

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION TWENTY-FIVE

SPURLINO MATERIALS, LLC, or in the alternative,
SPURLINO MATERIALS OF INDIANAPOLIS, LLC,
or in the alternative, SPURLINO MATERIALS, LLC and
SPURLINO MATERIALS OF INDIANAPOLIS, LLC,
a single integrated employer

and

Case 25-CA-31565

COAL, ICE, BUILDING MATERIAL,
SUPPLY DRIVERS, RIGGERS, HEAVY HAULERS,
WAREHOUSEMEN AND HELPERS,
LOCAL UNION NO. 716, a/w INTERNATIONAL
BROTHERHOOD OF CHAUFFEURS, TEAMSTERS,
WAREHOUSEMEN AND HELPERS OF AMERICA

GENERAL COUNSEL'S LIMITED EXCEPTIONS
TO THE ADMINISTRATIVE LAW JUDGE'S DECISION

Comes now the Acting General Counsel, by counsel, and, for the reasons set forth in the General Counsel's Brief in Support of Limited Exceptions filed herewith, respectfully excepts to the Judge's decision issued in the above-captioned case on March 15, 2011.¹

A. General Counsel's Exception 1

The General Counsel excepts to the Administrative Law Judge's denial of General Counsel's motion to collaterally estop Respondent from contending that Spurlino Materials, LLC

¹ If the Board does not affirm the Administrative Law Judge's finding that Spurlino Materials, LLC and Spurlino Materials of Indianapolis, LLC are a single integrated employer and thus the employer of the bargaining unit employees, the Board is requested to find that Spurlino Materials, LLC is the employer of the bargaining unit employees in the instant case through the arguments raised in these limited exceptions.

is not an employer of the employees at issue in this case within the meaning of the Act starting on page 9, line 5 through page 10, line 3 of the Judge's decision.

B. General Counsel's Exception 2

The General Counsel excepts to the Administrative Law Judge's failure to include in his conclusions of law that Spurlino Materials, LLC, based upon collateral estoppel, is a Respondent that has engaged in unfair labor practices affecting commerce within the meaning of Section 8(a)(3) and (1) and Section 2(6) and (7) of the Act.

SIGNED at Indianapolis, Indiana this 26th day of April 2010.



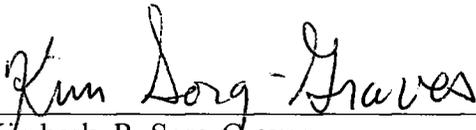
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the GENERAL COUNSEL'S LIMITED EXCEPTIONS TO THE ADMINISTRATIVE LAW JUDGE'S DECISIONS was filed with the Division of Judges electronically and was electronically served upon the following parties on this 26TH day of April 2011:

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