

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

VOLKSWAGEN GROUP OF AMERICA, INC.

and

**Cases 10-CA-166500
10-CA-169340**

UNITED AUTO WORKERS, LOCAL 42

MOTION FOR DISMISSAL OF COMPLAINT

1. Motion

The undersigned parties jointly request that the Board dismiss the Complaint in the above-styled matters based on the action of the Charging Party, United Auto Workers, Local 42 (the Union) disclaiming interest in continuing to represent the employees in the unit concerned and request to withdraw the charges in this matter.

2. Background

The above-captioned cases comprise a test of the National Labor Relations Board's Certification of Representative of the Union as the exclusive collective-bargaining representative of a unit of certain employees employed by Volkswagen Group of America, Inc. (the Respondent). On October 23, 2015, the Union filed a petition in Case 10-RC-162530 seeking to represent certain employees of the Respondent. Specifically, the Union sought to represent only the maintenance employees at the Respondent's Chattanooga, Tennessee facility, rather than a larger unit of production and maintenance employees. On November 18, 2015, the Regional Director of Region 10 issued a Decision and Direction of Election scheduling an election in an appropriate unit of maintenance employees employed by Respondent at its Chattanooga facility.

After a secret ballot election held on December 3, 2015, and December 4, 2015, the Regional Director issued a Certification of Representative on December 14, 2015, certifying the

Union as the exclusive collective bargaining representative of the maintenance unit. On December 23, 2015, the Respondent filed with the Board a Request for Review of the Regional Director's Decision and Direction of Election, a Request for Stay of Certification and a Request for Oral Argument. On April 13, 2016, the Board issued an order denying the Employer's Request for Review, Request for Stay of Certification and Request for Oral Argument.

About December 15, 2015, January 8, 2016, and April 15, 2016, the Union requested that Respondent recognize it as the exclusive collective-bargaining representative of the Unit and bargain collectively with the Union as the exclusive collective-bargaining representative of the Unit. On April 26, 2016, a Consolidated Complaint issued alleging that the Respondent had violated Section 8(a)(1) and 8(a)(5) of the Act by its refusal to recognize and bargain with the Union as a test of the Board's certification.

On August 26, 2016, the Board issued its Order finding the Respondent's refusal to bargain unlawful. See, 364 NLRB No. 110. On September 1, 2016, the Respondent filed a Petition for Review with the U.S. Court of Appeals for the D.C. Circuit. The Board cross-petitioned for enforcement of its Order. Before the Court of Appeals ruled on the petitions, the Board issued its decision in *PCC Structurals, Inc.*, 365 NLRB No. 160 (Dec. 15, 2017). In light of the issues raised by *PCC Structurals*, on December 19, 2017, the Board filed a Motion to Remand the above-styled case to the Board. On December 26, 2017, the Court issued an Order Granting the Motion to Remand, and the case is presently before the Board.

3. The Union's Disclaimer and Requests to Withdraw

On April 15, 2019, the Union served all parties notification of its disclaimer of interest in representing the maintenance-only unit and requested withdrawal of all pending unfair labor

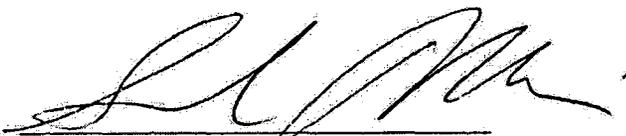
practice charges, including the charges underlying this Complaint.¹ The Regional Director has approved withdrawal of the unfair labor practice charges that were pending in the Region. Given the Union's disclaimer of interest in continuing to represent the unit and the Union's request to withdraw the instant charges, the undersigned parties hereby request that the Board dismiss the Consolidated Complaint in this matter.

Dated this 17th day of April, 2019,

Respectfully submitted,



Sally R. Cline
Counsel for the General Counsel
National Labor Relations Board
Region 10



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¹ On April 9, 2019, the Union filed a petition in Case 10-RC-239234 seeking to represent a unit of all production and maintenance workers at the Respondent's Chattanooga facility. A hearing is scheduled to begin on April 17, 2019.

From: Samuel Morris <smorris@gmlblaw.com>

Sent: Monday, April 15, 2019 3:45 PM

To: lan.Leavy@vw.com; nicole.koesling@vw.com

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Subject: Disclaimer - UAW Local 42 - Volkswagen Group of America, Inc.

I represent UAW Local 42.

Please be advised that UAW Local 42 hereby waives and disclaims any right to represent the employees of Volkswagen Group of America, Inc, in the following bargaining unit:

All full-time and regular part-time maintenance employees employed by the Employer at its Chattanooga, Tennessee facility, including Skilled Team Members and Skilled Team Leaders, but excluding Team Members, Team Leaders, specialists, technicians, plant clerical employees, office clerical employees, engineers, purchasing and inventory employees, temporary and casual employees, student employees in the apprenticeship program, all employees employed by contractors, employee leasing companies and/or temporary agencies, all professional employees, managers, guards and supervisors as defined by the Act.

You may contact the undersigned with any questions concerning the above.



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EXHIBIT A

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion for Dismissal has this date been served by regular mail and/or electronic mail where indicated upon the following:

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