

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10**

**MERCEDES-BENZ U.S. INTERNATIONAL,
INC. (MBUSI)**

and

Case 10-CA-169466

KIRK GARNER, An Individual

JOINT MOTION TO EXTEND STATEMENT OF POSITION DEADLINE

Pursuant to Section 102.46 of the National Labor Relations Board's Rules and Regulations, the parties to this proceeding respectfully request a two-week extension for the filing of statements of position regarding the effect of the Board's decision in the above-captioned matter.

A hearing was held in this matter before Administrative Law Judge (ALJ) Donna N. Dawson from October 3 through 4, 2017, and post hearing briefs were timely filed by the parties on December 1, 2017. On December 14, 2017, the Board issued a decision in *The Boeing Company*, 365 NLRB No. 154, which retroactively overruled *Lutheran Heritage Village-Livonia*, 343 NLRB No. 75 (2004), and implemented a new standard for determining whether an employer's rule violates the Act. On December 22, 2017, ALJ Dawson issued an Order directing the parties to file position statements regarding the need to reopen the record in this matter, in light of the Board's decision in *The Boeing Company*, by January 5, 2018.

The parties request an extension through January 19, 2018, to file their statements of position for the following reasons:

1. The Regional Director for Region 10 intends to solicit the position of the parties as to

whether the General Counsel should proceed in this matter in light of the Board's decision in *The Boeing Company*. However, additional time is needed to allow the parties time to respond to this solicitation and to allow the Region to make a determination with respect to the positions of the parties.

2. The parties' extension request will not prejudice any party and will not unnecessarily delay the proceedings in this case.

For the foregoing reasons, the foregoing joint motion to extend the deadline for filing statements of position through January 19, 2017, should be GRANTED.

Respectfully submitted this, the 26th day of December, 2017.

/s Joseph W. Webb
Joseph W. Webb
Counsel for the General Counsel
National Labor Relations Board
Region 10 – Birmingham Resident Office
1130 22nd Street South,
Suite 3400, Ridge Park Place
Birmingham, Alabama 35205
E-mail: joseph.webb@nlrb.gov

/s Marcel L. Debruge
Marcel L. DeBruge, Esq.
Counsel for Respondent
Burr & Forman LLP
420 20th Street North
3400 Wachovia Tower
Birmingham, Al 35203
E-mail: mdebruge@burr.com

/s Michael Kirk Garner
Michael Kirk Garner, an Individual
P.O. Box 122
Duncanville, AL 35456-0122

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Joint Motion to Extend Statement of Position Deadline by electronic transmission on this date to:

Marcel L. DeBruge, Esq.
Burr & Foreman, LLP
420 N 20th St
3400 Wachovia Tower
Birmingham, AL 35203-5210
E-mail: debruge@gmail.com

Michael L. Lucas, Esq.
Burr & Foreman, LLP
420 N 20th St
3400 Wachovia Tower
Birmingham, AL 35203-5201
E-mail: mlucas@burr.com

Matthew T. Scully, Esq.
Burr & Foreman, LLP
420 N 20th St
3400 Wachovia Tower
Birmingham, AL 35203-5201
E-mail: mscully@burr.com

Michael Kirk Garner, An Individual
P.O. Box 122
Duncanville, AL 35456-0122
E-mail: kgarner724@aol.com

/s Joseph W. Webb
Joseph W. Webb, Counsel for the General Counsel