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July 30, 2020

**VIA ELECTRONIC FILING**  
National Labor Relations Board -  
Executive Secretary  
1015 Half Street SE  
Washington, D.C. 20570-0001

**Re: California Commerce Club, Inc.**  
**William J. Sauk**  
**Case No. 21-CA-149699**

Dear Executive Secretary:

Pursuant to *Reliant Electric*, the Charging Party cites to the Board its recent decision in *General Motors*, 369 NLRB No. 127 (2020).

Throughout our Motion for Reconsideration we point out that the Board must accommodate the application of the Federal Arbitration Act to other federal and state laws. In particular, we point out that the Federal Arbitration Act does not preempt certain state laws in California. See Motion for Reconsideration, pages 20-22, 24-25, 25-32. As our motion also points out, the Federal Arbitration Act does not even apply. See Motion page 2-16.

In *General Motors* the Board purported to take into account state and federal law in determining the extent of protection for otherwise concerted activity protected under Section 7. The Board went to great lengths to attempt to accommodate (wrongfully) the interest of state and federal law with respect to Section 7 rights.

*General Motors* exposes the Board's willful failure to consider the application of state and federal law with respect to arbitration agreements and the FAA and the NLRA.

The Board ignores the fact that there are certain provisions in arbitration agreements which are not governed by the Federal Arbitration Act. That provision which is most relevant is confidentiality which is regulated by other state and federal laws.

*General Motors* contradicts the Board's reasoning in this case and supports the Motion for Reconsideration.

Sincerely,



David A. Rosenfeld

DAR:lda  
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150015/1099206

**CERTIFICATE OF SERVICE**

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501.

I hereby certify that on July 30, 2020, I electronically filed the forgoing Position Statement with the Executive Secretary of the National Labor Relations Board.

On July 30, 2020, I served the following documents in the manner described below:

**POSITION STATEMENT**

- (BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from [larnold@unioncounsel.net](mailto:larnold@unioncounsel.net) to the email addresses set forth below.

On the following parties in this action:

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I certify under penalty of perjury that the above is true and correct. Executed at Alameda, California, on July 30, 2020.

*/s/ Laureen D. Arnold*  
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Laureen D. Arnold