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Attorneys for Charging Party

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 21

CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS

and

COMMUNICATIONS WORKERS OF
AMERICA, DISTRICT 9, AFL-CIO;
COMMUNICATION WORKERS OF
AMERICA

and

AIRTOUCH CELLULAR

and

COMMUNICATIONS WORKERS OF
AMERICA, DISTRICT 9, AFL-CIO;
COMMUNICATION WORKERS OF
AMERICA

Cases 21-CA-075867
21-CA-098442

Case 21-CA-115223

**RESPONSE TO COUNSEL REGARDING GENERAL COUNSEL'S MOTION
TO WITHDRAW CERTAIN ALLEGATIONS**

The Charging Party opposes the request to withdraw certain allegations from the complaint. This case has been pending since 2012 and now eight and a half years later, Counsel for General Counsel changes position and makes this entire eight and a half year struggle a waste of time on some of the allegations in the complaint.

The Charging Party has filed various documents supporting the numerous reasons why these provisions of the Code of Conduct are unlawful. *See*, Brief in Support of Cross Exceptions filed on September 4, 2014; Opposition to Motion filed on December 29, 2016, Response to Notice to Show Cause filed on April 9, 2019 and Response to Notice to Show Cause filed on May 29, 2020. In addition, Counsel for General Counsel argued that these provisions were unlawful in various filings. *See*, Brief in Support of Exceptions filed August 22, 2014, Answering Brief to Exceptions filed September 5, 2014, Motion filed January 10, 2017 and Reply to Opposition to Motion filed January 10, 2017.

For the reasons expressed in those filings, the Judge should reject General Counsel's motion eight and a half years later to withdraw allegations of complaint. Fundamentally, even under *Boeing*, the employer has failed to establish a business justification for any of the rules that are subject to the complaint. The Charging Party has not been afforded the opportunity to develop a full record establishing that the rules lack any business justification and are in fact only in existence to interfere with protected concerted activity.

The Charging Party objected to the submission of this on stipulated facts and Charging Party should be allowed to develop a further record.

In any case, there is an adequate record to prove that there is no business justification since none was ever offered on the record or proven on the record.

For the reasons stated in this opposition, the complaint allegations should not be

PROOF OF SERVICE

I am a citizen of the United States and resident of the State of California. I am employed in the County of Los Angeles, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On August 24, 2020, I served the following documents in the manner described below:

RESPONSE TO COUNSEL REGARDING GENERAL COUNSEL'S MOTION TO WITHDRAW CERTAIN ALLEGATIONS

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

On the following part(ies) in this action:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 24, 2020, at Alameda, California.

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/s/ Katrina Shaw

Katrina Shaw