

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
Washington, D.C.**

AMPERSAND PUBLISHING, LLC  
d/b/a SANTA BARBARA NEWS-PRESS

Case 31-CA-29253

GRAPHIC COMMUNICATIONS CONFERENCE,  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

**OPPOSITION TO RESPONDENT'S MOTION TO STRIKE THE  
ANSWERING BRIEF OF COUNSEL FOR THE GENERAL COUNSEL  
TO RESPONDENT'S EXCEPTIONS TO THE DECISION OF THE  
ADMINISTRATIVE LAW JUDGE**

Submitted by:  
Joanna F. Silverman  
Counsel for the General Counsel  
National Labor Relations Board, Region 31  
11150 West Olympic Boulevard, Suite 700  
Los Angeles, CA 90064-1824

Pursuant to § 102.24 of the Rules and Regulations of the National Labor Relations Board, as amended, Counsel for the General Counsel hereby respectfully opposes the Respondent's Motion to Strike the Answering Brief of Counsel for the General Counsel in Opposition to Respondent's Exceptions to the Decision of Administrative Law Judge.

On February 5, 2010, Judge Parke issued her decision and order ("ALJD"), finding that Ampersand Publishing, LLC, d/b/a Santa Barbara News-Press ("Respondent" or "News-Press") had violated Section 8(a)(1) of the Act by issuing subpoenas to current and former employees prior to their testimony at a Board hearing, requesting their copies of the affidavits they submitted to the Board in a pending unfair labor practice investigation. On March 19, 2010, Respondent filed its exceptions to the ALJD. On March 31, 2010, Counsel for the General Counsel filed her Answering Brief to Respondent's Exceptions to the Decision of the Administrative Law Judge ("the Answering Brief"). On April 8, 2010, Respondent filed its Motion to Strike the Answering Brief.

In the instant case, the General Counsel's Answering Brief was filed on March 31, 2010, two days before the filing deadline of April 2, 2010. The parties were served by regular mail on that same day and thus Respondent should have received the Answering Brief by the filing deadline, if not earlier.

Moreover, any failure to fully comply with the Board's service requirements was inadvertent. Significantly, Respondent, in its Motion to Strike the Answering Brief, has failed to state any prejudice from the inadvertent error in the method of service, nor is any prejudice apparent.

In *Loparex, LLC*, 353 NLRB No. 126 (2009), as in the instant case, a party timely-filed a brief electronically and served the other parties by placing the brief in the mail. The Board found that, while

it [did] not appear that the service . . . technically complied with the regulation requiring a party that files its brief electronically [follow the notice and service requirements of NLRB Rules and Regulations, Sec. 102.114(i)] . . . the motion to strike [did] not identify any prejudice . . . from the improper method of service, nor [was] any such prejudice apparent.

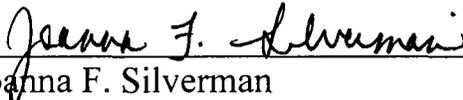
*Loparex* slip op. at fn. 1. In that case, the brief was accepted despite the improper service.

Furthermore, Counsel for the General Counsel has conferred with the Charging Party and both Counsel for the General Counsel and the Charging Party would consent to the granting of an extension of time for Respondent to file a reply to the Answering Brief.

Based on the above, Counsel for the General Counsel respectfully requests that Respondent's Motion to Strike the Answering Brief be denied.

Dated at Los Angeles, California, this 9<sup>th</sup> day of April, 2010.

Respectfully submitted,

  
\_\_\_\_\_  
Joanna F. Silverman  
Counsel for the General Counsel  
National Labor Relations Board, Region 31  
11150 West Olympic Boulevard, Suite 700  
Los Angeles, CA 90064-1824

Re: Ampersand Publishing, LLC d/b/a Santa Barbara News-Press  
Case 31-CA-29253

CERTIFICATE OF SERVICE

I hereby certify that a copy of the OPPOSITION TO RESPONDENT'S MOTION TO STRIKE THE ANSWERING BRIEF OF COUNSEL FOR THE GENERAL COUNSEL TO RESPONDENT'S EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE was served on the 9<sup>th</sup> day of April, 2010:

SERVED VIA E-FILING

Lester A. Heltzer, Executive Secretary  
National Labor Relations Board  
Office of the Executive Secretary  
1099 14<sup>th</sup> Street, N.W.  
Washington, DC 20570

SERVED VIA E-MAIL

L. Michael Zinser, Esquire  
Glenn E. Plosa, Esquire  
The Zinser Law Firm, P.C.  
414 Union Street, Suite 1200  
Nashville, TN 37219  
[mzinsler@zinslerlaw.com](mailto:mzinsler@zinslerlaw.com)  
[gplosa@zinslerlaw.com](mailto:gplosa@zinslerlaw.com)

Yolanda Apodaca  
Ampersand Publishing, LLC d/b/a  
Santa Barbara News-Press  
715 Anacapa Street  
Santa Barbara, CA 93101  
[yapodaca@newspress.com](mailto:yapodaca@newspress.com)

Ira L. Gottlieb, Esquire  
Bush Gottlieb Singer Lopez Kohanski  
Adelstein & Dickinson  
500 N. Central Avenue, Suite 800  
Glendale, CA 91203-3345  
[igottlieb@geffner-bush.com](mailto:igottlieb@geffner-bush.com)

A. Barry Cappello, Esquire  
Dugan P. Kelley, Esquire  
Richard R. Sutherland, Esquire  
Cappello & Noel LLP  
831 State Street  
Santa Barbara, CA 93101  
[abc@cappellonoel.com](mailto:abc@cappellonoel.com)  
[dkelley@cappellonoel.com](mailto:dkelley@cappellonoel.com)  
[rsutherland@cappellonoel.com](mailto:rsutherland@cappellonoel.com)

Nicholas Caruso  
Union Representative  
Graphics Communication Conference  
1900 "L" Street, N.W.  
Washington, DC 20036  
[ncarusso@gciu.org](mailto:ncarusso@gciu.org)

  
Karen Pohmisano for  
Joanna F. Silverman, Esquire  
Counsel for the General Counsel  
National Labor Relations Board  
Region 31  
11150 West Olympic Blvd., Suite 700  
Los Angeles, CA 90064-1824