

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES

McCARTHY CONSTRUCTION COMPANY, INC.

Respondent

Case Nos. 7-CA-51474
7-CA-51647

and

CEMENT MASONS LOCAL 1, INTERNATIONAL UNION
OF BRICKLAYERS AND ALLIED CRAFTWORKERS
(BAC), AFL-CIO

Charging Union

CHARGING UNION'S EXCEPTIONS TO THE DECISION OF THE ALJ

Now comes Charging Union, Cement Masons Local 1, International Union of Bricklayers and Allied Craftworkers (BAC), AFL-CIO ("Union"), and hereby states as follows for its exceptions to the May 27, 2009 Decision of ALJ Arthur J. Amchem in the above matter:

Exception 1

For the reasons stated in the attached Brief in Support, the Charging Union takes exception to the ALJ's finding that the Union in this matter did not have a reasonable objective basis for believing that an alter ego relationship existed between Respondent and Kensington. (Slip op at 7.)

Exception 2

For the reasons stated in the attached Brief in Support, the Charging Union takes exception to the ALJ's finding that Respondent did not violate §8(a)(5) and (1) in refusing to provide the Union information regarding Kensington. (Slip op at 7.)

For the reasons stated in the attached Brief in Support, Charging Union hereby requests that its exceptions be granted, and that the Board find that Respondent McCarthy Construction violated §8(a)(5) and (1) by refusing to provide the information it requested regarding Kensington, and

order an appropriate remedy requiring Respondent to provide the requested information and other appropriate relief.

Respectfully submitted,

KLIMIST, McKNIGHT, SALE
McCLOW & CANZANO, P.C.

By: /s/ John R. Canzano
JOHN R. CANZANO (P30417)
Attorneys for Charging Union
400 Galleria Officentre, Suite 117
Southfield, MI 48034
248-354-9650
jcanzano@kmsmc.com

Dated: July 15, 2009

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES

McCARTHY CONSTRUCTION COMPANY, INC.

Respondent

and

Case Nos. 7-CA-51474
7-CA-51647

CEMENT MASONS LOCAL 1, INTERNATIONAL UNION
OF BRICKLAYERS AND ALLIED CRAFTWORKERS
(BAC), AFL-CIO

Charging Union

CERTIFICATE OF SERVICE

I certify that I have served a copy of Charging Union's Exceptions in this matter on the following parties by e-mail on this date.

Dennis M. Devaney, Esq.
Strobl & Sharp PC
300 E. Long Lake Road - Suite 200
Bloomfield Hills, MI 48304
ddevaney@stroblpc.com

Richard F. Czubaj
Counsel for the General Counsel
National Labor Relations Board
Region 7
477 Michigan Avenue - Room 300
Detroit, Mi 48226
richard.czubaj@nlrb.gov

By: /s/ John R. Canzano
John R. Canzano (P30417)
KLIMIST, McKNIGHT, SALE,
McCLOW & CANZANO, P.C.
Attorney for Charging Union
400 Galleria Officentre, Suite 117
Southfield, MI 48034
(248) 354-9650 Fax: (248) 354-9656

Dated: July 15, 2009

P:\Bricklayers 1\McCarthy Petition\Pleadings\ChgingUnionExceptionsMOT ONLY.wpd