

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 15**

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GENPAK, LLC *
*
and *
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RETAIL, WHOLESALE AND DEPARTMENT *
STORE UNION, MID-SOUTH COUNCIL *
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Case 15-CA-237525

**GENERAL COUNSEL’S
OPPOSITION AND MOTION TO DISMISS RESPONDENT’S MEMORANDUM OF
LAW IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Pursuant to Section 102.24(b) of the Rules and Regulations of the National Labor Relations Board (Board), Counsel for the General Counsel (General Counsel) submits this Opposition and Motion to Dismiss Respondent’s Memorandum of Law in Support of Motion for Summary Judgment, filed with the Division of Judges on May 26, 2020 (Attachment A). Pursuant to Sections 102.24(b) and 102.48(c) of the Rules and Regulations, General Counsel construes Respondent’s Memorandum of Law as a Motion for Reconsideration of the Board’s Order Denying Summary Judgment dated May 21, 2020 and will hereafter refer to it as Respondent’s Motion for Reconsideration.

Respondent’s Motion for Reconsideration, which was improperly filed with the Division of Judges, should be denied. The Motion for Reconsideration does not identify any material error in the Board’s Order Denying Summary Judgment, nor does it identify additional evidence or raise new issues. In fact, Respondent appears to have simply refiled its initial Motion for Summary Judgment, dated April 9, 2020, with a new date for consideration with the Division of Judges. Because the Board has previously considered and denied this pleading, General Counsel

respectfully pleads the Respondent's Motion for Reconsideration captioned Memorandum of Law in Support of Motion for Summary Judgment should be dismissed or denied.

Dated this 2nd Day of June, 2020.

/s/ Amiel J. Provosty _____

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CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of GENERAL COUNSEL'S OPPOSITION AND MOTION TO DISMISS RESPONDENT'S MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT to be served on the following parties by filing with the NLRB E-File system and e-mail on this 2nd Day of June, 2020:

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