

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

**PLAZA AUTO CENTER**

**and**

**Case 28-CA-22256**

**NICK AGUIRRE, an Individual**

**GENERAL COUNSEL'S EXCEPTIONS TO THE  
DECISION OF THE ADMINISTRATIVE LAW JUDGE**

Counsel for the General Counsel (CGC) submits the following exceptions to the decision of Administrative Law Judge Lana H. Parke (the ALJ):

1. To the ALJ's finding that the testimony of Messrs. Plaza, Felix and MacGrew was more believable than that of Charging Party Nick Aguirre. (ALJD, p. 11, lines 28-40).

2. To the ALJ's finding that the Respondent met its burden under *Wright Line* that it had discharged Mr. Aguirre because he allegedly verbally abused Mr. Plaza. (ALJD, p. 12, lines 32-34).

3. To the ALJ's finding that Mr. Aguirre's outburst was "[w]ithout extreme provocation from overt hostility or antagonism" from the Respondent's owner.

4. To the ALJ's finding that Mr. Aguirre's outburst was unprotected. (ALJD, p. 14-15, lines 28-3).

5. To the ALJ's finding that the Respondent did not violate the Act when it discharged the Charging Party. (ALJD, p. 15, line 3).

Dated at Las Vegas, Nevada, this 18<sup>th</sup> day of August 2009.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the GENERAL COUNSEL'S EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE in PLAZA AUTO CENTER, INC. Case 28-CA-22256, was served via E-Gov, E-Filing, and by regular mail, on this 18<sup>th</sup> day of August 2009, on the following parties:

*Via E-Gov, E-Filing:*

Lester A. Heltzer, Executive Secretary  
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