

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

**REGISTRY OF INTERPRETERS FOR THE
DEAF, INC.**

Case 20-CA-164088

and

**PACIFIC MEDIA WORKERS GUILD,
LOCAL 39521**

**RESPONDENT’S RESPONSE TO THE NATIONAL LABOR RELATIONS BOARD’S
NOTICE TO SHOW CAUSE**

Respondent Registry of Interpreters for the Deaf, Inc. (“RID” or “Respondent”), by and through its undersigned counsel, and in accordance with the National Labor Relations Board’s (the “Board”) November 2, 2018 Notice to Show Cause, hereby files this Response to show cause why this matter should not be remanded.

As Counsel for the General Counsel correctly noted in its Response to the Board’s Notice to Show Cause, this case reaches the Board on a stipulated record with the underlying facts not in dispute. RID contends that Administrative Law Judge Joel P. Biblowitz erred in concluding that the National Labor Relations Act (the “Act”) applies to RID’s antitrust and civility policies applicable only to RID’s members—not to RID’s employees. As set forth in RID’s exceptions to ALJ Biblowitz’s decision, because the Act does not apply to RID’s members-only policies, those policies cannot violate the Act. RID’s exceptions to ALJ Biblowitz’s decision do not depend on the application of *Boeing Co.*, 365 NLRB No. 154 (Dec. 14, 2017). The legality of RID’s member

policies under *Boeing Co.* thus need not be decided, and there is no need to remand this case.¹ RID therefore respectfully requests that the Board retain the matter and issue its decision in due course.

Dated: November 13, 2018

Respectfully submitted,

/s/ Igor M. Babichenko

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Attorney for Respondent

¹ Counsel for the General Counsel has withdrawn its cross-exceptions invoking the *Lutheran Heritage* “reasonably construe” test, which the Board overruled in *Boeing Co.*

CERTIFICATE OF SERVICE

This certifies that the foregoing document was filed with the National Labor Relations Board via the Agency's E-Filing System on November 13, 2018, and that a copy of same was served on the same date on counsel for the Charging Party, Michael S. Melick, and on counsel for the General Counsel, Richard McPalmer, both via electronic mail.

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