

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS  
BOARD REGION 32

SAFEWAY, INC. (TRACY DISTRIBUTION  
CENTER)

and

Case No. 32-CA-222546

TEAMSTERS LOCAL 439,  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS

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**RESPONDENT SAFEWAY, INC.'S  
OBJECTION TO TEAMSTERS LOCAL  
439'S OPPOSITION TO MOTION FOR  
SUMMARY JUDGMENT**

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Respondent Safeway, Inc. ("Safeway") files this Objection to the Union's untimely Opposition<sup>1</sup> to Safeway's Motion for Summary Judgment, or in the alternative Partial Summary Judgment. Pursuant to NLRB Rule §102.24(b), any opposition to Safeway's summary judgment motion was due "no later than 21 days prior to the hearing." The hearing is set for February 13, 2019; therefore, the opposition had to be filed by January 23, 2019. In fact, the General Counsel filed its Opposition to Safeway's motion on January 23, and Safeway then filed a timely reply brief on January 30, 2019. Not only is the Union's Opposition 9 days late, it was filed after Safeway's reply brief to the General Counsel's Opposition. Therefore, the Union's Opposition must be stricken.

If the Board does not strike the Union's Opposition, then due process would entitle Safeway to additional time to file a reply brief and a continuance of the February 13, 2019 hearing.

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<sup>1</sup> It is noteworthy that the Union's opposition is devoid of any evidence, case law or legal analysis.

DATED: February 1, 2019

KLEIN, HOCKEL, IEZZA & PATEL P.C.

A handwritten signature in black ink, appearing to read "Jonathan Klein". The signature is written in a cursive style with a large, stylized initial "J".

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Jonathan Allan Klein, Esq.  
Attorney for Respondent Safeway, Inc.

**STATEMENT OF SERVICE**

I hereby certify that I served the foregoing **RESPONDENT SAFEWAY, INC.’S OBJECTION TO TEAMSTERS LOCAL 439’s OPPOSITION TO MOTION FOR SUMMARY JUDGMENT** as indicated below.

X **(BY ELECTRONIC FILING)** I served the document(s) by transmitting an electronic version through the NLRB E-Filing portal to the eService recipients listed below:

National Labor Relations Board  
Office of the Executive Secretary  
1015 Half Street SE  
Washington, D.C. 20570-0001

X **(BY ELECTRONIC SERVICE)** By electronically mailing a true and correct copy through Klein, Hockel, Iezza & Patel P.C.’s electronic mail system from edenman@khiplaw.com to the email addresses set forth below:

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National Labor Relations Board  
Region 32  
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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 1st day of February 2019 at San Francisco, California.



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Ezra M. Denman, Paralegal