

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

**GLASS FABRICATORS, INC., AND
GLASS AND METAL SOLUTIONS, INC., ALTER EGOS**

Respondent

and

CASE 08-CA-174567

**INTERNATIONAL UNION OF PAINTERS & ALLIED
TRADES DISTRICT COUNCIL 6**

Charging Party Union

**COUNSEL FOR THE GENERAL COUNSEL'S MOTION FOR LEAVE TO FILE
REPLY BRIEF TO RESPONDENT'S POST-HEARING BRIEF
TO THE HONORABLE THOMAS M. RANDAZZO**

Counsel for the General Counsel respectfully moves for leave to file a concise reply brief to Respondent's Post-Hearing Brief in the above-captioned matter, and in support states:

1. On November 21, 2017, Respondent Glass and Metal Solutions, Inc. (GMS), filed its post-hearing brief in this matter.
2. Respondent GMS's brief, which totals approximately 38 pages, misstates the correct legal standard used to determine alter ego, relies on federal court cases which have little to no precedential value, and mischaracterizes witness testimony.
3. The acceptance of reply briefs is within the discretion of the Administrative Law Judge. Gallup, Inc., 349 NLRB 1213, 1217 (2007) citing Fruehauf Corp., 274 NLRB 403, fn. 2 (1985); Salem Electric Co., 331 NLRB 1575, 1578 fn. 3 (2000) (ALJ granted Respondent's motion for leave to file reply brief).

4. Leave to file post-hearing reply briefs has been granted when acceptance of the reply brief does not result in a delay in the decisional process. Gallup, Inc., supra.

5. Counsel for the General Counsel believes that his succinct reply brief in this matter will aid the Administrative Law Judge in reviewing the issues raised in Respondent GMS's Post-Hearing Brief and will not delay the decisional process.

WHEREFORE, Counsel for the General Counsel respectfully moves that the Administrative Law Judge grant this Motion for leave to file a reply brief and accept the attached brief that addresses these limited points.

Dated at Cleveland, Ohio this 20th day of December 2017.

Respectfully submitted,

/s/ Kyle A. Vuchak

Kyle A. Vuchak

Counsel for the General Counsel

National Labor Relations Board, Region 8

AJC Federal Building, Rm. 1695

1240 East Ninth Street

Cleveland, Ohio 44199

kyle.vuchak@nlrb.gov

PROOF OF SERVICE

A copy of the foregoing Motion and Reply Brief of Counsel for the General Counsel was sent on December 20, 2017 to the following individuals by electronic mail:

Stephen Doucette
Glowacki & Imbrigiotta, LPA
7550 Lucerne Dr., Ste. 408
Middleburg Hts., OH 44130

SBD@gidlaw.com

Kera Paoff
Widman & Franklin LLC
405 Madison Ave. Suite 150
Toledo, OH 43604

kera@wflawfirm.com

A copy of the foregoing Motion and Reply Brief of Counsel for the General Counsel was sent on December 20, 2017 to the following individual by regular mail:

Patricia Dotson
Glass Fabricators, Inc.
5002 Albertly Avenue
Parma, OH 44134

/s/ Kyle A. Vuchak
Kyle A. Vuchak
Counsel for the General Counsel
National Labor Relations Board, Region 8
AJC Federal Building, Rm. 1695
1240 East Ninth Street
Cleveland, Ohio 44199
kyle.vuchak@nlrb.gov