UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DUPONT SPECIALTY PRODUCTS USA, LLC (AS A SUCCESSOR TO E. I. DU PONT DE NEMOURS AND COMPANY),

and Case 5-CA-222622

AMPTHILL RAYON WORKERS, INC., LOCAL 992, INTERNATIONAL BROTHERHOOD OF DUPONT WORKERS

GENERAL COUNSEL'S OPPOSITION TO RESPONDENT'S
MOTION FOR RECONSIDERATION

Respondent's Motion for Reconsideration fails to identify any "extraordinary circumstances" that would warrant the Board's reconsideration of its decision in this case, as required by the Board's Rules and Regulations. Accordingly, Respondent's Motion should be denied.

The Board's Rules and Regulations state that "[a] party to a proceeding before the Board may, because of extraordinary circumstances, move for reconsideration…after the Board decision or order." R&R §102.48(c). Respondent's Motion ignores the central requirement for such a motion under the Board's Rules: a showing of "extraordinary circumstances." Respondent's Motion does not so much as identify, let alone argue, that its Motion is based on extraordinary circumstances. Rather, Respondent's only argument in its Motion states that the Board "reached the wrong answer" in deciding the contract coverage question under *MV Transportation*, 368 NLRB No. 66 (2019). In support of its Motion, instead of citing to "extraordinary circumstances," Respondent cites to evidence the Board already reviewed, and rehashes legal arguments Respondent previously asserted, or could have previously asserted. The

Board already soundly rejected Respondent's arguments, and Respondent provides no arguable basis for the Board to reconsider its decision now.[1]

Accordingly, the General Counsel respectfully urges that Respondent's Motion be denied.

Dated at Baltimore, Maryland this _6th__ day of August, 2020.

Respectfully submitted,

/s/Andrea J. Vaughn
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[1] Because the General Counsel argues in this Opposition that Respondent's Motion should be denied on procedural grounds, this brief does not address the merits of Respondent's arguments. However, should the Board decide to consider the substantive arguments of Respondent's Motion, the General Counsel respectfully requests an opportunity to address the substance of Respondent's arguments before the Board issues its decision.

CERTIFICATE OF SERVICE

The undersigned Counsel for the General Counsel hereby certifies that she caused a true and correct copy of the foregoing GENERAL COUNSEL'S OPPOSITION TO RESPONDENT'S MOTION FOR RECONSIDERATION to be served by e-mail on the following parties of record on this __6th__ day of August, 2020:

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