



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plaza, Suite 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212) 264-0300
Fax: (212) 264-2450

April 16, 2018

David A. Rosenfeld, Esq.
Weinberg, Roger & Rosenfeld
1001 Marina Village Parkway, Suite 200
Alameda, CA 94501-6430

Re: The Trump Corporation a/k/a The Trump
Organization, Inc., Donald J. Trump for
President, Inc., et. al.
Case 02-CA-214970

Dear Mr. Rosenfeld:

We have carefully investigated and considered your charge that The Trump Corporation a/k/a The Trump Organization, Inc., Donald J. Trump for President, Inc., and the other entities named as Charged Parties in this case, have violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

You have alleged that The Trump Corporation a/k/a The Trump Organization, Inc., Donald J. Trump for President, Inc., and the other entities named as Charged Parties, violated Section 8(a)(1) of the Act by enforcing a confidentiality agreement against [REDACTED] and [REDACTED]

The evidence is insufficient to establish the violation, as alleged in the charge. First, the investigation failed to disclose evidence demonstrating that [REDACTED] and [REDACTED] were "employees" within the meaning of Section 2(3) of the Act. Second, even assuming employee status, the investigation also failed to adduce evidence indicating that [REDACTED] and [REDACTED] were signatories of, and subject to enforcement attempts, concerning the confidentiality language at issue here, as described in a prior charge in Case No. 02-CA-183801, or any other confidentiality language or agreement potentially impacting the Section 7 rights of statutory employees of the Charged Party entities. As the evidence is insufficient to establish that the Act has been violated as alleged, or in any other manner encompassed by your charge, I am dismissing your charge.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. 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, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **April 30, 2018**. 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 29, 2018**. **If an appeal is postmarked or given to a delivery 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 30, 2018**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.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 30, 2018, 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.

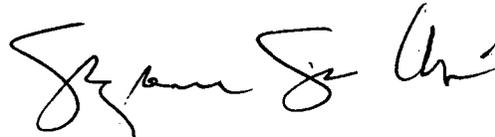
Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon 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

The Trump Corporation a/k/a The Trump
Organization, Inc., Donald J. Trump for
President, Inc., et al
Case 02-CA-214970

- 3 -

by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interest.

Very truly yours,



SUZANNE SULLIVAN
Acting Regional Director

Enclosure

cc: The Committee to Preserve the Religious
Right to Organize
Attn: Caroline M. Cohen, Esq.
1001 Marina Village Parkway, Suite 200
Alameda, CA 94501-6430

The Trump Corporation a/k/a The Trump
Organization, Inc.
Attn: Donald J. Trump, President
725 Fifth Avenue, 26th Floor
New York, NY 10022

William J. Dritsas, Esq.
Seyfarth Shaw LLP
560 Mission Street, Suite 3100
San Francisco, CA 94105-2930

Matthew J. Cute, Esq.
The Trump Organization
One Trump National Drive
Rancho Palos Verdes, CA 90275