

UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION 21

In the matter of:)
)
THE VINTAGE CLUB)
)
)
Employer,)
)
and)
)
LABORERS' PACIFIC SOUTHWEST)
REGIONAL ORGANIZING COALITION,)
LABORERS' INTERNATIONAL UNION)
OF NORTH AMERICA, AFL-CIO)
)
Petitioner.)
_____)

Case Nos. 21-CA-077097
21-RC-073752

EXCEPTIONS TO THE REGIONAL DIRECTOR'S REPORT ON OBJECTIONS,
AND ORDER CONSOLIDATING CASES, AND NOTICE OF HEARING

Pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board ("Board"), The Vintage Club ("Vintage" or "Employer"), by and through its undersigned counsel, hereby files Exceptions to the Regional Director's Report on Objections, and Order Consolidating Cases, and Notice of Hearing ("Report") issued on September 28, 2012, by the Regional Director of Region 21, as follows:

1. To the Regional Director's conclusion to send objection numbers 2, 3, and 5, by Laborers' Pacific Southwest Regional Organizing Coalition, Laborers' International Union of North America, AFL-CIO ("Union"), to a hearing (R. 2, para. 7; R. 5, para. 4.)¹
2. To the Regional Director's conclusion that Felipe Terrazas is a supervisor and/or agent (i.e., "a person closely aligned with management") within the meaning of Section 2(11) and 2(13), respectively, of the National Labor Relations Act ("Act"). (R. 3, para. 3; R. 4, para 1.)

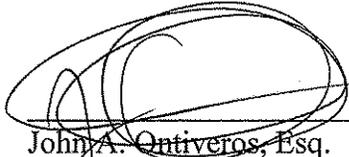
¹“(R. __, para. __)” references the Report by page and paragraph number. The Regional Director's Report did not have line numbers and, therefore, the Employer's Exceptions are unable to reference them.

3. To the Regional Director's failure to consider the evidence from the Employer that Felipe Terrazas is neither a supervisor nor an agent within the meaning of the Act. (R. 3, para. 3; R. 4, para 1.
4. To the Regional Director's failure to consider evidence from the Employer that Ulyses Zendejas is not an agent within the meaning of the Act. (R. 4, para. 4.)
5. To the Regional Director's finding that the Union's unfair labor practice allegations in case 21-CA-077097, and issued in the Regional Director's Complaint and Notice of Hearing, contending violations of Section 8(a)(1) of the Act should be considered evidence in support of Objection No. 5. (R. 4, para. 6; R. 5, paras. 1, 2.)
6. To the Regional Director's conclusion that Union Objections Nos. 2, 3 and 5 raise "substantial and material issues of facts." (R. 5, para. 3.)
7. To the Regional Director's Notice of Hearing sending Objections Nos. 2, 3, and 5 to a hearing before an administrative law judge. (R. 5, paras. 6, 7; R. 6, para. 2.)

Accordingly, for the foregoing reasons, and the reasons set forth in the Employer's Brief in Support of Exceptions to the Report, the Employer respectfully requests its Exceptions be sustained.

Respectfully submitted this 12th day of October, 2012.

JACKSON LEWIS LLP

BY: 

John A. Ontiveros, Esq.
Robert L. Murphy, Esq.
Attorney for Employer
THE VINTAGE CLUB
225 Broadway, Ste. 200
San Diego, CA 92101
Phone: (619) 573-4900
Fax: (619) 573-4901

3 **PROOF OF SERVICE**

4 I, the undersigned, declare that I am employed with the law firm of Jackson Lewis LLP,
5 whose address is 225 Broadway, Ste. 200, San Diego, CA 92101; I am over the age of eighteen
6 (18) years and am not a party to this action.

7 On October 12, 2012, I served true and correct copies of **EXCEPTIONS TO THE**
8 **REGIONAL DIRECTOR'S REPORT ON OBJECTIONS, AND ORDER**
9 **CONSOLIDATING CASES, AND NOTICE OF HEARING** in this action as follows:

10 Carlos R. Perez, Esq.
11 Laborers International Union of North America
12 3550 Wilshire Blvd., Ste. 2000
13 Los Angeles, CA 90010
14 Tele: 510.637.3300
15 Fax: 510.637.3315
16 Electronic Mail: carlosp@rac-law.com

Michael Dea, Business Rept
Laborers' International Union of North
America, Local 1184, Laborers' International
Union of North America, AFL-CIO
72732 Ramon Road
Thousand Palms, CA 92276-3240

E-mail: msdea@laborers1184.com

14 Alvaro Medina, Board Agent
15 Region 21
16 888 South Figueroa Street, 9th Floor
17 Los Angeles, CA 90017-5449

Region 21
888 South Figueroa Street, 9th Floor
Los Angeles, CA 90017-5449
Phone: (213) 894-5200
Fax: (213) 894-2778
E-mail: NLRBRegion21@nlrb.gov
Regional Director: Olivia Garcia

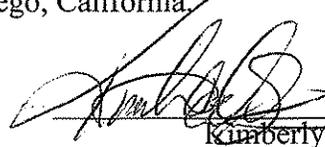
Email: alvaro.medina@nlrb.gov

- 18
- 19 by transmitting via facsimile or electronic notification the document(s) listed above to
20 the fax number or electronic address set forth above on this date before 11:59 p.m.
- 21 by placing the document(s) listed above in a sealed envelope with postage thereon fully
22 prepaid, in United States mail in the State of California at San Diego, addressed as set
23 forth above.
- 24 **BY PERSONAL SERVICE.** I caused said documents to be hand-delivered to the addressee on
25 October 12, 2012, via First Legal Services, pursuant to Code of Civil Procedure §1011.
- 26 **BY FEDERAL EXPRESS.** I deposited said document(s) in a box or other facility
27 regularly maintained by the express service carrier providing overnight delivery pursuant
28 to Code of Civil Procedure §1013(c).

I declare under penalty of perjury under the laws of the State of California that the above

1 is true and correct.

2 Executed on October 12, 2012 at San Diego, California.



Kimberly Coddington

5 4848-7048-4753, v. 1

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