

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16**

IRONTIGER LOGISTICS, INC.

and

Case 16-CA-27543

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS, AFL-CIO**

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS, AFL-CIO**

and

Case No. 16-CB-8084

IRONTIGER LOGISTICS, INC.

**ACTING GENERAL COUNSEL'S OPPOSITION TO
RESPONDENT'S MOTION FOR SUMMARY JUDGMENT AND MOTION TO
TRANSFER AND SEVER THE CASES**

COMES NOW Counsel for the Acting General Counsel in the above-styled matter, and files this Opposition to Respondent's Motion for Summary Judgment and Motion to Transfer and Sever the Cases, pursuant to Rule 102.24(b) of the Board's Rules and Regulations. In support thereof, Counsel for the Acting General Counsel offers the following:

I.

(a) The charge in Case 16-CB-8084 was filed by IronTiger Logistics, Inc., (herein Employer or Respondent) on May 24, 2010, and a copy was served upon the Union by first class mail on May 25, 2010.

(b) The first amended charge in Case 16-CB-8084 was filed by the Employer on July 29, 2010, and a copy was served upon the Union by first class mail on July 30, 2010.

(c) The second amended charge in Case 16-CB-8084 was filed by Charging Party on September 3, 2010, and a copy was served upon the Union by first class mail on the same date.

(d) The charge in Case 16-CA-27543 was filed by the Union on July 15, 2010 and a copy was served upon the Employer by first class mail on July 16, 2010.

(e) The first amended charge in Case 16-CA-27543 was filed by the Union on December 1, 2010, and a copy was served upon the Employer by first class mail on December 7, 2010.

II.

(a) On September 30, 2010, the Regional Director issued a Complaint and Notice of Hearing for Case 16-CB-8084.

(b) On December 22, 2010, the Regional Director issued an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing for Cases 16-CB-8084 and 16-CA-27543, setting a hearing date of March 28, 2011.

III.

With respect to Case 16-CA-27543, the Consolidated Complaint alleges Respondent violated Sections 8(a)(5) and (1) of the Act by failing to timely furnish information requested by the exclusive collective-bargaining representative of its employees (herein Union). See Acting General Counsel's Exhibit 1.

IV.

On January 4, 2011, Respondent filed an Answer to the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, disputing the allegations contained in paragraphs 6(c), 14, 15, 18 and 19 of the Consolidated Complaint and including affirmative defenses in its answer. See Acting General Counsel's Exhibit 2.

V.

On February 4, 2011, Respondent filed a motion for summary judgment and a motion to transfer and sever the above-referenced cases and continue Case 16-CA-27543 before the National Labor Relations Board. See Acting General Counsel's Exhibit 3.

VI.

(a) The Consolidated Complaint alleges the information request at issue was submitted to Respondent by the Union on May 11, 2010.

(b) The information requested by the Union concerns bargaining unit and non-bargaining unit employees.

VII.

(a) Respondent admits it did not respond to the information request until September 27, 2010.

(b) Respondent's motion for summary judgment does not demonstrate any documents reflecting it responded to Union's information request earlier than September 27, 2010.

VIII.

(a) In its Answer to the Consolidated Complaint, as well as its motion for summary judgment, Respondent disputes the relevance of the requested information, its obligation to respond to the information request, and its obligation to furnish the requested information.

(b) Therefore, as material facts are in dispute, there is a genuine issue for hearing.

IX.

(a) Cases 16-CB-8084 and 16-CA-27543 concern the same parties, both of which have representatives located outside of Texas who will have to travel to attend the hearing scheduled in Fort Worth, Texas.

(b) In the interest of judicial economy and in order to minimize travel expenses for the parties, the Regional Director issued the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing for Cases 16-CB-8084 and 16-CA-27543, pursuant to Section 102.33 of the Board's Rules and Regulations.

For the foregoing reasons, Counsel for the Acting General Counsel respectfully requests that Respondent's Motion for Summary Judgment and Motion to Transfer and Sever the Cases be, in all forms, denied.

DATED at Fort Worth, Texas, this 4th day of March, 2011.

Kelly Elifson

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing Acting General Counsel's Opposition to Respondent's Motion for Summary Judgment and Motion to Transfer and Sever the Cases has been served this 4th day of March, 2011, via electronic mail, upon each of the following:

Via E-Gov, E-Filing:

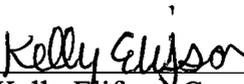
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