

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

GLOBAL SIGN INDUSTRIES, LLC

and

Cases 4-CA-35947
4-CA-36062

SHEET METAL WORKERS'
INTERNATIONAL ASSOCIATION
LOCAL 19, AFL-CIO

NOTICE TO SHOW CAUSE

On September 25, 2009, the two sitting members of the National Labor Relations Board issued a Decision and Order granting the General Counsel's Motion for Default Judgment (354 NLRB No. 81), based on the Respondent's failure to file a sufficient answer to the November 7, 2008 amended consolidated complaint.¹ On June 17, 2010, the United States Supreme Court issued its decision in *New Process Steel, L.P. v. NLRB*, 130 S.Ct. 2635, holding that under Section 3(b) of the National Labor Relations Act, in order to exercise the delegated authority of the Board, a delegee group of at least three members must be maintained.

Thereafter, on October 20, 2010, the Acting General Counsel filed a Motion for Consideration of Summary Judgment, requesting that a duly constituted Board find to be true all of the allegations in its November 7, 2008 amended consolidated complaint and issue an appropriate Decision and Order.

In filing this motion, which is supported by the Charging Party, the Acting General Counsel does not provide any explanation for why this matter remains a live controversy or cite

¹ The two-member Board found the Sec. 8(a)(1) and (3) violations alleged in this amended consolidated complaint, but denied the General Counsel's request for a bargaining order under *NLRB v. Gissel Packing Co.*, 395 U.S. 575 (1969), without prejudice to the General Counsel renewing his request "should he still maintain that such relief is necessary." *Global Sign Industries, LLC*, 354 NLRB No. 81, slip op. at 4 fn. 13 (2009).

any facts and circumstances demonstrating that further consideration by the Board is now warranted. In addition, the Acting General Counsel does not specify whether the relief he seeks pursuant to his Motion includes a bargaining order under *Gissel*, supra.

Having duly considered this matter,

NOTICE IS HEREBY GIVEN that cause be shown, in writing, filed with the Board in Washington, D.C., on or before February 18, 2011 (with affidavit of service on the parties to this proceeding), why the Board should not deny the Acting General Counsel's Motion. Any briefs or statements opposing the Motion shall be filed by the same date.

Dated, Washington, D.C., February 4, 2011.

By direction of the Board:

Lester A. Heltzer

Executive Secretary