

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

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS DISTRICT LODGE 160, LOCAL
LODGE 289

Cases 19-CD-502 and 19-CD-506

And

SSA MARINE, Inc.,

And

INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION,

INTERVENOR ILWU'S MOTION TO STRIKE A PORTION OF ITS BRIEF

PREVIOUSLY SUBMITTED TO THE ALJ

Intervenor International Longshore and Warehouse Union ("ILWU") respectfully moves to strike from the record portion of its "Brief to Administrative Law Judge William Kocol By Intervenor ILWU," dated April 23, 2012. Specifically, ILWU moves to strike from that pleading Section 1, entitled, "IAM's Continued Pursuit of Its Grievance Against SSA Neither Threatens, Restrains or Coerces SSA", set out at pages 2 to 3.

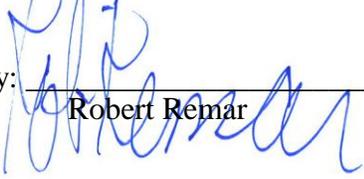
This motion to strike is made on the grounds that it was written and filed without prior authorization from ILWU and is contrary to the true position of the ILWU throughout the instant dispute, including the underlying 10(k) proceeding.

The motion is based on the facts and arguments made in the Declaration of Robert Remar set out below.

June 12, 2012

Respectfully submitted,

LEONARD, CARDER, LLP

By:  _____
Robert Remar

Attorneys For Intervenor ILWU

SWORN DECLARATION OF ROBERT REMAR

I, Robert S. Remar, hereby declare and state as follows:

1. I am an attorney licensed to practice law in the State of California. I am a partner at the law firm of Leonard Carder, LLP, located in San Francisco, California, which is counsel of record for International Longshore and Warehouse Union (ILWU) in the above-captioned matter. I have personal knowledge of the facts set forth below and I could and would testify competently about them if called as a witness in this matter.

2. At all material times I have served as lead counsel for ILWU in the 10(k) and ULP proceedings in these cases. I was the attorney of record who represented ILWU at the underlying 10(k) hearing. I also prepared and filed all pleadings and made all legal decisions, in consultation with ILWU, before the filing of the "Brief to Administrative Law Judge William Kocol By Intervenor ILWU," dated April 23, 2012.

3. On about March 15, 2012, I began a three month sabbatical from the practice of law. Before the sabbatical, I instructed Phil Thomas, one of the associate attorneys in my law firm to take over this matter during my absence. I gave him detailed instructions to cooperate with Region 19 counsel and SSA counsel, and to submit argument that IAM has unlawfully

coerced SSA by not withdrawing its claim for lost wages regardless whether PMA would reimburse or indemnify SSA for such liability. Such instructions were perfectly consistent with the legal positions and arguments ILWU had taken previously in the matter, as specifically authorized by our client ILWU.

4. On about June 4, 2012, I returned to work from my sabbatical. I performed no legal work and had no contact whatsoever with my office or with clients during my three month sabbatical.

5. On about June 5, 2012, I discovered to my great surprise and chagrin that Mr. Thomas had in my absence filed the ILWU Brief to the ALJ, dated April 23, 2012, containing Section 1, entitled, "IAM's Continued Pursuit of Its Grievance Against SSA Neither Threatens, Restrains or Coerces SSA", set out at pages 2 to 3 therein. I then received confirmation from ILWU that Mr. Thomas made this argument without prior notification to or approval of the ILWU.

6. Accordingly, as counsel of record for ILWU, I hereby submit and affirm that Section 1 of the ILWU Brief to ALJ, entitled, "IAM's Continued Pursuit of Its Grievance Against SSA Neither Threatens, Restrains or Coerces SSA", set out at pages 2 to 3 therein, was filed without prior notification to or approval of the ILWU, and in fact, is contrary to the position of the ILWU has maintained throughout these proceedings.

7. Because Section 1 of the ILWU Brief to ALJ was submitted without proper authorization and contrary to the position of the ILWU in these proceedings, ILWU is making the instant motion to strike it from the record.

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I declare under penalty of perjury under the laws of the United States that the above is true and correct to the best of my personal knowledge and belief.

Dated: June 12, 2012

A handwritten signature in blue ink, appearing to read "Robert Remar". The signature is written in a cursive style with a large initial "R".

Robert Remar