UNITED STATES OF AMERICA
BEFORE
THE NATIONAL LABOR RELATIONS BOARD

FEDEX HOME DELIVERY, an operating division of
FEDEX GROUND PACKAGE SYSTEMS, INC.,

Employer

And 34-RC-2205

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
LOCAL UNION NO. 671

Petitioner

PETITIONER'S OPPOSITION TO MOTION TO DISMISS PETITION

The Petitioner, International Brotherhood of Teamsters, Local 671 ("Local 671" or "Petitioner"), hereby opposes the Motion to Dismiss Petition filed by FedEx Home Delivery, a Separate Operating Division of FedEx Ground Package System, Inc. ("FedEx").

1. On May 22, 2009, Administrative Law Judge Joel P. Biblowitz issued his Supplemental Decision on Objections.

2. On June 3, 2009, Local 671 filed electronically Exceptions to the Supplemental Decision on Objections of the Administrative Law Judge.

3. On June 5, 2009, FedEx filed electronically Exceptions to Supplemental Decision on Objections.

4. On June 9, 2009, Local 671 filed electronically its Answering Brief in Opposition to the Employer's Exceptions to Supplemental Decision on Objections.

5. On June 12, 2009, FedEx filed electronically its Answering Brief in Opposition to Teamsters Local 671's Exceptions to Supplemental Decision on Objections.

6. Each of the filings referred to in paragraphs 2-5 above was timely and made in conformance with Section 102.69(f) & (h)(i)(2) of the Board's Rules and Regulations.

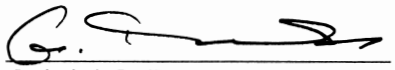
7. The Board's Rules and Regulations do not permit the filing of motions, memoranda and/or affidavits other than the submissions referred to in paragraphs 2-5 above.

8. In filing its Motion to Dismiss Petition, FedEx does not and cannot cite any Board Rule, Regulation or Decision that would support the submission of its Motion.

9. In addition, the only decisions cited by FedEx in support of its argument that the Board should entertain its Motion to Dismiss, *i.e. Charlotte Amphitheater Corp.*, 331 NLRB 1274 (2000), *Wallace International de Puerto Rico*, 328 NLRB 29 (1999), *Regal Recycling, Inc.*, 329 NLRB 355 (1999), are inapposite in that those decisions, in relevant part, deal solely with the effect of the passage of time on the enforceability of a *Gissel* bargaining order, an issue not applicable to the instant case.

WHEREFORE, the Petitioner respectfully requests that this Honorable Board deny FedEx's Motion to Dismiss Petition.

Respectfully submitted,
Teamsters Local 671,
By its Attorney,



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March 22, 2010

CERTIFICATE OF SERVICE

The undersigned attorney of record hereby certifies that copies of Petitioner's Opposition to Motion to Dismiss Petition have been served via electronic mail on :

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March 22, 2010

Gabriel O. Dumont, Jr.