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Attorneys for Union MACHINISTS AUTOMOTIVE TRADES
DISTRICT LODGE NO. 190, MACHINISTS LOCAL 1173

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

FAA CONCORD T, INC., DBA CONCORD
TOYOTA,

Employer,

and

MACHINISTS AUTOMOTIVE TRADES
DISTRICT LODGE NO. 190, MACHINISTS
LOCAL 1173,

Union.

No. 32-CA-264162

**CHARGING PARTY'S JOINDER IN
THE GENERAL COUNSEL'S MOTION
FOR SUMMARY JUDGMENT AND
REPLY TO CHARGED PARTY'S
OPPOSITION TO THE GENERAL
COUNSEL'S MOTION FOR
SUMMARY JUDGMENT**

The Charging Party hereby joins in the General Counsel's Motion for Summary Judgment.

The Charging Party incorporates by reference its prior briefing in opposing the positions stated in Charged Party's Statement in Opposition to the General Counsel's Motion for Summary Judgment. The Charged Party raises no new issues in its opposition and restates arguments already stated in its prior briefing.

Besides the Employer's arguments regarding a *Mar-Jac* remedy, which has already been addressed by the Acting General Counsel's reply, the Employer otherwise recognizes that the Motion for Summary Judgment should be granted since it was unable to appeal the Board's previous order in this case, but that it "may obtain review of a denial of its objections to an election only by refusing to bargain and appealing the resulting unfair labor practice order." (Response to OSC at 1). It therefore expects for the Board to grant the Motion for Summary Judgment, perhaps with the exception of requiring a *Mar-Jac* remedy.

This matter has been fully briefed in front of Region 32 and in front of the Board. The Board properly concluded that Charged Party's Request for Review raised no substantial issues warranting review. Nothing has changed since the Board issued its ruling that would justify a re-litigation of these issues and Charged Party has not stated any in its Statement in Opposition.

The Charging Party requests additional appropriate and necessary remedies:

1. Any Board Notice should be posted for the length of time between when the unfair labor practice began and when the Notice is posted;
2. The Employer should be directed to provide signed copies of the Board's Notice to the Union so the Union can post the Notice;
3. The Notice should be revised to add at the top: "We have violated federal law by refusing to bargain with the International Association of Machinists and Aerospace Workers, AFL-CIO, Machinists Automotive Trades District Lodge 190, Local Lodge 1173. We have additionally refused to provide information which the Union needs to bargain. We have agreed

to remedy this violation by bargaining retroactively to the date that the election was conducted. We have agreed to provide the information requested and other remedies”;

4. The employees should be afforded four hours of paid time to read and review the Board’s Order and remedy;

5. The Employer shall rent a police van or police car from a union company for enough time to comply with paragraph 6;

6. The Board’s Notice should be read by a responsible employer official, in the presence of a Union representative, while seated in the back of the rented police van or car referred to in paragraph 5; and

7. Copies of the Board Decision should be provided by the employer to all employees within the bargaining from the date of the election to the date of posting.

8. The Board’s decision to be mailed to all employees who worked in the unit but who are no longer employed.

Therefore, Charging Party respectfully requests that the General Counsel’s motion should be granted promptly with the additional remedies requested by the Charging Party, and that Charged Party’s cross-motion be denied.

Dated: January 29, 2021

WEINBERG, ROGER & ROSENFELD
A Professional Corporation



By: _____
DAVID W. M. FUJIMOTO

Attorneys for Union MACHINISTS
AUTOMOTIVE TRADES DISTRICT LODGE
NO. 190, MACHINISTS LOCAL 1173

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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 1375 55th Street, Emeryville, California 94608.

I hereby certify that on January 29, 2021, I electronically filed the forgoing **CHARGING PARTY'S JOINDER IN THE GENERAL COUNSEL'S MOTION FOR SUMMARY JUDGMENT AND REPLY TO CHARGED PARTY'S OPPOSITION TO THE GENERAL COUNSEL'S MOTION FOR SUMMARY JUDGMENT** with the National Labor Relations Board, by using the NLRB's electronic filing system.

On January 29, 2021, I served the following documents in the manner described below:

CHARGING PARTY'S JOINDER IN THE GENERAL COUNSEL'S MOTION FOR SUMMARY JUDGMENT AND REPLY TO CHARGED PARTY'S OPPOSITION TO THE GENERAL COUNSEL'S MOTION FOR SUMMARY JUDGMENT

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

On the following part(ies) in this action:

Ms. Valerie Hardy-Mahoney
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I certify under penalty of perjury that the above is true and correct. Executed at Emeryville, California, on January 29, 2021.



Rhonda Fortier-Bourne