

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

TRIPLE A FIRE PROTECTION, INC.,

Respondent,

and

NLRB CASE NO. 15-CA-11498

UNITED ASSOCIATION OF JOURNEYMEN
AND APPRENTICES OF THE PLUMBING
AND PIPEFITTING INDUSTRY OF THE
UNITED STATES AND CANADA, ROAD
SPRINKLER FITTERS LOCAL UNION
NO. 669, AFL-CIO,

Charging Party.

CHARGING PARTY'S OPPOSITION TO RESPONDENT'S MOTION
FOR RECONSIDERATION OF THE BOARD'S SECOND
SUPPLEMENTAL DECISION AND ORDER

The following memorandum is respectfully submitted by Charging Party Road Sprinkler Fitters Local 669, U.A., AFL-CIO ("Local 669" or "the Union") in opposition to the motion for reconsideration of the Board's August 26, 2011, supplemental decision and order by Respondent Triple A Fire Protection, Inc. ("Triple A"). *Triple A Fire Protection, Inc.*, 357 NLRB No. 68 (2011).

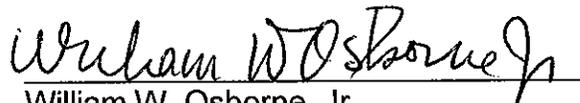
Triple A's motion should be rejected on its face. Although Triple A cites to the governing provision of the Board's Rules and Regulations, Section 102.48(d)(1) (Resp. Motion at 1) for its right to file such a motion, it completely ignores the requirement for such a motion: a showing of "extraordinary circumstances." Nor does Triple A even attempt to satisfy the typical prerequisite to such a motion -- the existence of newly

discovered, or previously unavailable evidence. *E.g. Proper Steel Erectors, Inc.*, 352 NLRB 892, 892 n.3 (2008).

Respondent's contentions are simply a rehashing of legal arguments previously asserted, and rejected by the Administrative Law Judge and by the Board.¹

Accordingly, Respondent's motion should be seen for what it is -- yet another chapter in Respondent's endless and baseless efforts to delay and avoid any remedy for the unlawful actions which it committed over twenty (20) years ago -- and should be denied.

Respectfully submitted,



William W. Osborne, Jr.
Natalie C. Moffett
Osborne Law Offices, P.C.
4301 Connecticut Avenue, N.W.
Suite 108
Washington, DC 20008
Phone: 202-243-3200
Fax: 202-243-3207

¹ Triple A's claim, that employees listed in the Board's remedial order may have been "apprentices" for backpay purposes (Resp. Motion 2-3), is not only *not* based on newly discovered or previously unavailable evidence, but is refuted by the plain language of the same agreement Respondent has cited. Article 4 of that agreement states, in pertinent part:

A person not a member of the United Association shall be acceptable for employment as an Apprentice after he has met the requirements in the Apprenticeship Standards, been accepted by the Joint Apprenticeship and Training Committee and issued a probationary Apprenticeship classification card by the Director of Apprenticeship of Local 669. G.C. Exh. 3 at 5.

There is *no* record evidence that any of the Triple A employees in question was ever registered as an apprentice with the JATC.

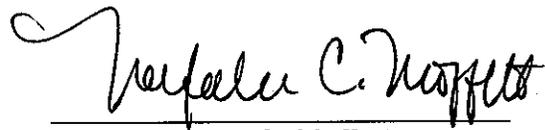
Certificate of Service

I hereby certify that on October 17, 2011, I electronically filed Charging Party's Opposition to Respondent's Motion for Reconsideration of the Board's Second Supplemental Decision Motion and Order with the National Labor Relations Board's Executive Secretary, and forwarded a copy of the brief by electronic mail to the Parties listed below:

Edward A. R. Miller
Jones, Walker, Waechter, Poitevent,
& Denegre L.L.P.
254 State Street
Mobile, AL 36603
Tel: (251) 432-1414
Fax: (251) 433-4106
emiller@joneswalker.com

Beauford Pines
Counsel for the General Counsel
NLRB Region 15
F. Edward Hebert Federal Building
600 S. Maestri Place, 7th Floor
New Orleans, LA 70130-3408
Beauford.Pines@nlrb.gov

Counsel for Respondent Triple A Fire
Protection, Inc.



Natalie C. Moffett