

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

RHINO NORTHWEST, LLC

Cases 19-CA-165356
19-CA-168813
19-CA-169067
19-CA-181097

And

LOCAL NO. 15, INTERNATIONAL
ALLIANCE OF THEATRICAL STAGE
EMPLOYEES AND MOVING PICTURE
TECHNICIANS, ARTISTS, AND ALLIED
CRAFTS OF THE UNITED STATES, ITS
TERRITORIES AND CANADA, AFL-CIO,
CLC

**IATSE LOCAL 15'S CROSS-EXCEPTIONS TO ADMINISTRATIVE LAW JUDGE'S
DECISION**

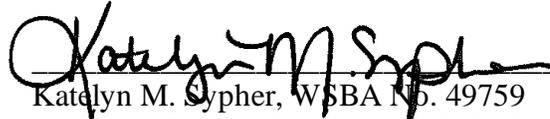
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Pursuant to Section 102.46(c) of the Board's Rules and Regulations, the International Alliance of Theatrical Stage Employees ("IATSE") Local 15 files these cross-exceptions to the findings and conclusions of the Administrative Law Judge's Decision ("ALJD") for the reasons set forth in the Charging Party's Brief in Support of Cross-Exceptions, filed herewith:

1. The Charging Party excepts to the ALJ's finding that the Respondent would have taken the same adverse action against Klemisch in the absence of his protected concerted activity and testimony in an NLRB proceeding (ALJD 28:36-37);
2. The Charging Party excepts to the ALJ's finding that the General Counsel failed to show that the Respondent's deactivation of rigger Matthew Klemisch was pretextual (*see* ALJD 29:6-12);
3. The Charging Party excepts to the ALJ's failure to consider the Respondent's deviation from its written policies and enforcement of its conflict of interest policy only against Klemisch as evidence that the Respondent would not have taken the same action against Klemisch absent his protected activity and that the Respondent's justification for deactivating Klemisch was pretext (ALJD 28:36-37; ALJD 29:6-12);
4. The Charging Party excepts to the ALJ's failure to consider the shifting reasons Respondent's agents gave for its decision to deactivate Klemisch as evidence of pretext (ALJD 29:6-12);
5. The Charging Party excepts to the ALJ's failure to consider the Respondent's unexplained five-month delay between the decision-maker's alleged discovery of Klemisch's business, Precision Rigging, and Respondent's deactivation of Klemisch as evidence of pretext (ALJD 29:6-12);
6. The Charging Party excepts to the ALJ's failure to consider the Respondent's subsequent scheduling of Klemisch for work after its alleged discovery of Klemisch's business, Precision Rigging as evidence of pretext (ALJD 29:6-12);
7. The Charging Party excepts to the ALJ's failure to consider the Employer's inconsistent statement of the reasons for Klemisch's deactivation as evidence of pretext (ALJD 29:6-12);
8. The Charging Party excepts to the ALJ's failure to consider the Employer's commission of numerous other ULPs simultaneous to its deactivation of Klemisch as evidence of pretext (ALJD 29:6-12); and,

9. The Charging Party excepts to the ALJ's recommendation of dismissal of the Section 8(a)(3), 8(a)(4), and 8(a)(1) charges as to Klemisch (*see*, ALJD 29:12-13).

RESPECTFULLY SUBMITTED this 12th day of January, 2018.



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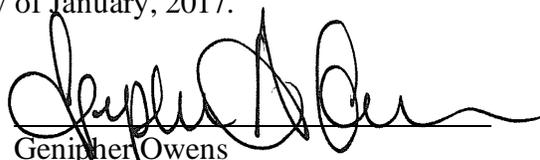
DECLARATION OF SERVICE

I, Genipher Owens, hereby declare under penalty of perjury under the laws of the state of Washington that on January 12, 2018, I filed the foregoing Charging Party’s Cross-Exceptions to Administrative Law Judge’s Decision with the National Labor Relations Board, and sent a true and correct copy via email to:

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Signed in Seattle, Washington, this 12th day of January, 2017.


Genipher Owens
Paralegal