

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

AMERICAN DIRECTIONAL BORING, INC.)
d/b/a ADB UTILITY CONTRACTORS,)

Respondent,)

and)

LOCAL 2, INTERNATIONAL BROTHERHOOD)
OF ELECTRICAL WORKERS, AFL-CIO,)

Charging Party Union.)

Cases: 14-CA-27386

14-CA-27570

14-CA-27677

**RESPONDENT'S REQUEST FOR EXTENSION OF TIME TO FILE
SUPPLEMENTAL PLEADINGS REGARDING CHANGED CIRCUMSTANCES
RELEVANT TO THE BARGAINING ORDER**

COMES NOW Respondent American Directional Boring, Inc. d/b/a ADB Utility Contractors ("ADB"), and for its Request for Extension of Time to File Supplemental Pleadings Regarding Changed Circumstances Relevant to the Bargaining Order in the above-captioned matters, states as follows:

1. The United States Supreme Court issued its historical decision in New Process Steel declaring that a two-member panel of the Board cannot lawfully exercise the Board's delegated authority.

2. Thereafter, on July 22, 2010, the Office of the Executive Secretary of the National Labor Relations Board sent a letter to counsel for Respondent informing it that "the Board has decided to consider the Respondent's exception, based on the full record, and to issue a decision and order resolving the complaint allegations." Furthermore, the July 22, 2010 letter advised that "[t]he parties may file supplemental pleadings bringing to the Board's attention any changed circumstances relevant to the issue of the bargaining order issued by the judge or any alternative

remedies the parties believe are appropriate at this time.” Lastly, the July 22, 2010 letter advised that any such supplemental pleadings must be received 14-days from the date of the notice.

3. Respondent disagrees that the Board can continue to exercise jurisdiction in this matter given the Eighth Circuit’s refusal to remand this case to the Board, despite the Board’s explicit request for the same relief. Accordingly, on August 2, 2010, Respondent filed a Petition for Writ of Prohibition or Mandamus, Cause No. 10-2709, in the United States Court of Appeals for the Eighth Circuit. To date, the Eighth Circuit Court of Appeals has not taken any additional action on this Petition.

4. Given the extraordinary circumstances surrounding the procedural posture of this case (i.e. whether the Board can properly exercise jurisdiction despite the absence of remand when the ruling was based on the Board’s initial lack of authority) and the lack of prior guidance in this area to the parties, Respondent requests an additional thirty (30) days to fully develop its supplemental pleadings on the changed circumstances issue. Respondent expects that the Eighth Circuit will issue its decision in the pending Writ forthright, and this motion is made in good faith without an intention to delay proceedings in this matter.

WHEREFORE, Respondent ADB requests that the Board permit Respondent an additional thirty (30) days to file its supplemental pleadings, and for such other and further relief as the Board deems just and appropriate.

Respectfully submitted,

McCARTHY, LEONARD, KAEMMERER, L.C.

/s/ Bryan M. Kaemmerer

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed electronically with the National Labor Relations Board, Office of the Executive Secretary, 1099 14th Street N.W., Washington, D.C. 20570 and a true copy of the foregoing was sent by electronic mail this 5th day of August 2010 to:

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