

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

CNN AMERICA, INC. AND TEAM VIDEO SERVICES, LLC

And

Case No. 5-CA-31828

NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES
& TECHNICIANS, COMMUNICATIONS WORKERS OF
AMERICAN, LOCAL 31, AFL-CIO,

And

CNN AMERICA, INC. AND TEAM VIDEO SERVICES, LLC

And

Case No. 5-CA-33125
(formerly 2-CA-36129)

NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES
& TECHNICIANS, COMMUNICATIONS WORKERS OF
AMERICAN, LOCAL 11, AFL-CIO.

**REQUEST FOR EXTENSION OF TIME TO FILE EXCEPTIONS AND FOR AN
EXTENSION OF THE PAGE LIMIT IN SUPPORT OF EXCEPTIONS**

Pursuant to Section 102.46 of the National Labor Relations Board's Rules and Regulations, Respondent, CNN America, Inc. ("CNN"), by and through its undersigned attorneys, hereby requests an extension of time to file exceptions to the decision of the Administrative Law Judge and portions of the record and proceedings, and permission to file a supporting brief in excess of 50 pages. CNN seeks leave to file its exceptions on or before March 17, 2009, and to file a brief in support of not more than 300 pages. In support of this request, CNN states as follows:

1. Judge Amchan's decision is one hundred fifty (150) single-spaced pages long and comes after the fourth longest hearing in the history of the National Labor Relations Board ("Board" or "NLRB"). As Judge Amchan observed in his decision, the "case was tried in Washington, D.C. and New York, New York on 82 dates between November 7, 2007 and July

21, 2008. There are over 16,000 pages of transcript and over 1300 exhibits, many of them voluminous.” Slip op. at 1. The nearly 16,300 transcript pages in the record contain the testimony of 88 individuals who took the stand on 120 separate occasions. Of the more than 1,330 exhibits admitted during the nine-month hearing, many are multi-volume compilations containing hundreds of pages each. After the hearing concluded, the parties submitted nearly 1100 pages of briefs and appendices.

2. This huge record presents numerous complex legal and factual questions. Several of these have not yet been resolved by the Board. These issues include, for example, the proper treatment of freelance or temporary employees in the successorship context.

3. CNN must carefully evaluate each of the Judge’s numerous legal conclusions and factual findings in light of this capacious record. Given the length of Judge Amchan’s decision and the complexity of the legal issues involved, this will be a very substantial endeavor that cannot possibly be completed properly by mid-December, when exceptions currently are due. Moreover, CNN must not only analyze the Judge’s decision on the merits but also is required to bring to the Board’s attention any procedural and evidentiary rulings it seeks to challenge. CNN notes that to date, the Board has reversed Judge Amchan through special appeal on two occasions (on his interpretation of Fed. R. Evid. 612 and his enforcement of the General Counsel’s trial subpoena), and throughout the trial CNN repeatedly objected to numerous additional rulings by Judge Amchan that CNN respectfully believes should be considered carefully and addressed fully by the Board.

4. Justice requires that CNN be allowed sufficient time and opportunity carefully to analyze and consider such a lengthy, detailed decision and such a massive record, and to file thoroughly researched and detailed exceptions. This is especially true because of the enormous

practical impact the Judge's decision on CNN's operations in Washington and New York. The extension CNN seeks will allow CNN carefully to consider the record and the law, and present a focused series of exceptions that will aid the Board's consideration of the questions in this case.

5. This extension will not cause delay or prejudice to any party to this case, nor will it impede the Board's consideration of the matter. Currently the Board is operating with three vacancies that are not likely to be filled before the spring of 2009. It does not serve the interest of the Act, the Board, or the parties to demand that CNN rush to file exceptions in mid-December only to have the case wait many months while new members of the Board are appointed and confirmed by the Senate.

6. The requested extension of time will not delay ultimate resolution of this proceeding. Although Judge Amchan has issued his decision, the record remains incomplete. There are two highly significant ongoing subsidiary proceedings in this dispute: one concerns compliance with the Board's Order requiring CNN to turn over all of the documents on its privilege log for review by an Administrative Law Judge, 352 N.L.R.B. No. 62 (May 9, 2008), which is currently pending before the Honorable Richard Sullivan in the United States District Court for the Southern District of New York. *See NLRB v. CNN*, Civil Action No. M-36. The other arises from the NLRB's May 30, 2008 Order referring the dispute concerning the enforceability of the General Counsel's and Local 31's subpoenas to Special Master Judge Paul Buxbaum, *see* 352 N.L.R.B. No. 85 (May 30, 2008), who has yet to make any recommendations to the Board regarding this matter. Once these cases are resolved, a complete record will be available to the Board, and only then will the Board be in a position properly to consider the complex legal questions presented by this case in their entirety.

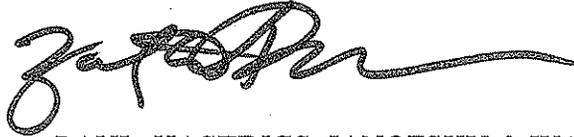
7. This request is consistent with past extensions granted by the Board in other cases. The Board has exercised its administrative discretion to grant extensions in cases in which the need for the extension was far less compelling than in this case, for example, involving comparatively small records, common legal questions and traditional factual situations. *See, e.g., 15th Avenue Iron Works*, 279 N.L.R.B. 643 (1986) (Board granted two requests for extension of time and allowed Respondent to file its exceptions on or before February 25, 1985 when they were initially due December 23, 1984); *P&M Cedar Prod.*, 282 N.L.R.B. 772 (1987) (Board allowed exceptions to a decision issued on September 11, 1986 to be filed November 19). These cases did not approach the factual and legal complexity of the instant matter. An extension is even more appropriate in the unique circumstances of this case.

8. CNN also requests permission to file a brief not in excess of 300 pages. Such a brief is required adequately to address exceptions to the Judge's final decision, evidentiary and other rulings during the 82-day hearing, as well as his many decisions with respect to the parties' motions made outside the hearing record. As mentioned above, several of Judge Amchan's procedural rulings in this case have already been vacated by the Board. *See, e.g., 352 N.L.R.B. No. 40* (Mar. 20, 2008). CNN respectfully submits that there are several others meriting similar treatment. To brief initially the factual and legal issues alone before Judge Amchan, the General Counsel submitted a brief of 238 one-and-one-half spaced pages as well as a 111-page appendix, Local 31 filed a brief of 248 pages, Local 11 filed a 26-page brief, and CNN submitted a brief of 297 pages. Every party (except Local 11) also filed reply briefs. It will not be possible to present the legal issues to the Board and properly address the Board's requirements for exceptions and briefs arising out of a 150 single-spaced page decision, procedural rulings contained in the 16,300 page record, as well as Judge Amchan's off-record decisions within the

confines of 50 pages. *See* N.L.R.B. Rules and Regulations § 102.46. CNN submits that a brief of 300 pages is required to comply with the Board's requirements on exceptions in the unique circumstances of this case.

For the reasons stated above, CNN seeks leave to file its exceptions and a brief not in excess of 300 pages on or before March 17, 2009.

Respectfully Submitted,



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JOINT EMPLOYERS

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AFFIDAVIT OF SERVICE

Karen C. Davis being duly sworn, deposes and says as follows:

1. I am over 18 years of age, am not a party to this proceeding, and am employed by the law firm of Paul, Hastings, Janofsky & Walker LLP, 875 15th Street, N.W., Washington, D.C. 20005.
2. On the 25th day of November, 2008, I filed, by hand delivery, an original and eight copies of CNN America, Inc.'s Request For Extension Of Time To File Exceptions And For An Extension Of The Page Limit in Support of Exceptions, as well as an E-File, with Lester Heltzer, Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570.

3. On the 25th day of November, 2008, I served one true and correct copy of CNN

America, Inc.'s Request For Extension Of Time To File Exceptions And For An Extension Of The Page Limit in Support of Exceptions, by overnight mail, on the following:

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Gregory Beatty, Esq.
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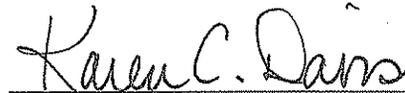
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Karen C. Davis

Sworn to before me this
25th day of November, 2008



Notary Public

Carole L. Stephens
Notary Public, District of Columbia
My Commission Expires 2-14-2010