denies.

(c) Walmart admits that it, by Assistant Manager Ashley Livingston, issued Lozano a personal discussion on or about December 17, 2013, as a reminder for his three

attendance occurrences that he incurred within a rolling six-month period in accordance with the Company's attendance policy. Walmart otherwise denies the allegations in Paragraph 8(c).

(d) Walmart admits that it, by Assistant Manager Ashley Livingston, issued Knapp a personal discussion on or about December 17, 2013, as a reminder for her three attendance occurrences that she incurred within a rolling six-month period in accordance with the Company's attendance policy. Walmart otherwise denies the allegations in Paragraph 8(d).

(e) Walmart admits that it, by Assistant Manager Lisa Wellington, issued Knapp a First Written coaching on or about February 6, 2014, after she violated the Company's attendance policy. Walmart otherwise denies the allegations in Paragraph 8(e).

(f) Denies.

(g) Denies.

(h) Denies.

(i) Denies.

(j) Denies.

9. Store No. 1805 – La Quinta, CA

(a) Denies.

(b) Denies.

10. Store No. 2280 – Mountain View, CA

(a) Denies.

(i) Denies.

(ii) Denies.

(b) Denies.

(c) Admits.

(d) Denies.

11. Store No. 2735 – Sacramento, CA

(a) Denies.

(i) Denies.

(ii) Denies.

(iii) Denies.

(b) Denies.

(c) Admits.

(d) Denies.

12. Store No. 2735 – Sacramento, CA

(a) Denies.

(b) Denies.

13. Store No. 2735 – Sacramento, CA

(a) Denies.

(i) Denies.

(ii) Denies.

(iii) Denies.

(b) Denies.

(c) Walmart admits that it issued Faulkner a Third Written coaching on or about January 13, 2015, after she received two other separate coachings over time under the Company's progressive discipline policy for violating the Company's attendance policy and notifying a suspected shoplifter of management's suspicions, and after she violated the Company's attendance policy. Walmart otherwise denies the allegations in Paragraph 13(c).

(d) Denies.

14. Store No. 2886 – Pico Rivera, CA

(a) Denies as to Paragraph 14(a)(i); Admits as to Paragraph 14(a)(ii).

(i) Denies.

(ii) Admits.

(b) Denies.

(c) Admits.

(d) Denies.

15. Store No. 2886 – Pico Rivera, CA

(a) Denies as to Paragraphs 15(a)(i),(ii),(iv),(v); Admits as to Paragraph 15(a)(iii).

(i) Denies.

(ii) Denies.

(iii) Admits.

(iv) Denies.

(v) Denies.

(b) Denies.

(c) Admits.

(d) Denies.

16. Store No. 2989 – Fremont, CA

(a) Denies.

(b) Denies.

(c) Walmart admits that it issued Nogueda a Second Written coaching on or about January 22, 2015, after she received a prior separate coaching for attendance violations under the Company's progressive discipline policy, and after she again violated the Company's attendance policy. Walmart otherwise denies the allegations in Paragraph 16(c).

(d) Admits.

(e) Denies.

17. Store No. 4488 – Marina, CA

(a) Denies.

(b) Denies. The allegations in Paragraph 17(b) of the Complaint seem to misidentify "Nogueda" as the alleged discriminatee when the other allegations within Paragraph 17 identify "Skeen" as the alleged discriminatee. Walmart denies all of the allegations in Paragraph 17(b) as to either "Nogueda" and/or "Skeen."

(c) Walmart admits that it issued Skeen a Third Written coaching on or about January 3, 2015, after he received multiple separate coachings over time under the Company's progressive discipline policy, for violating the Company's Discount Card and Cash Shortage policies, and after he again violated the Company's attendance policy for three tardies not involving any work stoppage. Walmart otherwise denies the allegations in Paragraph 17(c).

(d) Denies.

(e) Admits.

(f) Denies.

18. Store No. 2594 – Lynwood, WA

(a) Denies.

(b) Denies.

(c) Walmart admits that it issued Olean a Second Written coaching on or about January 16, 2015, after he received a prior separate coaching for attendance violations under the Company's progressive discipline policy, and after he again violated the Company's attendance policy, including missing multiple scheduled shifts not involving any work stoppage. Walmart otherwise denies the allegations in Paragraph 18(c).

(d) Denies. The allegations in Paragraph 18(d) of the Complaint seem to misidentify "Cruz" as the alleged discriminatee when the other allegations within Paragraph 18 identify "Olean" as the alleged discriminatee. Walmart denies all of the allegations in Paragraph 18(d) as to either "Cruz" and/or "Olean."

19. Store No. 2594 – Lynwood, WA

(a) Denies.

(b) Denies.

(c) Walmart admits that it issued Surdam a Third Written coaching on or about July 29, 2014, after he received multiple separate coachings over time under the Company's progressive discipline policy, for poor performance and lack of productivity, and after he again violated the Company's attendance policy. Walmart otherwise denies the allegations in Paragraph 19(c).

(d) Admits.

(e) Denies.

20. Store No. 2594 – Lynwood, WA

(a) Denies.

(b) Denies.

(c) Walmart admits that it issued Wolford a Second Written coaching on or about July 28, 2014, after he received a prior separate coaching under the Company's progressive discipline policy for lack of productivity, and after he again violated the Company's attendance policy. Walmart otherwise denies the allegations in Paragraph 20(c).

(d) Denies.

21. Store No. 2642 – Apple Valley, MN

(a) Denies.

(i) Denies.

(ii) Denies.

(iii) Denies.

(b) Denies.

(c) Admits.

(d) Admits.

(e) Denies.

22. Store No. 3601 – Crestwood, IL

(a) Denies.

(b) Denies.

(c) Denies.

(d) Denies.

23. Store No. 469 – Lake Charles, LA

(a) Denies.

(b) Denies.

(c) Admits.

(d) Denies.

24. Store No. 821 – Clovis, NM

Denies.

25. Store No. 2668 – Sturtevant, WI

Denies.

26. Store No. 1960 – Tampa, FL

Denies.

27. Store No. 2642 – Apple Valley, MN

(a) Denies.

(b) Denies.

(c) Denies.

28. (a) Denies.

(b) Denies.

29. (a) Denies.

(b) Denies.

30. Denies.

31. Denies.

Walmart denies any allegation in the Complaint or asserted at the hearing not expressly admitted here.

DEFENSES

1. The allegations found in the Complaint do not state a case under the Act because certain associates named in the Complaint did not engage in protected strikes, but, instead,

participated in the UFCW/OURWalmart's ongoing and admitted campaign of repeated intermittent work stoppages for a constant, unchanging purpose.

2. The allegations found in the Complaint do not state a case under the Act because certain associates named in the Complaint engaged in unprotected demonstrations on the retail sales floors of two stores on November 13, 2014, while the stores were open to the public for shopping.

3. The allegations found in Paragraphs 11(a)(i), 15(a)(i), and 15(a)(iv) do not state a case under the Act because certain associates engaged in unprotected activity by demonstrating on the retail sales floor while the store was open to the public and disrupting working associates, trespassing at the home of Walmart's former Chairman, or blocking the street in front of his home.

4. The allegations in the Complaint do not state a case under the Act because Walmart lawfully maintained and applied its attendance policy in a non-discriminatory manner.

5. Section 10(b) bars the allegations found in the Complaint in Paragraphs 9(a); 9(b); 11(a)(i); 11(d) as it refers to alleged conduct alleged in 11(a)(i); 12(a); 12(b); 14(a)(ii); 14(d) as it refers to alleged conduct alleged in 14(a)(ii); 15(a)(i), (iii), (iv), (v); 15(d) as it refers to alleged conduct alleged in 15(a)(i), (iii), (iv), (v); 17(d); 21(a)(ii); 21(c); 21(e) as it refers to alleged conduct alleged in 21(a)(ii) and 21(c); 24; 25; 26; 27(a); 27(b); and 27(c). No charge includes those allegations, and those allegations do not closely (or remotely) relate to any charge allegation. All the foregoing alleged acts took place outside the Section 10(b) period.

6. The allegations in Paragraph 9(b) do not state a case under the Act because management videotaped non-associates to preserve evidence of the non-associates' trespass and

violation of a court injunction against the UFCW/OURWalmart's trespass for potential future litigation.

7. The allegations in Paragraph 21(a)(ii) of the Complaint fail because those allegations falsely presume that the Act gives employees the right to force management to meet with multiple employees on demand by one or more employees. No Board or Court has ever endorsed such a radical interpretation of the Act.

8. The allegations in the Complaint do not state a case under the Act because many of the pertinent employees suffered no material adverse employment action.

9. The allegations in Paragraph 27(b) of the Complaint do not state a case under the Act because the pertinent associate at Walmart's Apple Valley, MN, facility physically blocked the Store's doorway with non-associates.

10. With respect to the factual allegations raised in the Complaint, Walmart acted for legitimate business reasons that are lawful under the Act.

11. Certain allegations in the Complaint fail because they are factually inaccurate.

12. Board law does not support or allow the extraordinary remedies requested in the Complaint.

13. Walmart reserves and asserts all procedural, substantive, and jurisdictional defenses, and reserves the right to supplement these defenses as it discovers new or additional information.

WHEREFORE, having fully responded to the First-Amended Consolidated Complaint in the above-captioned matter, Walmart respectfully requests that the First-Amended Consolidated Complaint be dismissed in its entirety.

DATED this 14th day of November, 2016.

STEPTOE & JOHNSON LLP

By /s/ Alan Bayless Feldman
Steven D. Wheeless
Alan Bayless Feldman
201 E. Washington Street, Suite 1600
Phoenix, Arizona 85004-2382

Attorneys for Wal-Mart Stores, Inc.

ORIGINAL of the foregoing efiled with Region 20 of the National Labor Relations Board.

ORIGINAL and FOUR COPIES of the foregoing sent via Federal Express this 14th day of November, 2016 to:

Joseph F. Frankl, Regional Director
National Labor Relations Board
Region 20
901 Market Street, Suite 400
San Francisco, California 94103-1735

COPY of the foregoing e-mailed this 14th day of November, 2016, to:

Deborah Gaydos
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