

**UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
DIVISION OF JUDGES**

**TRIUMPH AEROSTRUCTURES, VOUGHT  
AIRCRAFT DIVISION**

**Cases 16-CA-197912**

**and**

**LAWRENCE HAMM, an Individual**

**16-CA-198055**

**and**

**RODNEY HORN, an Individual**

**16-CA-198410**

**and**

**THOMAS SMITH, an Individual**

**16-CA-198417**

**and**

**INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE, AND  
AGRICULTURE IMPLEMENT WORKERS  
OF AMERICA, LOCAL 848**

**CHARGING PARTY'S MOTION FOR EXTENSION OF  
THE POST HEARING BRIEFS SUBMISSION DATE**

Charging Party, International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America, Local 848, files this Motion for Extension of the Post-Hearing Briefs Submission Date, and would show good cause for extending the briefing deadline as set forth below. Based on those reasons, the Charging Party requests an extension of the date for submitting post-hearing briefs from May 23, 2019 to June 14, 2019.

**Basis for Extension of Briefing Deadline**

**I. General Statement**

Some of the issues in this matter are complex and require significant research and analysis. Before issuance of the Complaint, Region 16 submitted the issues involved to the NLRB's

Division of Advice for consideration and analysis. Additionally, Respondent is seeking a reversal or modification of existing precedent with respect to the employer's obligation to bargain discretionary disciplinary matters with the union before the first collective bargaining was negotiated. For these reasons, the Charging Party needs additional time to brief the issues effectively for the Administrative Law Judge.

## **II. Charging Party**

Counsel for the Charging Party represents the Charging Party in Case 16-CA-192780, Dallas Airmotive, Inc. and International Association of Machinists and Aerospace Workers, Aeronautical Industrial District Lodge 776. That case is pending before the Board. Respondent, Dallas Airmotive, has filed exceptions to the Administrative Law Judge's Decision and Recommended Order, and Counsel for the General Counsel has filed cross-exceptions to the ALJ's decision. By such cross-exceptions, the General Counsel is seeking a modification of existing law with respect to survival of dues check-off provisions and employees' dues deduction authorizations upon contract expiration. These issues require significant research and analysis, and the Charging Party's answering brief to the General Counsel's cross-exceptions is due May 20, 2019.

Counsel for the Charging Party is involved in extensive trial preparations in the case of *Sheldon Pontaoe v. Alcon Laboratories, Inc.*, No. 236-290421-17, pending in the 236<sup>th</sup> District Court of Tarrant County, Texas. Trial of that specially-set employment case will commence May 20, 2019, and it is expected to require two weeks before a jury verdict is returned.

Further, Counsel for the Charging Party will be involved in a labor arbitration during the period of June 3-6, 2019 in FMCS Case No. 180531-05225, UAW Local 218 and Bell Helicopter Textron, Inc. That case will require extensive research and preparation as it involves the

interrelationship between contractual layoff and recall provisions and certain complex pension issues affecting a substantial number of employees.”

### **III. The Parties’ Positions**

Counsel for the General Counsel does not oppose an extension of the date for submission of post hearing briefs to June 14, 2019. Respondent does not oppose an extension up to 14 days from the current May 23 deadline.

### **Conclusion**

For the foregoing reasons, the Charging Party requests an extension of the date to submit post-hearing briefs to June 14, 2019. The Charging Party does not seek the extension for the purpose of delay, but rather so all significant issues can be briefed properly and justice may be done.

Respectfully submitted this 7<sup>th</sup> day of May, 2019.

*/s/ Rod Tanner*

**Rod Tanner**

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**Certificate of Conference**

The undersigned counsel for the Charging Party has conferred with Megan McCormick, Counsel for the General Counsel, and determined that the General Counsel does not oppose the foregoing motion for extension of 22 days to June 14, 2019.

The undersigned counsel has also conferred with David Broderdorf, one of counsel for Respondent, and determined that Respondent does not oppose an extension of up to 14 days of the date for submission of post hearing briefs.

/s/ Rod Tanner

**Rod Tanner**

**Certificate of Service**

The undersigned attorney hereby certifies that a true and correct copy of the foregoing Charging Party's Motion for Extension the Post Hearing Briefs Submission Date has been served on the following attorneys via electronic mail this 7th day of May, 2019.

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/s/ Rod Tanner

**Rod Tanner**