



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 14
1222 SPRUCE ST RM 8.302
SAINT LOUIS, MO 63103-2829

Agency Website: www.nlr.gov
Telephone: (314)539-7770
Fax: (314)539-7794

September 27, 2012

[REDACTED]
HAMMOND AND SHINNERS, P.C.
7730 CARONDELET AVE, STE 200
SAINT LOUIS, MO 63105-3326

Re: Casino One Corporation d/b/a Lumiere
Place Casino and Hotels
Case 14-CA-078274

Dear Mr. CAMPBELL:

We have carefully investigated and considered your charge that CASINO ONE CORPORATION D/B/A LUMIERE PLACE CASINOS & HOTELS has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that on November 21, 2011, the Employer violated the Act by suspending and discharging an employee because of his protected concerted or union activities. Although the employee engaged in union activity, the investigation and ultimate review of the surveillance video provided by the Employer revealed that the employee was discharged for theft unrelated to union activity. In light of the above, it was determined that further proceedings in this matter are not warranted and I am declining to issue a complaint.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on October 11, 2012. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is

completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than October 10, 2012.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before** October 11, 2012. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

DANIEL L. HUBBEL
Acting Regional Director

Enclosure

cc GENERAL COUNSEL
OFFICE OF APPEALS
FRANKLIN COURT BUILDING
NATIONAL LABOR RELATIONS
BOARD
1099 14TH STREET, NW
WASHINGTON, DC 20570

[REDACTED]
Vice President and Corporate Counsel
CASINO ONE CORPORATION D/B/A
LUMIÈRE PLACE CASINO AND HOTELS
999 N 2ND ST
SAINT LOUIS, MO 63102-2571

[REDACTED]
Vice President and Corporate Counsel
PINNACLE ENTERTAINMENT, INC.
8918 SPANISH RIDGE AVE
LAS VEGAS, NV 89148-1302

[REDACTED]
MCMAHON BERGER, P.C.
2730 N BALLAS RD, STE 200
SAINT LOUIS, MO 63131-3039

[REDACTED]
UNITE HERE LOCAL 74
4433 WOODSON RD, STE 103
SAINT LOUIS, MO 63134-3713

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
Room 8820, 1099 - 14th Street, N.W.
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)