



United States Government

NATIONAL LABOR RELATIONS BOARD

Office of the Executive Secretary

1015 Half Street, SE

Washington, DC 20570

Telephone: 202-273-1949

Fax: 202-273-4270

farah.gureshi@nlrb.gov

www.nlrb.gov

March 12, 2021

Walter S. Zimolong
wally@zimolonglaw.com
P.O. Box 552
Villanova, PA 19085

Re: IBEW, Local 98 (Fairfield Inn & Suites by Marriott)
Case 04-CC-223346

Dear Mr. Zimolong:

The Executive Secretary's Office is in receipt of the Sur-Reply of Charging Party Shree Sai Siddhi Spruce LLC's to Acting General Counsel's Reply to Charging Party's Response in Opposition to Motion to Dismiss.

As you are aware, on February 4, 2021 Counsel for the Acting General Counsel filed a Motion to Remand the Complaint to the Regional Director for Dismissal, or Alternatively, to Dismiss the Complaint. Thereafter, the Charging Party filed a Response in Opposition to the Acting General Counsel's Motion to Dismiss. On February 25, 2021, the Respondent filed a response to the Charging Party's opposition. On March 5, 2021, Counsel for the Acting General Counsel also filed a response to the Charging Party's opposition. Subsequently, the Charging Party filed a Sur-Reply to the Acting General Counsel's Reply to Charging Party's Response in Opposition to Motion to Dismiss.

The Board's policy with respect to responses to motions is to permit the party that filed the original motion to file a reply to any opposition to the motion, just as a party filing exceptions under Sec. 102.46 is permitted to file such a brief. See Sec. 102.46(h). In consideration of the need for administrative finality, however, surreply briefs are generally not permitted, except by special leave of the Board. See *D. L. Baker Electric, Inc.*, 330 NLRB 521, fn. 4 (2002). Here, the Charging Party presented no circumstances warranting special leave. Accordingly, the Charging Party's Sur-Reply to the Acting General Counsel's Reply to Charging Party's Response in Opposition to Motion to Dismiss will not be forwarded to the Board for consideration.

Very truly yours,

/s/ Farah Z. Qureshi
Deputy Executive Secretary

cc: Parties