



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**

Appellate and Supreme Court Litigation Branch  
Washington, D.C. 20570

November 14, 2017

**VIA CM/ECF**

Molly C. Dwyer  
Clerk of Court, U.S. Court of Appeals  
for the Ninth Circuit  
95 Seventh Street  
San Francisco, CA 94103

Re: *NLRB v. IATSE, Local 720*,  
No. 16-72174

**Oral argument scheduled November 17, 2017**

Dear Ms. Dwyer:

The Board submits the following response to the November 13, 2017 letter submitted to the Court pursuant to Fed. R. App. P. 28(j) by IATSE, Local 720 (“the Union”).

The primary authority cited by the Union, a California state law decision in *Williams v. Superior Court*, 398 P.3d 69 (Cal. 2017), does not advance the Union’s arguments. Not only are state law considerations essentially irrelevant to the Board’s weighing of privacy interests against employee rights under federal labor law, but here the Union’s unlawful conduct occurred in Nevada. Moreover, in *Williams* the court ultimately ordered the disclosure of thousands of employees’ contact information. 398 P.3d at 85-89. As the Board found here (Board Br. 19, 32, SER 13, 15), there is no evidence that users of the Union’s exclusive hiring hall had an expectation that their contact information would be kept private, or that any employee ever requested that his or her contact information remain private.

The additional case cited by the Union, *IATSE, Local 838*, 364 NLRB No. 81, 2016 WL 4437680 (Aug. 23, 2016), does not address the Board’s standard for hiring hall information requests. It is well established that a union may only refuse to provide relevant information regarding its operation of an exclusive hiring hall by affirmatively showing that such refusal was necessary to vindicate “legitimate

union interests,” *Int’l Bhd. of Boilermakers, Local 197*, 318 NLRB 205, 205 (1995), such as the protection of “truly confidential material.” *Bartenders’ & Beverage Dispensers’ Union, Local 165*, 261 NLRB 420, 423 (1982); *see NLRB v. Int’l Bhd. of Elec. Workers, Local Union 112*, 827 F.2d 530, 533 (9th Cir. 1987) (not cited in Board’s answering brief).

Finally, the Court should disregard the Union’s factual claims that its unlawful actions were premised in part on a “well-established policy” under which employees “had come to expect that their [contact] information would not be disclosed without their permission.” (Rule 28(j) Letter 1.) Those assertions are contrary to the Board’s own findings of fact (Board Br. 19, 32, SER 13, 15), and are unsupported by any citations to the administrative record.

Very truly yours,

s/Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half Street, SE  
Washington, DC 20570

cc: all counsel (via CM/ECF)

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

NATIONAL LABOR RELATIONS BOARD	)	
	)	
Petitioner	)	
	)	
v.	)	No. 16-72174
	)	
INTERNATIONAL ALLIANCE OF	)	
THEATRICAL STAGE EMPLOYEES, MOVING)	)	
PICTURE TECHNICIANS, ARTISTS & ALLIED)	)	
CRAFTS OF THE UNITED STATES, ITS	)	
TERRITORIES & CANADA, LOCAL 720,	)	
AFL-CIO, CLC	)	
	)	
Respondent	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on November 14, 2017, I electronically filed the foregoing document with Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ Linda Dreeben  
\_\_\_\_\_  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half St SE  
Washington, DC 20570

Dated at Washington, DC  
this 14th day of November, 2017