

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

COMAU, INC.,

Respondent

and

CASE 7-CA-52106

**AUTOMATED SYSTEMS WORKERS LOCAL 1123,
A DIVISION ON MICHIGAN REGIONAL COUNCIL
OF CARPENTERS, UNITED BROTHERHOOD OF
CARPENTERS AND JOINERS OF AMERICA,**

Charging Party/ Incumbent Union

and

CASE 7-RD-3644

WILLIE RUSHING, An Individual

Petitioner

**COUNSEL FOR THE GENERAL COUNSEL'S MOTION
TO STRIKE PORTION OF RESPONDENT'S
BRIEF IN SUPPORT OF EXCEPTIONS TO THE ADMINISTRATIVE
LAW JUDGE'S DECISION**

Now comes Sarah Pring Karpinen, Counsel for the General Counsel in the above-captioned matter, pursuant to Section 102.24 of the Board's Rules and Regulations, Series 8, as amended, and moves that the Board strike portions of Respondent's Brief at page 48, footnote 20. In support of said motion, Counsel for the General Counsel states as follows:

1. The events referenced in footnote 20 occurred after the close of the hearing in this matter and thus are entirely outside the record.

2. Respondent's effort to reference evidence outside the official record prejudices the due process rights of the General Counsel and the Charging Party. Footnote 20 must therefore be disregarded and stricken. Section 102.45(b), Board's Rules and Regulations; *King Soopers, Inc.*, 344 NLRB 842, fn. 1 (2005); *Observer & Eccentric Newspapers, Inc.*, 340 NLRB 124, fn. 1 (2003); *S. Freedman Electric, Inc.*, 256 NLRB 432 fn. 2 (1981).

For the reasons advanced above, the undersigned respectfully requests that this Motion to Strike be granted.

Dated at Detroit, Michigan, this 22nd day of July, 2010.



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CERTIFICATE OF SERVICE

I certify that on the 22nd day of July, 2010, I electronically served copies of the Counsel for the General Counsel's Motion to Strike Portion of Respondent's Brief in Support of Exceptions in Case 7-CA-52106 on the following parties of record:

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