

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

DIXIE ELECTRIC MEMBERSHIP CORPORATION,)	
)	
Respondent)	
)	
and)	Case Nos. 15-CA-19954
)	15-UC-61496
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL UNION 767,)	
)	
Charging Party)	

**CHARGING PARTY'S MOTION FOR PERMISSION TO EXCEED
THE FIFTY-PAGE LIMIT IN ITS BRIEF IN OPPOSITION
TO RESPONDENT'S EXCEPTIONS**

In accordance with Section 102.46(i) of the Board's Rules and Regulations and Statements of Procedure, the Charging Party, International Brotherhood of Electrical Workers/AFL-CIO, Local Union 767, ("IBEW" or "Union"), hereby requests permission to exceed the fifty-page limit for its brief in opposition to respondent's exceptions to the decision of Administrative Law Judge ("ALJ") Robert Ringler. The IBEW specifically requests permission for an additional twenty-five pages, bringing the total length of its brief to seventy-five pages, for the following reasons:

1. This case is unusual in that it actually involves two separate cases: a unit clarification and unfair labor practice proceedings.
2. The unit clarification proceeding involves a question of supervisory status of the persons and work removed from the unit. While the ALJ dismissed the unit clarification petition as untimely, the Board may wish to consider the petition, as it involves the important question of the supervisory status of electric system

dispatchers, similar to those dispatchers that the Board found not to be supervisors in its recent decision in *Entergy Mississippi, Inc.*, 357 NLRB No. 178 (Dec. 30, 2011).

Supervisory status is, by its nature, a fact-intensive inquiry and must be resolved upon an examination of all of the evidence in the case. *United States Gypsum Co.*, 188 NLRB 20, 25 (1957). The employer, however, has not even provided a statement of facts in its Brief in Support of Exceptions to Administrative Law Judge's Decision ("Respondent's Brief"), and has provided only selective references to the record in the body of its argument.

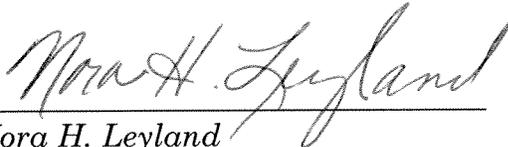
3. In addition, the unfair labor practices proceeding involves two separate rulings by the ALJ: first, that the respondent violated Section 8(a)(5) by changing the scope of the bargaining unit without either the agreement of the union or the permission of the Board; and, second, that the respondent also violated Section 8(a)(5) by unilaterally removing bargaining unit work from the unit without bargaining to impasse with the union. In its brief in support of its exception to these rulings, DEMCO again does not provide a statement of facts; makes only occasional reference to the record in its argument; and refers to the ALJ's decision in support of a number of its factual assertions, instead of to the record.

4. Consequently, it falls to the other parties to set forth a comprehensive statement of facts with record citations -- one that is adequate for the Board to decide the supervisory status of the dispatchers, as well as the violations of Section 8(a)(5). Indeed, the statement of facts in the IBEW's brief to the ALJ was approximately thirty-five pages long and the General Counsel's statement of facts was almost twenty pages.

Thus, because this case comprises two different underlying cases and because of the need to present a full statement of the facts contained in the record, the respondent IBEW respectfully requests that it be permitted to exceed the standard page limit by an additional twenty-five pages, bringing the permitted length of its answering brief to seventy-five pages.

This motion is timely, as the IBEW's opposition brief is presently due on Monday, May 21, 2012.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nora H. Leyland". The signature is written in black ink and is positioned above a horizontal line.

Nora H. Leyland

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CERTIFICATE OF SERVICE

On May 10, 2012, I served, by electronic mail, the foregoing Charging Party's Motion to Strike Dixie Electric Membership Corporation's Exceptions and Supporting Brief upon:

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