

DAVID A. ROSENFELD, Bar No. 058163
WEINBERG, ROGER & ROSENFELD
A Professional Corporation
1001 Marina Village Parkway, Suite 200
Alameda, California 94501
Telephone (510) 337-1001
Fax (510) 337-1023
E-Mail: drosenfeld@unioncounsel.net
nlrbnotices@unioncounsel.net

Attorneys for Charging Parties

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

REGION 32

INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION (PACIFIC CRANE
MAINTENANCE COMPANY, INC.),

and

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
AFL-CIO, DISTRICT LODGE 190, LOCAL
LODGE 1546 and DISTRICT LODGE 160.

Case 32-CB-005932

MOTION TO CORRECT LETTER OF
EXECUTIVE SECRETARY

The Executive Secretary issued a letter on August 27, 2020, which stayed the time to file **“Answering Briefs to Respondents’ Exceptions and Cross Exceptions...”** Additionally the Executive Secretary’s letter reaffirmed **“the time for filing Answering Briefs to Charging Parties’ Exceptions remains September 4, 2020.”**(Bold in Original.)

The Executive Secretary has miscounted the time for filing any answering brief to the Charging Parties’ Exceptions. The Charging Parties’ Exceptions were filed as the Executive Secretary notes on July 22. By the Board’s rules, the General Counsel or the Respondent had 14 days until August 5 to file a brief. See, 29 C. F. R. section 142(b)(1). No answering brief was filed by either. On August 13, the Executive Secretary without request by either party attempted to extend the time “to file answering briefs to exceptions until September 4.” The Executive

Secretary was without authority to do so because neither the Respondent nor the General Counsel has sought for file any answering brief. Neither had sought to extend the time to do so. Nor can the Executive Secretary do so retroactively. The Executive Secretary's letter of August 27 cannot again extend a time which had already expired. Moreover, the extension of time was inappropriate since neither party had requested it. As a result, the time in which to file an answering brief should not be extended and any answering brief should be rejected.

For these reasons, the Charging Parties request that the Board correct the letter of the Executive Secretary and reject any answering brief to the Exceptions as untimely.

Dated: August 31, 2020

ORGANIZE AND RESIST!

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/ David A. Rosenfeld
 DAVID A. ROSENFELD

Attorneys for Charging Parties

148583\1106586

134780\1106445

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 Alameda, 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 31, 2020, I served the following documents in the manner described below:

**MOTION TO CORRECT LETTER OF EXECUTIVE SECRETARY AND
CONDITIONAL WITHDRAWAL OF EXCEPTIONS**

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

On the following part(ies) in this action:

Ms. Emily M. Maglio
Lindsay R. Nicholas
LEONARD CARDER, LLP
1188 Franklin Street, Suite 201
San Francisco, CA 94109
emaglio@leonardcarder.com
lnicholas@leonardcarder.com

Ms. Angela Hollowell-Fuentes
National Labor Relations Board, Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224
angela.hollowell-fuentes@nlrb.gov

*Attorneys for Respondent International
Longshore and Warehouse Union*

Ms. Valerie Hardy-Mahoney
National Labor Relations Board, Region 32
1301 Clay Street, Room 300N
Oakland, CA 94612-5224
Valerie.hardy-mahoney@nlrb.gov

Ms. Paloma Loya
National Labor Relations Board, Region 32
1301 Clay Street, Room 300N
Oakland, CA 94612-5224
paloma.loya@nlrb.gov

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 31, 2020, at Alameda, California.

/s/ Laureen D. Arnold
Laureen D. Arnold

148583\1106434
134780\1106445