

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

McCARTHY CONSTRUCTION COMPANY, INC.

Respondent

Case Nos. 7-CA-51474

and

7-CA-51647

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

Charging Union

**CHARGING UNION'S CONCURRENCE IN GENERAL COUNSEL'S
ANSWERING BRIEF TO RESPONDENT'S EXCEPTIONS**

Charging Union, Cement Masons Local 1, International Union of Bricklayers and Allied Craftworkers (BAC), AFL-CIO ("BAC Local 1") hereby concurs with and adopts herein by reference Counsel for the General Counsel's Brief Answering Respondent's Exceptions filed this date with the Board. For the reasons stated therein, BAC Local 1 hereby requests that the Board reject Respondent's Exceptions; uphold the Administrative Law Judge's findings that Respondent violated Section 8(a)(5) and (1) of the Act by unreasonably delaying its responses to the Union's information requests, and by failing and refusing to meet with the Union at reasonable times; and adopt the remedy recommended by the ALJ extending the certification year and mandating scheduled bargaining.

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 29, 2009

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

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 Concurrence in General Counsel's Answering Brief to Respondent'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 29, 2009