

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 20, SUBREGION 37

STEPHENS MEDIA, LLC, d/b/a  
HAWAII TRIBUNE-HERALD

and

Cases 37-CA-7043  
37-CA-7045  
37-CA-7046  
37-CA-7047  
37-CA-7048  
37-CA-7084  
37-CA-7085  
37-CA-7086  
37-CA-7087  
37-CA-7112  
37-CA-7114  
37-CA-7115  
37-CA-7186

HAWAII NEWSPAPER GUILD,  
LOCAL 39117, COMMUNICATIONS  
WORKERS OF AMERICA, AFL-CIO

COUNSELS FOR THE GENERAL COUNSEL'S  
LIMITED EXCEPTIONS TO THE  
ADMINISTRATIVE LAW JUDGE'S DECISION

Pursuant to Section 102.46 of the Board's Rules and Regulations, Counsels for the General Counsel of the National Labor Relations Board file the following limited exceptions to the decision of Administrative Law Judge John J. McCarrick issued on March 6, 2008.

## Exceptions

<u>No.</u>	<u>Page</u>	<u>Lines</u>	<u>Exceptions and Support for Exceptions</u>
1.	33	12	To the finding that the Employer suspended Peter Sur for “engaging in the secret recording of the Bock-Smith meeting on March 3, 2006. . . .” As the Judge states on page 33, lines 1 to 2 of his decision, Sur “was suspended indefinitely without pay as a result of his involvement in the March 3, 2006, surreptitious recording.” The Judge states on page 10 lines 20 to 23 in the Findings of Facts section that Sur suggested that Dave Smith take Sur’s voice recorder into Smith’s meeting with Editor David Bock and that Sur showed Smith how to operate the recorder.
2.	35 38	26-27 10	To the references to a written information request dated October 15, 2005. As the Judge states on page 34, lines 30 to 31 of the decision, the written information request referred to was made on October 19, 2005. <i>See</i> GC Exhibit 20.
3.	39	appx. 17	To the omission in the Conclusions of Law section of the Judge’s finding that Respondent violated Section 8(a)(1) and (5) of the Act by “Unreasonably delaying in furnishing the Union with Hunter Bishop’s personnel file,” as the Judge found on page 37 lines 34 through 36 of his decision.
4.	40	appx. 3	To the omission in the Cease and Desist section of the Order of language stating that Respondent must cease and desist from “Unreasonably delaying in providing information to the Union.” The Judge on page 37 lines 34 through 36 of his decision found that Respondent unreasonably delayed in furnishing the Union with Hunter Bishop’s personnel file.
5.	40	28	To the omission in the Affirmative Action section of the Order of language stating that Respondent also must make Peter Sur whole for any loss of earnings and other benefits suffered as a result of Respondent’s discrimination against him. The Judge found on page 33, lines 12 through 14 of his decision that Respondent discriminated against Sur for engaging in protected/concerted and union activity when it suspended Sur on March 3, 2006.

<u>No.</u>	<u>Page</u>	<u>Lines</u>	<u>Exceptions and Support for Exceptions</u>
6.	40	appx. 27	To the omission in the Affirmative Action section of the Order of language stating that Respondent must provide the Union with the information requested in its written requests of October 19, November 3, and November 15, 2005, and in its oral request of November 15, 2005. The Judge found on page 38, lines 9 through 11 of his decision that Respondent violated the Act when it refused to furnish the Union with this requested information. <i>See also</i> Exception 2 regarding clarification concerning the October 19, 2005, information request.
7.	Appendix		To omission in the Notice to Employees of language stating that Respondent will not unreasonably delay in providing information to the Union. The Judge on page 37 lines 34 through 36 of his decision found that Respondent unreasonably delayed in furnishing the Union with Hunter Bishop's personnel file.
8.	Appendix		To omission in the Notice to Employees of language indicating that Respondent will provide the Union with the information it requested in its written requests of October 19, November 3, and November 15, 2005, and in its oral request of November 15, 2005. The Judge on page 38, lines 9 through 11 of his decision found that Respondent violated the Act when it refused to furnish the Union with this requested information. <i>See also</i> Exception 2 regarding clarification concerning the October 19, 2005, information request.
9.	13	13	To the typographical error that it was David "Bock" who answered that "he did not." It was David Smith who so answered. (Transcript 4: page 743).

10. 6 49 To the typographical error in footnote 9 referring to “footnote 3.”  
The Judge apparently intended to refer to footnote 6, which  
discusses the credibility of Koryn Nako.

Dated at Honolulu, Hawaii, this 5th day of May, 2008.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that one copy of Counsels for the General Counsel's Limited Exceptions to the Administrative Law Judge's Decision has this day been served as described below upon the following persons at their last-known address:

1 copy	L. Michael Zinser, Esq. The Zinser Law Firm 414 Union Street, Suite 1200 Bank of America Plaza Nashville, TN 37219	VIA Express Mail
1 copy	Lowell Chun-Hoon, Esq. King Nakamura & Chun-Hoon Central Pacific Plaza 220 S. King Street, Suite 980 Honolulu, HI 96813	VIA U.S. Mail
1 copy	Wayne Cahill, Administrative Officer Hawaii Newspaper Guild 888 Mililani Street, Suite 303 Honolulu, HI 96813	VIA U.S. Mail

DATED at Honolulu, Hawaii, this 5<sup>th</sup> day of May 2008.



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