

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

CATERPILLAR INC.	)	
	)	
Respondent,	)	
	)	
and	)	
	)	
UNITED STEEL, PAPER AND FORESTRY,	)	Case No. 30-CA-064314
RUBBER, MANUFACTURING, ENERGY,	)	
ALLIED INDUSTRIAL AND SERVICE	)	
WORKERS INTERNATIONAL UNION,	)	
AFL-CIO/CLC,	)	
	)	
Charging Party.	)	

**CATERPILLAR INC.’S REQUEST FOR EXTENSION OF TIME TO FILE  
EXCEPTIONS TO THE ADMINISTRATIVE LAW JUDGE’S DECISION AND ORDER**

Respondent, CATERPILLAR INC. ("Caterpillar"), pursuant to Section 102.46 of the Rules and Regulations of National Labor Relations Board, 29 C.F.R. § 102.46, respectfully requests an extension of time to file exceptions to the Administrative Law Judge’s Decision and Order, and a brief in support of exceptions in the above-captioned matter. In support of this request, Caterpillar states as follows:

1. Following a two-day hearing in this case held on March 21 and 22, 2012, the Administrative Law Judge (“ALJ”) issued a Decision and Order on September 5, 2012, finding that Caterpillar violated Section 8(a)(1) and (5) and the National Labor Relations Act by denying the Union’s request to access its facility.

2. Pursuant to Section 102.46 of the Rules and Regulations of National Labor Relations Board, 29 C.F.R. § 102.46, Caterpillar’s current due date for filing exceptions to the ALJ’s Decision and Order and supporting brief is October 3, 2012.

3. As explained in the attached declaration, Caterpillar's counsel with responsibility for preparing the Company's exceptions and supporting brief have multiple conflicts over the next two weeks, including: (1) an unfair labor practice trial in Region 13 beginning October 4, 2012, in *B.L. Downey Company, LLC*, Case 13-CA-080481; (2) an out-of-state arbitration hearing scheduled to begin on September 26, 2012, in the *Matter of the Arbitration between CHRISTUS St. Vincent Regional Medical Center and District 1199NM, Hospital and Healthcare Employees, AFSCME, AFL-CIO*, FMCS No. 12-51050-1; and (3) briefing on a dispositive motion in *Rosberg (aka Shannon Galton) v. Abbott Laboratories, et al.*, Case No. 11 L 1001, Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois, in advance of a hearing set to be held the week of October 8, 2012.

4. On September 24, 2012, counsel for Caterpillar advised counsel for the General Counsel and counsel for the Charging Party regarding Caterpillar's intent to file the instant request for extension of time. Counsel for the General Counsel responded that the General Counsel does not object to Caterpillar's request for an extension of time. At the time of filing of this request, counsel for the Charging Party has not responded with its position on this request for extension of time.

5. This request for additional time is not made for the purposes of harassment or undue delay, nor is it due to any oversight or lack of diligence on the part of Caterpillar.

WHEREFORE, Caterpillar respectfully requests that the Board extend the deadline for Caterpillar to file exceptions to the ALJ's Decision and Order and supporting brief in the above-caption matter by fourteen (14) additional days until October 17, 2012.

Dated: September 25, 2012

Respectfully submitted,

CATERPILLAR INC.

By: /s/ Derek G. Barella  
One of Its Attorneys

Joseph J. Torres  
Derek G. Barella  
Elizabeth J. Kappakas  
WINSTON & STRAWN LLP  
35 West Wacker Drive  
Chicago, Illinois 60601  
Tel: (312) 558-5600  
Fax: (312) 558-5700  
jtorres@winston.com  
dbarella@winston.com  
ekappakas@winston.com

**CERTIFICATE OF SERVICE**

Derek G. Barella, one of the attorneys for Respondent, hereby certifies that he has caused a true and correct copy of the foregoing Request for Extension of Time to File Exceptions to the Administrative Law Judge's Decision and Order to be served upon:

Rachel A. Centinario  
Counsel for the General Counsel  
National Labor Relations Board  
Region 30  
310 West Wisconsin Avenue  
Suite 700W  
Milwaukee, WI 53203-2211  
Rachel.Centinario@nlrb.gov

Marianne Goldstein Robbins  
Previant, Goldberg, Uelmen, Gratz, Miller  
& Brueggeman, S.C.  
1555 North, RiverCenter Drive  
Suite 202  
Milwaukee, Wisconsin 53212  
mgr@previant.com

Daniel Kovalik, Senior AGC  
United Steel, Paper, and Forestry, Rubber, Mfg., Energy, Allied Industrial  
and Service Workers International Union  
Five Gateway Center, Room 807  
Pittsburgh, Pennsylvania 15222  
dkovalik@usw.org

via electronic mail this 25th day of September 2012.

\_\_\_\_\_  
s/ Derek G. Barella  
Derek G. Barella

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WORKERS INTERNATIONAL UNION,	)	
AFL-CIO/CLC,	)	
	)	
Charging Party.	)	

**DECLARATION OF DEREK G. BARELLA**

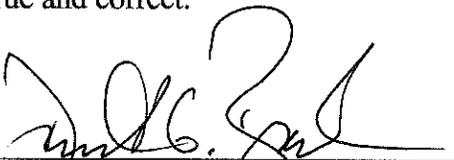
I, DEREK G. BARELLA, declare as follows:

1. I, Derek G. Barella, am a partner at Winston & Strawn LLP and am acting as counsel to Caterpillar Inc. in relation to Case No. 30-CA-064314. I have personal knowledge of the facts set forth in this Declaration, and if called upon to testify, could and would competently testify to these facts.

2. Caterpillar's counsel with responsibility for preparing the Company's exceptions and supporting brief have multiple conflicts over the next two weeks, including: (1) an unfair labor practice trial in Region 13 beginning October 4, 2012, in *B.L. Downey Company, LLC*, Case 13-CA-080481; (2) an out-of-state arbitration hearing scheduled to begin on September 26, 2012, in the *Matter of the Arbitration between CHRISTUS St. Vincent Regional Medical Center and District 1199NM, Hospital and Healthcare Employees, AFSCME, AFL-CIO*, FMCS No. 12-51050-1; and (3) briefing on a dispositive motion in *Rosberg (aka Shannon Galton) v. Abbott Laboratories, et al.*, Case No. 11 L 1001, Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois, in advance of a hearing set to be held the week of October 8, 2012.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 25, 2012



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Derek G. Barella