

Nos. 17-1239 & 18-1093

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

MIDWEST TERMINALS OF TOLEDO INTERNATIONAL, INC.

Petitioner/Cross-Respondent

v.

NATIONAL LABOR RELATIONS BOARD

Respondent/Cross-Petitioner

**ON PETITION FOR REVIEW AND CROSS-APPLICATION
FOR ENFORCEMENT OF AN ORDER OF
THE NATIONAL LABOR RELATIONS BOARD**

SUPPLEMENTAL APPENDIX

USHA DHEENAN
Supervisory Attorney

REBECCA J. JOHNSTON
Attorney

National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570
(202) 273-2948
(202) 273-1066

PETER B. ROBB
General Counsel

JOHN W. KYLE
Deputy General Counsel

LINDA DREEBEN
Deputy Associate General Counsel

National Labor Relations Board

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1 Q. How long have you been employed for
2 Midwest?

3 A. Since the very first day they
4 opened up for operations.

5 Q. Do you know about when that was?

6 A. 2004, I think. Around October of
7 2004.

8 Q. Okay. Prior to that, did you --
9 were you employed at the docks?

10 A. Yes.

11 Q. How long have you been employed at
12 the docks?

13 A. Since 1966.

14 Q. Speak up, please.

15 A. Since 1966.

16 Q. Okay. And have there been multiple
17 employers prior to --

18 A. Yes.

19 Q. -- Midwest?

20 Okay. Can you give the Court an
21 idea of what type of work is done out there on
22 the docks by ILA Local 1982?

23 A. It varies. You can go from wire
24 rod to calcium to aluminum to lumber. It's
25 just multiple.

1 Q. And what type of things do you do
2 with -- with regard to those products?

3 A. We usually unload them off the
4 vessels, store them in the field or shed until
5 the customer calls for their product.

6 Q. And what type of equipment, mobile
7 equipment is used out there at the facility?

8 A. Forklifts, big and small. Cranes,
9 material handlers, Liebherr bucket cranes and
10 such.

11 Q. Okay. And what type of equipment
12 are you qualified to work with?

13 A. Right now, end loader, forklift and
14 such. Used to be a crane operator, but I'm not
15 no more.

16 Q. Okay. And what are the jobs the
17 laborers do out there? If you're not working
18 on equipment, what other jobs can they do?

19 A. Basically picking up wood, cleaning
20 up. If cargo is dirty and the customer
21 requires cleaned, then you either will clean it
22 by hand or you wash it.

23 Q. Are you a member of ILA
24 Longshoreman's Association?

25 A. Yes, I am.

1 Q. Local 1982?

2 A. That's correct.

3 Q. How long have you been a member?

4 A. Since the local originated.

5 Q. Okay. Years and years ago?

6 A. Yes. Back in the early '70s.

7 Q. Have you ever held a Union office?

8 A. Yes, I have.

9 Q. And in the last four or five years,
10 what office have you held?

11 A. I've been president. I've been a
12 recording secretary. I've been dock steward.

13 Q. Do you recall what period of time
14 that you were employed as the Union steward?

15 A. I know it was, like, around three
16 and a half years.

17 Q. Do you know how long ago it was or
18 what years it would have covered?

19 A. I think it was March 7th was about
20 -- let's see. About -- I think right around
21 2012 or '13, when I was removed from the ILA --
22 with the ILA, and they ran off an election for
23 the new administrators to come in and take
24 over.

25 Q. So you say you were removed in '12

1 operate?

2 A. Forklift, end loader, gantry
3 cranes. Large hydraulic, which are Liebherrs.
4 I ran the dozer a little bit, but turned that
5 down. The little Liebherr material handler,
6 the Mantsinen material hander. I was hatch
7 leader, fall protection. I -- basically
8 everything -- I did everything down there but
9 run the dozer.

10 Q. All right. Now, you indicated that
11 you ran the gantry cranes. Are the gantry
12 cranes known as anything else at the facility?
13 Were they known by any other names?

14 A. Big and Little Lucas are their
15 names.

16 Q. Okay. Now, while you were employed
17 there, did you have prior experience with
18 cranes, operating cranes?

19 A. Before I got there? No.

20 Q. Yes.

21 Okay. And what was the first crane
22 that you learned how to operate?

23 A. Little Lucas.

24 Q. Okay. And who gave you training on
25 that crane?

1 A. Oversee all the operations at the
2 terminal.

3 Q. Can you be more specific with
4 respect to the contracting negotiations,
5 grievances, writing up employees? Can you
6 expound on your --

7 A. All that.

8 Q. -- duties?

9 A. I do all that.

10 Q. Okay. Can you expound on that a
11 little bit more?

12 A. Load trucks, offload domestic and
13 foreign ships. Part of stevedoring.

14 Q. You physically do that, are you
15 saying, or --

16 A. No. That's what we do. That's the
17 service we offer.

18 Q. No. What are your duties as the
19 director and --

20 A. I oversee all that. Loading,
21 offloading.

22 Q. Okay.

23 A. Cargo coming in, out.

24 Q. Okay. And with respect to
25 relationships with the ILA, Local 1982, what is

1 operator, if -- if I was doing a labor job or a
2 forklift job, I would still make the top rate
3 pay as crane operator.

4 Q. What other machines did you operate
5 when you were at the facility?

6 A. I ran end loaders, ran the Bobcat,
7 small forklifts; the Hyster 28 and 30, which is
8 a bigger forklift. I operated the -- most all
9 the equipment, except the bulldozer; your man
10 lifts, your material handler, the Mantsinen
11 machine. And then, there's a smaller Liebherr
12 that they used to unload rail cars that can be
13 classed as a material handler; it's a smaller
14 version of a material handler, I operated that.

15 Q. All right. So the record is clear,
16 then, the only thing that you said you really
17 didn't operate was the bulldozer?

18 A. Yes. Bulldozer.

19 Q. Okay. Are you certified to operate
20 the Liebherr crane that's been discussed here
21 for the last couple days?

22 A. The Liebherr crane, yes, I am.

23 Q. Okay. And you received your NCCO
24 certification?

25 A. Yes, I did.

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)	Board Case Nos.
NATIONAL LABOR RELATIONS BOARD)	08-CA-135971
)	08-CA-136613
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CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2018, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. I further certify that the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the address listed below:

Ronald L. Mason, Esq.
Aaron T. Tulencik, Esq.
Mason Law Firm Co., L.P.A.
P.O. Box 398
Dublin, OH 43017

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, D.C. 20570

Dated at Washington, D.C.
this 24th day of August 2018