

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

CNN AMERICA, INC., *et al.*

Respondents,

and

Case No. 5-CA-31828
5-CA-33125

NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES
& TECHNICIANS, COMMUNICATIONS WORKERS OF
AMERICA, LOCAL 31, AFL-CIO, *et al.*,

Charging Parties.

**NABET LOCAL 31's OPPOSITION TO CNN AMERICA, INC.'S
MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF**

Charging Party NABET Local 31 respectfully submits this Opposition to CNN America, Inc.'s Motion for Leave to File Supplemental Brief. The Respondent, CNN America, Inc. ("CNN") believes that assertions contained in the General Counsel's opposition to CNN's Motion to Strike Appendices E-S "require a response to CNN." Hence, CNN asks the Board to permit the Respondent to file a "supplemental brief" addressing the General Counsel's argument.

NABET Local 31 expressly adopts the opposition to CNN's Motion for Leave to File Supplemental Brief. In addition, Local 31 observes that CNN's Motion to Strike and its Motion for Leave to File Supplemental Brief are little more than efforts by the Respondent to circumvent the page limitations for reply briefs placed upon all parties by the Board and its Office of Executive Secretary. The Respondent couches its arguments concerning alleged "omissions" in a manner that simply argues over the facts and evidence in the record. For example, CNN argues

in its Motion to Strike that a candidate's years of experience, as set forth in General Counsel's Appendices E through S, should not be included because they "were not used by hiring managers during the hiring process." (CNN Mot. to Strike at 6 (emphasis added).) In its supplemental brief, the Respondent adds that the General Counsel's figures pertaining to years of experience "omit the primary sources of information upon which the hiring managers testified they relied: the resumes and interview guides." (CNN Supp. Br. at 3.) These assertions are nothing more than an argument pertaining to the evidence in the record, which the Respondent pursues in ancillary motions and briefing outside of its reply brief.

At some point, the briefing must come to an end so as to permit the Board to perform its statutory duty to decide the exceptions and issue a decision. Through a motion to strike and a motion for leave, CNN is simply trying to place additional arguments about the General Counsel's Answering Brief and accompanying Appendices before the Board, all of which could have been made in the Respondent's reply brief.

For the foregoing reasons, as well as those articulated by the General Counsel in the opposition to the motion for leave, NABET Local 31 respectfully requests that the Board deny the motion for leave.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this 30th day of July 2009, a true and correct copy of the foregoing NABET Local 31's Opposition to CNN America, Inc.'s Motion for Leave to File Supplemental Brief was served by e-mail on the following:

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