

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MJ MUELLER, LLC d/b/a BENJAMIN FRANKLIN
PLUMBING and Its Alter Ego, BoRyJer, LLC
d/b/a BENJAMIN FRANKLIN PLUMBING

and

MICHAEL J. MUELLER, AN INDIVIDUAL

and

UNITED ASSOCIATION OF PLUMBERS AND
GASFITTERS, LOCAL UNION NO. 34

Cases 18-CA-18216
18-CA-18419
18-CA-18504

**MOTION TO RESCIND ORDER TRANSFERRING PROCEEDING
TO THE BOARD, REVOKE ORDER TO SHOW CAUSE
AND REMAND TO THE DIVISION OF JUDGES**

On December 18, 2009, the General Counsel electronically filed a Motion for Partial Default Judgment with the Division of Judges. Thereafter, the motion was inadvertently directed to the Office of the Executive Secretary of the National Labor Relations Board. On December 24, 2009, the Executive Secretary, by direction of the Board, issued an Order Transferring Proceeding to the Board and Notice to Show Cause.

The General Counsel, by the undersigned, hereby moves that the Order Transferring Proceeding to the Board be rescinded, the Order to Show Cause be revoked, and this entire proceeding be remanded to the Division of Judges for further processing.

Dated: December 28, 2009

/s/ James L. Fox

James L. Fox, Counsel for the General Counsel
National Labor Relations Board – Region 18
330 Second Avenue South, #790
Minneapolis, MN 55401

CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2009, I served the foregoing Motion to Rescind Order Transferring Proceeding to the Board, Revoke Order to Show Cause and Remand to the Division of Judges by email to Attorney Paul J. Zech, and by U.S. Mail on the following parties:

Mr. Michael J. Mueller
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/s/ James L. Fox

James L. Fox
Counsel for the General Counsel