

UNITES STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HAWAIIAN DREDGING CONSTRUCTION COMPANY, INC.

and

Case 37-CA-008316

INTERNATIONAL BROTHERHOOD OF
BOILERMAKERS, IRON SHIP BUILDERS,
BLACKSMITHS, FORGERS AND
HELPERS, LOCAL 627

MOTION TO STRIKE RESPONDENT'S REPLY TO COUNSEL FOR THE ACTING
GENERAL COUNSEL'S OPPOSITION TO RESPONDENT'S MOTION FOR
SUMMARY JUDGMENT

Counsel for the Acting General Counsel respectfully moves that the National Labor Relations Board (Board) strike the Respondent's Reply to the Opposition of General Counsel to Respondent's Motion for Summary Judgment (Reply) because the Board's Rules and Regulations contain no provision permitting the filing of said Reply.

I. PROCEDURAL HISTORY

On January 31, 2012, Respondent filed its Motion for Summary Judgment (MSJ) in the above-captioned matter. On February 2, 2012, Counsel for the Acting General Counsel filed an Opposition to Respondent's MSJ (Opposition). On February 3, 2012, Respondent filed its Reply.

II. ARGUMENT

Under Section 102.24 of the Board's Rules and Regulations, a motion for summary judgment made before a scheduled hearing is filed directly with the Board, and a party opposing such motion may file an opposition prior to the issuance by the Board of

an order to show cause. The Board's Rules and Regulations contain no provision for the filing of a reply to any party's opposition. Respondent has cited no authority permitting the filing of its Reply, nor has it sought special permission to file its Reply. Therefore, Counsel for the Acting General Counsel respectfully moves that the Board strike Respondent's Reply in its entirety.

DATED AT Honolulu, Hawaii, this 6th day of February, 2012.

Respectfully Submitted,



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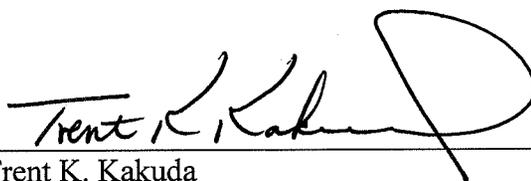
CERTIFICATE OF SERVICE

The undersigned hereby certifies that Counsel for the Acting General Counsel's Motion to Strike Respondent's Reply to Counsel for the Acting General Counsel's Opposition to Respondent's Motion for Summary Judgment in Case 37-CA-008316 has this day been electronically filed with the National Labor Relations Board's Office of the Executive Secretary, and a copy served upon the following persons by e-mail:

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Dated at Honolulu, Hawaii, this 6th day of February, 2012.



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