



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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July 27, 2018

Gary Shinnars, Executive Secretary  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

**By electronic filing**

Re: Johnson Controls, Inc.  
Case 10-CA-151843

Dear Mr. Shinnars:

The National Right to Work Legal Defense Foundation, Inc., Intervenor in this case, sent you a letter, dated July 10, 2018, providing a “supplemental citation of authority in opposition to General Counsel Exceptions 1 & 2, which challenge ALJ Locke’s decision to grant their Motion to Intervene.” The case Intervenor wishes to provide to the Board is *Veritas Health Services v. NLRB*, 2018 WL 3352892 (D.C. Cir. 2018).

General Counsel does not object to the Executive Secretary providing the case citation to the Board even though the issue Intervenor now wishes to additionally brief to the Board — its intervention — is an issue the court of appeals declined to review in that case. General Counsel strongly objects to the Executive Secretary presenting to the Board the Intervenor’s untimely letter brief. Its letter brief provides post-briefing argument, raises an issue that it did not previously raise in this case (the standard for intervention), and it cites to cases dating back to 2014, cases it could have cited (but did not) within its original submissions to the Board. The issue Intervenor wishes to present to the Board is neither newly discovered nor are there exceptional circumstances that would warrant presenting Intervenor’s letter brief to the Board this late in the proceedings.

The Administrative Law Judge granted Intervenor’s motion to intervene in this case. Although the Administrative Law Judge did so over General Counsel’s objection, the Intervenor has already had the opportunity to make its arguments to the Administrative Law Judge and to the Board in its original, timely, submissions to the Board. Intervenor should not get, in the guise of presenting a new case citation to the Board, an opportunity to submit an untimely letter brief to the Board. General Counsel does not object to the Executive Secretary providing the case citation to the Board, but respectfully (and strenuously) objects to the Executive Secretary providing Respondent’s untimely letter brief to the Board.

I certify that I today provided a copy of this letter to the Executive Secretary to Counsel identified below for Intervenor, the Charging Party Union, and Respondent by electronic mail.

Very truly yours,

*/s/ Jordan N. Wolfe*

Jordan N. Wolfe  
Field Attorney

cc via e-mail:

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