

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NATIONAL INDEMNITY COMPANY )  
 )  
and )  
 )  
BRUCE RICHARD FRIEDMAN, )  
an Individual )

Case 14-CA-182175

**MOTION FOR SPECIAL LEAVE TO SUBMIT SUPPLEMENTAL BRIEF**

Pursuant to Section 102.46(e) of the Rules and Regulations of the National Labor Relations Board ("Board" or "NLRB"), Respondent National Indemnity ("Company") moves for special leave to submit the Supplemental Brief attached hereto as Exhibit A in support of Respondent's Exceptions to the Decision and Order of Administrative Law Judge Elizabeth M. Tafe ("Exceptions").

In support of this Motion, the Company shows to the Board as follows:

1. In response to the Company's Exceptions, the General Counsel filed an Answering Brief on February 2, 2018, arguing that the Company's work rules were unlawful under the Board's ruling in *The Boeing Company*, 365 NLRB No. 154 (Dec. 14, 2017) ("*Boeing*").

2. On June 6, 2018, the General Counsel issued Memorandum GC 18-04 to all Regional Directors, Officers-in-Charge, and Resident Officers, which contains Guidance on Handbook Rules Post-*Boeing* ("Memorandum"). The Memorandum provides guidance on interpreting Handbook rules, such as the rules at issue in this case, under the Board's ruling in *Boeing*.

3. In the Memorandum, the General Counsel concedes that confidentiality provisions such as those contained in the Company's work rules are lawful under

*Boeing.*

4. The Company requests special leave to submit the Supplemental Brief attached hereto as Exhibit A to address the impact of the General Counsel's Memorandum on the arguments in the General Counsel's Answering Brief and the legality of Respondent's work rules.

5. The contradictions between the General Counsel's Memorandum and the General Counsel's Answering Brief present extraordinary circumstances. As a matter of fundamental fairness, Respondent should be permitted an opportunity to respond to the General Counsel's Memorandum, in which he abandoned the positions he previously espoused in his Answering Brief, as set forth in the Supplemental Brief attached hereto as Exhibit A.

WHEREFORE, Respondent requests special leave to file the Supplemental Brief in Support of its Exceptions attached hereto as Exhibit A.

DATED this 13th day of June, 2018.

Respectfully submitted,

NATIONAL INDEMNITY COMPANY,  
Respondent

By: /s/ Patrick J. Barrett

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ATTORNEYS FOR RESPONDENT

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**CERTIFICATE OF SERVICE**

I certify that a copy of the above Motion for Special Leave to Submit Supplemental Brief was emailed on June 13, 2018, and sent by overnight mail to the following parties:

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Additionally, on June 13, 2018, I have electronically filed the above-referenced document with the Office of the Executive Secretary.

*/s/ Patrick J. Barrett*

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Patrick J. Barrett