

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

AUSTIN FIRE EQUIPMENT, LLC	*	359 NLRB No. 3 (9/28/12)
Respondent	*	
and	*	JD (ATL) – 32-11 (11/29/11)
	*	
ROAD SPRINKLER FITTERS LOCAL	*	Case No. 15-CA-19697
UNION NO. 669, U.A., AFL-CIO	*	
Union	*	
	*	

**RESPONDENT’S APPLICATION FOR ATTORNEYS’ FEES AND COSTS
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT**

Respondent Austin Fire, LLC (hereafter “Respondent” “Austin Fire” or “Company”) respectfully submits this Application for Attorneys’ Fees and Expenses pursuant to 5 U.S.C.A § 504 (hereinafter referred to as the Equal Access to Justice Act (“EAJA”)) and 29 C.F.R. § 102.142 *et seq*, for \$178,647.84 in fees and reasonable expenses incurred in defending the above-captioned matter. As more fully shown below, Respondent is a prevailing party that meets the statutory requirements under EAJA and the Acting General Counsel (“GC”) was not substantially justified in pursuing Section 8(a)(5) violations premised on a Section 9(a) relationship while the exact same legal issue was pending before the National Labor Relations Board (“Board”).

I. SUMMARY OF ARGUMENT

Under EAJA, the Respondent is entitled to recover its attorneys’ fees and costs incurred as a result of defending itself against a case not substantially justified. Under governing principles for collective bargaining agreements in the construction industry, there is a presumption that a bargaining relationship between a construction industry employer and union is governed by Section 8(f) of the Act and the party asserting Section 9(a) status has the burden

of proof.¹ Despite extensive briefing, the legal issue here was quite simple—whether a one page document signed by Austin Fire (the “Acknowledgment”) created a Section 9(a) relationship with the Union. The Board found that the Acknowledgment, on its face, did not.² The Acting General Counsel (“GC”), therefore, was not substantially justified in pursuing this case since, as a matter of law, the Acknowledgment was incapable of supporting a Section 9(a) relationship.

Alternatively, the GC was not substantially justified in pursuing this case while a nearly identical case (involving the same Union and Acknowledgment) was pending before the Board. *G & L Associated, Inc. d/b/a USA Fire Protection*, 2010 NLRB Lexis 165 (6/21/10), affirmed 358 NLRB No. 162 (9/28/12).³ Prior to the Union’s filing of its charge here, this *same legal issue*, involving the *same documents* with the *same Union* was already pending before the Board. Although the *G & L* decision by the Administrative Law Judge (“ALJ”) had issued over a month *before* the Union filed its charge, and *G & L* was pending before the Board over six months *before* complaint issued here, the GC nonetheless pursued a Section 9(a) relationship here, citing the same precedent regarding the same Acknowledgment as that in *G & L*.

In its pre-hearing and post-hearing briefs to the ALJ and its briefing to the Board, Respondent, a construction industry employer, maintained that *G & L* supported its position that Section 8(f) of the Act governed its relationship with the Union. Despite numerous attempts by the Respondent to settle on the basis of a Section 8(f) relationship, which included fringe benefits

¹ *John Deklewa and Sons, Inc.*, 282 NLRB 1375 (1987), enf’d sub nom, *Iron Workers Local 3 v. NLRB*, 843 F.2d 770 (3d Cir. 1988), cert denied 488 U.S. 889 (1988).

² *Austin Fire Equipment, LLC*, 359 NLRB No. 3, at 1 (9/28/12).

³ See, e.g., *Raley’s and Independent Drug Clerks Assn.*, 357 NLRB No. 81 (8/26/11) (where a party’s position was no longer substantially justified after presenting its case in chief, but nonetheless elected to continue proceeding with the case, the opposing party was entitled to an award for the fees it incurred from that point forward). In light of the Board’s September 28, 2012 decisions in both *G & L* and this case, it is now clear that there is an inextricable connection between the two cases. The GC could have continued the hearing (eliminating the burden and expense of preparing for and participating in the hearing and the extensive briefing that resulted) until after the Board issued its decision in *G & L*. Instead, the GC *unreasonably* pursued this case; therefore, Respondent is entitled to recover its attorneys’ fees and related expenses incurred since at least January 31, 2011 (the date complaint issued).

payments for the February 4, 2010-March 31, 2010 balance of the parties' CBA, the GC refused to consider a settlement short of the Respondent recognizing the Union in a Section 9(a) relationship.

The GC in both *G & L* and the instant case was seeking "a re-examination and modification of certain precedent regarding when and how construction industry employers and unions form Section 9(a) relationships and whether a challenge to initial recognition in the construction industry should be barred if raised more than 6 months after recognition."⁴ On September 28, 2012 the Board issued decisions in both *G & L* and the instant case holding that the one-page Acknowledgment (the same in both cases) failed on its face to meet the legal requirements for creating a Section 9(a) relationship.⁵ The GC not only failed in modifying precedent, but more importantly, forced Respondent to incur \$178,647.84 in attorneys' fees and related expenses defending itself in this unnecessarily extensive investigation and litigation spanning over two years. The GC was not substantially justified in pursuing this case on facially invalid language, especially given that *G & L* was pending Board review. The GC should not have brought the complaint on facially invalid language. Alternatively, the GC could and should have stayed this proceeding until after the Board issued its decision in *G & L*, since the Board here found a Section 8(f) relationship "to the extent consistent with, and for the reasons stated in, *USA Fire Protection [G & L]*."⁶

The Board, agreeing with Respondent and the ALJ, at the outset held "that the parties' relationship was governed by Section 8(f) of the Act, rather than Section 9(a)." *Id.* The GC's entire case rested on the parties' recognition agreement (Acknowledgment), which language the

⁴ *G & L*, 2010 NLRB Lexis 158, *1 (6/21/10).

⁵ *G & L*, 358 NLRB No. 162 (9/28/12); *Austin Fire Equipment, LLC*, 359 NLRB No. 3 (9/28/12).

⁶ *Austin Fire Equipment, LLC*, 359 NLRB No. 3, at 1 (9/28/12).

Board found “failed to demonstrate that the Respondent’s recognition of the Union was based on majority support . . .” *Id.* “As explained in *USA Fire Protection [G & L]*. . . the parties’ recognition agreement (Acknowledgment) does not meet the three-part test set forth in *Stamton Fuel & Material (Central Illinois)*, 335 NLRB 717 (2001) to establish 9(a) status.” *Id.* The Board further held “that language concerning the employees’ membership in and representation by the union, without more, would not establish the parties’ intent to form a 9(a) relationship.” *Id.* at n. 3.

As a result of the GC’s failure to demonstrate a Section 9(a) relationship, the GC failed to establish *any* of the alleged violations based on the supposed Section 9(a) relationship—losing its complaint allegations claiming an obligation to continue bargaining with the Union beyond March 31, 2010, the providing of bargaining-related information to the Union, and payment of pay rates and fringe benefit contributions beyond the March 31, 2010 expiration of the parties’ (only) collective bargaining agreement. Significantly, Respondent acknowledged in its Amended Answer prior to hearing that a Section 8(f) relationship existed, and offered to settle for the exact outcome decided by the ALJ and affirmed by the Board.

By issuing complaint and continuing to litigate this matter while *G & L* was pending before the Board, the GC imposed an unnecessary, undue hardship on the Respondent who both pre-hearing and post-hearing maintained that a Section 8(f) relationship as found in *G & L* existed. In the meantime, the ALJ and Board issued decisions finding the GC did not meet its burden of proving a Section 9(a) relationship and, more importantly, finding a Section 8(f) relationship—in accordance with *G & L* and Respondent’s pre-hearing and post-hearing positions and settlement offer. Accordingly, Austin Fire is entitled to recover its attorneys’ fees

and related expenses from the NLRB charge on July 29, 2010 to date, including those associated with the filing of this application.

II. CASE BACKGROUND

A. Respondent

Respondent, Austin Fire, is engaged in the service and installation of industrial sprinkler systems. Respondent is a construction industry employer primarily engaged in the building and construction industry. Russell Ritchie (hereafter "Ritchie") is the owner and president of Respondent.

B. The Charges

The Union filed Charge No. 15-CA-19697 on July 29, 2010, alleging that Austin Fire had violated Sections 8(a)(1) and (5) by: (i) failing to bargain in good faith for a new collective bargaining agreement since April 1, 2010; (ii) refusing to provide information necessary to bargain since May 5, 2010; and (iii) refusing to bargain since July 13, 2010. The Union filed an Amended Charge on August 4, 2010, additionally alleging that since a specific time unknown, Respondent made unilateral changes to the terms and conditions of employment by changing wage rates and the employees' health care plan and pension plan with the Union. On November 30, 2010, the Union filed a Second Amended Charge (i) specifying that the alleged unilateral change in terms and conditions of employment had occurred since on or about February 4, 2010; and (ii) setting forth the Union's request for information.

C. The Complaint

The record as a whole established that Respondent and the Union entered into a Section 8(f) agreement on July 8, 2008. Although no material facts were in dispute, a complaint issued on January 31, 2011, alleging that Respondent had violated Sections 8(a)(1) and (5) of the Act

by: (i) failing to continue in effect all the terms of a collective bargaining agreement since February 4, 2010; (ii) failing to recognize and bargain with the Union as the exclusive bargaining representative of unit employees since April 1, 2010; (iii) withdrawing recognition of the Union on July 13, 2010; and (iv) failing and refusing to provide certain bargaining-related information requested by the Union since May 5, 2010. The complaint alleged that the bargaining relationship between the parties, as well as the collective bargaining agreement itself, was based upon the Union's claimed Section 9(a) collective bargaining representative status since July 8, 2008. (Complaint, paragraphs 9 and 10; G.C. Ex. 1(j)).

D. The ALJ Found a Section 8(f) Relationship.

On November 29, 2011, the ALJ's decision issued. The ALJ concluded at the outset that the parties were in the construction industry, and based on the language in the pertinent documents and the relevant extrinsic evidence, the record as a whole established that Respondent and the Union entered into a Section 8(f) agreement on July 8, 2008. (ALJD, p. 21, lines 33-34). The ALJ found that there was no evidence that the Union had presented or offered to present evidence to Respondent that the Union was supported by a majority of the bargaining unit employees. The ALJ additionally found that there was no evidence that Respondent had intended on entering into a Section 9(a) relationship. Accordingly, the ALJ found that Respondent had no obligation to bargain with the Union following the expiration of the Section 8(f) agreement on March 31, 2010. (ALJD, p. 26, lines 29-34). The ALJ therefore dismissed all allegations in the Complaint alleging violations of Section 8(a)(5) subsequent to the March 31, 2010 expiration of the parties' only collective bargaining agreement.

E. The GC Excepted to the ALJ Decision.

The GC excepted to the ALJ's finding that the relationship and agreement between the parties on July 8, 2008, was governed by Section 8(f) of the Act. 2/6/12 GC Answering Brief to Union Exceptions; 2/7/12 GC Cross Exceptions.

F. The Board Affirmed the ALJ's Section 8(f) Finding.

The Board agreed with the ALJ that the parties' relationship was governed by Section 8(f) rather than Section 9(a). The Board, agreeing with Respondent and the ALJ, at the outset held "that the parties' relationship was governed by Section 8(f) of the Act, rather than Section 9(a)."⁷ The GC's entire case rested on the parties' one-page "recognition" agreement (Acknowledgment), which language the Board found "failed to demonstrate that the Respondent's recognition of the Union was based on majority support . . ." *Id.* "As explained in *USA Fire Protection [G & L]*. . . the parties' recognition agreement (Acknowledgment) does not meet the three-part test set forth in *Staunton Fuel & Material (Central Illinois)*, 335 NLRB 717 (2001) to establish 9(a) status." *Id.* The Board further held "that language concerning the employees' membership in and representation by the union, without more, would not establish the parties' intent to form a 9(a) relationship." *Id.* at n. 3. In other words, the Board rejected the GC's position as a matter of fact and law—stating that the Acknowledgment failed on its face to meet Section 9(a) requirements.

III. REASONABLE ATTORNEYS' FEES UNDER EAJA

Under the Equal Access to Justice Act ("EAJA"), a prevailing party is entitled to recover reasonable attorneys' fees and other expenses incurred when the government recovers less than

⁷ *Austin Fire Equipment, LLC*, 359 NLRB No. 3, at 1 (9/28/12).

its previous demand from a private party in formal agency adjudication, unless the government's position was "substantially justified" or special circumstances make an award unjust. 5 U.S.C.A. §504. In awarding fees, the Board must determine whether the GC's complaint allegations were substantially justified at each phase of the litigation.⁸ Here, the GC was not substantially justified in issuing complaint and pursuing litigation based on language incapable of supporting a Section 9(a) relationship, and in aggressively pursuing the GC's faulty premise in a two-day hearing and extensive, unrelenting briefing and exceptions thereafter while the *G & L* decision was pending Board review.

a. EAJA Applies to this Enforcement Adjudication.

In cases such as this, Section 504(a)(4) applies to enforcement actions brought by the government against a private party, either in an agency formal adjudication or in court. The right to recover fees is triggered if (i) the government's demand was substantially in excess of the agency decision or judicial judgment it finally obtains, and (ii) the government's demand was unreasonable when compared with such judgment. These provisions were added by 1996 amendments to EAJA.⁹ In such cases, the agency or the court can award fees and other expenses related to defending against the excessive demand unless the private party has committed a willful violation of law or otherwise acted in bad faith or special circumstances make an award unjust.¹⁰

⁸ *Raley's and Independent Drug Clerks*, 357 NLRB No. 81, 2011 NLRB Lexis 495 (8/26/11).

⁹ P.L. 104-121, §232(a).

¹⁰ §504(a)(4). See also Judith E. Kramer, *Equal Access to Justice Act Amendments of 1996: A New Avenue for Recovering Fees from the Government*, 51 Admin. L. Rev 363, 379-88 (1999) (explaining that original "prevailing party" requirement was amended in 1996 to allow respondent to recover fees if agency did not recover all that it sought where agency's demand was substantially in excess of the final award and unreasonable under the facts and circumstances of the case). The GC has not alleged that Respondent has committed a willful violation, or otherwise acted in bad faith or other special circumstances to make an award unjust.

b. Austin Fire is an Eligible Claimant and the Prevailing Party.

An eligible EAJA business claimant must have a net worth of less than \$7 million and employ less than 500 employees when the adversary adjudication was initiated.¹¹ Austin Fire is a business, engaged in the service and installation of industrial sprinkler systems. At the time the complaint issued, Austin Fire had approximately 78 employees and its net worth was significantly less than \$7 million. *See* Affidavit of Russell Ritchie (attached hereto as Exhibit A); and Austin Fire's 2011 Balance Sheet (attached to Russell's affidavit). Austin Fire, therefore, qualifies as an eligible claimant under EAJA.

The Board's rules implementing EAJA specify that an eligible respondent who prevails in a Board proceeding, "or in a significant and discrete substantive portion of that proceeding" may be awarded EAJA fees.¹² *See e.g. Mid-State, Inc.*, 2000 NLRB Lexis 805 (2000) (GC acknowledged that applicant prevailed on significant portion of underlying proceeding where ALJ dismissed bulk of complaint at 331 NLRB 1372) (2000)). The GC's *adamant* Section 9(a) position throughout the prosecution of the instant matter was the most significant aspect of the litigation; therefore, Austin Fire may be awarded EAJA fees because it prevailed in having all Section 9(a) based claims dismissed. In other words, the agency's claim of Section 9(a) recognition was substantially in excess of the Section 8(f) finding and was not reasonable under the facts and circumstances.

¹¹ § 504(b)(1)(B).

¹² NLRB Rules and Regulations, 29 CFR § 102.143(b).

i. The GC Was Not Substantially Justified in Seeking a Section 9(a) Relationship.

Under Section 504, the government has the burden to show that its position was substantially justified.¹³ For this purpose, the government's "position" includes both its litigating position before the agency or the court and also the original action, or failure to act, on which the subsequent administrative and judicial litigation was based.¹⁴ In *Pierce v. Underwood*, the Supreme Court defined the phrase "substantially justified" as meaning "justified to a degree that could satisfy a reasonable person" or "justified if a reasonable person could think it correct, that is, if it has a reasonable basis in law and fact," and, in *Jansen Distributing Co.*, the Board adopted this definition.¹⁵ To be "substantially justified" means more than merely undeserving of sanctions for frivolousness.¹⁶

ii. The GC's Contention that the Parties Entered into a Section 9(a) Relationship Was Not Supported by the Record.

Throughout the agency's proceedings Austin Fire correctly maintained that the parties had a Section 8(f) relationship, and offered to settle by recognizing its Section 8(f) relationship as well as by providing payments to the various benefit funds for the period February 4, 2010 through March 31, 2010—the very same relief decided appropriate by the ALJ and affirmed by the Board. The GC's continued insistence on a Section 9(a) relationship necessitated a two day hearing, and extensive briefing by the GC, which unnecessarily required extensive briefing by Respondent and significantly increased Respondent's attorneys' fees. The GC's entire case rested on the one-page Acknowledgment, which the Board held failed to meet Section 9(a)

¹³ 5 U.S.C.A. §504(b)(1)(E); *Jansen Distributing Co.*, 291 NLRB 801 (1988).

¹⁴ *Thangaraja v. Gonzales*, 428 F.3d 870, 874 (9th Cir. 2005).

¹⁵ *Pierce v. Underwood*, 487 U.S. 552, 556 (1987); *Jansen Distributing Co.*, 291 NLRB 801, p. 3 (1988).

¹⁶ *Pierce*, 487 U.S. at 566; see also *Hess Mech. Corp. v. NLRB*, 112 F.3d 146 (4th Cir. 1997).

requirements; therefore, there was no substantially justified reason for the GC issuing complaint or pursuing the litigation.¹⁷

iii. There Were *No* Credibility Determinations for the ALJ to Decide.

Additionally, this was not a situation where the GC was compelled to proceed to hearing based on substantial credibility determinations.¹⁸ There were no credibility conflicts here that required judicial resolution during the hearing regarding the GC's assertion of a Section 9(a) relationship that if credited, would constitute a *prima facie* case and thereby have a reasonable basis in law and fact.¹⁹

Here, Austin Fire and its counsel spent *six* months voluntarily and fully complying with numerous affidavit and other information requests of the GC and incurred substantial attorneys' fees responding to a seemingly endless "need" for additional information, all of which were supposedly necessary to satisfy the GC.²⁰ The GC was fully aware of all the evidence Austin Fire would introduce at the hearing regarding Respondent's position that the parties had a Section 8(f) relationship. Despite the lack of credibility issues, and the pending *G & L* case, the GC issued and *vigorously* pursued his complaint allegations premised on a Section 9(a) relationship, refused Austin Fire's settlement offer on the basis of a Section 8(f) relationship, continued to hearing, filed pre-hearing and post-hearing briefs urging a Section 9(a) relationship, and filed exceptions with the Board responding to the ALJ's finding of a Section 8(f)

¹⁷ *Austin Fire, LLC*, 359 NLRB No. 3.

¹⁸ *David Allen Co.*, 335 NLRB 783, 784 (2001) ("Credibility issues which are not subject to resolution by the General Counsel in the investigative stage of a proceeding on the basis of documents or other objective evidence are, in the first instance, the exclusive province of the administrative law judge. Accordingly, where the General Counsel is compelled by the existence of a substantial credibility issue to pursue the litigation, and thereafter presents evidence which, if credited, would constitute a *prima facie* case, the General Counsel's case has a reasonable basis in law and fact and is substantially justified.")

¹⁹ *Glesby Wholesale, Inc.*, 340 NLRB 124, 128 (2003).

²⁰ See generally Affidavit of I. Harold Koretzky (attached hereto as Exhibit B).

relationship. Both the ALJ and the Board rejected all of the GC's Section 9(a)-related complaint allegations as unsupported by fact or law.

There was *not* a reasonable basis in law or fact for the GC's *adamant* seeking of a finding of a Section 9(a) relationship. Accordingly, the government here will be unable to show that its position in *only* seeking a Section 9(a) relationship was justified to a degree that could satisfy a reasonable person. The GC never sought a Section 8(f) relationship in the alternative, nor did the GC propose any other legally tenable position. On the contrary—the GC's insistence throughout of a Section 9(a) relationship, and his failure to consider Austin Fire's pre-hearing settlement offer on the basis of a Section 8(f) relationship, demonstrates that the GC was *not* reasonable in this case.

iv. The GC Arbitrarily Refused to Consider Respondent's Pre-Hearing Settlement Offer.

Austin Fire offered to settle with the GC by agreeing to a Section 8(f) relationship, and to making the appropriate two months of fringe benefit payments recommended by the ALJ and approved by the Board. This offer to settle should have been accepted by the GC, as the GC has broad discretion to approve unfair labor practice charge settlements.²¹ The agency has long had a policy of encouraging settlements which tend to eliminate industrial strife, encourage the collective-bargaining process, and protect the rights established by the Act.²² Thus, in determining whether a settlement should be approved, the Board must weigh the risks involved in protracted litigation which may be lost in whole or in part, the early restoration of industrial harmony by making concessions, and the conservation of the Board's resources.²³ Therefore, while the Board cannot blindly accept a settlement offer, it must investigate and evaluate the

²¹ *Textile Workers*, 294 F.2d 738, 741 (D.C. Cir. 1961); *Farmers Co-Operative Gin Assoc.*, 168 NLRB 367 (1967).

²² *ESB Inc.*, 246 NLRB 325 (1979). *See also Wallace Corp. v. NLRB*, 323 U.S. 248, 253 - 54 (1944).

²³ *Farmers Co-Operative Gin*, *supra*, 168 NLRB at 367.

legal and factual merits of the unfair labor practice charges and determine whether the alleged violations will be so clearly proved that nothing less than the remedy sought can be accepted in the settlement.²⁴ Here, the GC's refusal to even consider Respondent's offer to settle consistent with the Section 8(f) result reached by the ALJ and affirmed by the Board was not substantially justified. *See, e.g., Charles H. McCauley Associates, Inc.*, 269 NLRB 791 (1984) (although the GC prevailed by proving discriminatory discharge, that did not necessarily establish substantial justification for continuation of litigation where EAJA applicant had offered to settle and make litigation unnecessary).

c. Austin Fire's Requested Fees and Expenses

As Austin Fire was the prevailing party and the GC's position was not substantially justified, Austin Fire is entitled to recover its attorneys' fees and associated expenses incurred to date,²⁵ as well as those that will be incurred in the continued defense of this action²⁶ and pursuit of fees under EAJA.²⁷ To date, Respondent's counsel has logged 616.6 hours, totaling \$178,647.84 in attorneys' fees and related expenses, while only billing Respondent \$150,448.59.²⁸

²⁴ *Id.*

²⁵ *See, e.g., Rodriguez v. Taylor*, 569 F.2d 1231, 1245 (3rd Cir. 1977) ("As a general matter, awards of attorneys' fees where otherwise authorized are not obviated by the fact that individual plaintiffs are not obligated to compensate their counsel."); *Jones v. Schweiker*, 565 F. Supp. 52, 55 (W.D. Mich. 1983) (plaintiff "incurred" fees within meaning of EAJA based on prevailing market rates without reference to the fee arrangements between the attorney and client; therefore, attorneys' fees and expenses should be awarded for total value of work performed, not amount charged to client).

²⁶ The charging party (Union) has sought and been granted an extension of time until November 9, 2012 to file its motion for reconsideration in this matter, thereby necessitating further costly briefing by Respondent.

²⁷ *See also* 29 C.F.R. 102.145(b) (award may include reasonable expenses of the attorney that are ordinarily charged to the client separately from fees); *Commissioner, INS v. Jean*, 496 U.S. 154, 158-66 (1990) (prevailing party entitled to recover fees incurred in litigating about fees whether or not the government had "substantial justification" for its position resisting payment of fees).

²⁸ Affidavit of I. Harold Koretzky (attached hereto as Exhibit B). A copy of billing details is attached hereto as Exhibit C.

Under EAJA, parties are entitled to recover attorneys' fees at a rate of \$125.00 per hour.²⁹ The statute provides that the awarded attorneys' fees "shall be based upon prevailing market rates for the kind and quality of the services furnished." *Id.* EAJA also provides for an upward adjustment of the \$125.00 rate contained in the statute, based on cost-of-living increases. *See Sorenson v. Mink*, 239 F.3d 1140, 1147-49 (9th Cir. 2001). Appropriate cost-of-living increases are calculated by multiplying the \$125.00 statutory rate by the annual average consumer price index figure for all urban consumers ("CPI-U") for the years in which counsel's work was performed, and then dividing by the CPI-U figure for March 1996, the effective date of EAJA's \$125.00 statutory rate. *See Sorenson*, 239 F.3d at 1148.³⁰ That adjusted statutory rate is \$180.92 as of this filing,³¹ and well below the rates Austin Fire paid its attorneys (ranging from the \$295.00/hour discounted rate for Mr. Koretzky and Mr. Rose with 44 and 34 years, respectively, of labor and employment practice experience; \$145.00/hour to \$185.00/hour for associates with one to four years of experience, respectively; and \$75.00/hour for law clerks).³² Therefore,

²⁹ 5 U.S.C. § 504(b)(1)(A). The NLRB regulations have not been updated since the 1996 revision to § 504.

³⁰ The CPI-U does not accurately reflect appropriate cost of living increases because it does not account for increased energy or food costs, (<http://www.bls.gov/news.release/cpi.nr0.htm>) and does not reflect the prevailing market rates for the kind and quality of services provided by Respondent's counsel. *See* note 31, *infra*.

³¹ Average CPI-U from July 2010 through September 2012 was 225.3597. $225.3597 \times \$125.00 / 156.3 = \180.92 . *See* <ftp://ftp.bls.gov/pub/special.requests/cpi/cpiiai.txt> for CPI-U values from January 1913 through September 2012.

³² *See* Affidavit of I. Harold Koretzky (attached hereto as Exhibit B). Austin Fire intends to file a petition with the Board for rulemaking to increase this rate to those actually paid by Respondent, which are well within the prevailing market rates for the kind and quality of the services provided. *See e.g. Thompson v. Connick*, 553 F.3d 836, 868 (5th Cir. 2008), *rev'd on other grounds*, 131 S. Ct. 1350, 179 L. Ed. 2d 417 (2011) (approving hourly rates of \$202 to \$312 for experienced attorneys and \$67 to \$112 for paralegals as "at the upper range of what was reasonable in the" Eastern District of Louisiana from 2003 to 2007); *Cedotal v. Whitney Nat'l Bank*, No. 94-01397, 2010 U.S. Dist. LEXIS 139804 at *13 (E.D. La. Nov. 10, 2010), report & recommendation adopted as modified, 4 2011 U.S. Dist. LEXIS 4728 (E.D. La. Jan. 14, 2011) (awarding rates of \$315 for senior partners, \$250 for junior partners and \$150 for associates in 15-year-long ERISA litigation, based on current reasonable rate awards in this district); *Ranger Steel Servs., LP v. Orleans Materials & Equip., Co.*, No. 10-112, 2010 U.S. Dist. LEXIS 98146 (E.D. La. Aug. 27, 2010) (in breach of contract case, awarding rates of \$360 in 2009 and \$395 in 2010 for partner's work); *Hebert v. Rodriguez*, No. 08-5240, 2010 U.S. Dist. LEXIS 65830, (E.D. La. June 8, 2010), *aff'd*, 430 F. App'x 253 (5th Cir. 2011) (rejecting requested rate of \$350 and awarding \$300 per hour to "a seasoned civil rights attorney with over 33 years of experience"); *Braud v. Transp. Serv. Co.*, No. 05-1898, 2010 U.S. Dist. LEXIS 93433 (E.D. La. Aug. 17, 2010) (hourly rates of \$200 for attorney with 30 years of experience and \$75 for paralegal "are within the low end of the range of the market rate in this area and . . . are reasonable"); *Oreck Direct, LLC v. Dyson, Inc.*,

Austin Fire is entitled to recover \$178,647.84, the fair market value for attorneys' fees and expenses logged to date – “without regard to whether the individual [party] initially assumed the financial burdens of representation.” *Rodriguez*, 569 F.2d at 1245. Alternatively, Austin Fire is entitled to recover either \$150,448.59, the fair market value for attorneys' fees and expenses billed to date, or at the very least \$113,527.30, the attorneys' fees and expenses logged to date at the adjusted statutory rate of \$180.92.

The GC's continued *insistence* on a Section 9(a) relationship necessitated a two day hearing, and extensive pre and post-hearing briefing by Respondent, which unnecessarily increased the Respondent's attorneys' fees by \$127,134.09 since January 31, 2011 when the complaint issued.³³ Since the ALJ's Decision on November 29, 2011, the GC filed exceptions and cross-exceptions once again insisting on a Section 9(a) relationship,³⁴ which forced the Respondent to incur even more attorneys' fees by filing necessary responses and once again urging that the GC failed to meet its burden of proving a Section 9(a) relationship.³⁵ Throughout this action—from the complaint being issued—through the ALJ hearing and Board review, the GC's sole argument was that the Acknowledgment established a Section 9(a) relationship. The GC refused to engage in any settlement discussions prior to the June 23, 2011 hearing

No. 07-2744, 2009 U.S. Dist. LEXIS 53178, (E.D. La. June 8, 2009) (in case brought under the Lanham Act and Louisiana Unfair Trade Practices Act, when "the top rate for partner-level attorneys [in the New Orleans market] is between \$400 and \$450 per hour," awarding a single rate of \$400 for partners and associates "as more in line with local rates for similar services" than the requested rates for out-of-town counsel).

³³ See, e.g., 6/16/11 Pre-Hearing Brief of GC at p. 2 (“parties’ created a Section 9(a) relationship when Respondent signed the acknowledgment”); 8/4/11 Post-Hearing Brief of GC, at p. 23 (“[t]he Acknowledgment that Respondent signed on July 8, 2008, satisfied each element of the test set forth by the Board in Central Illinois”).

³⁴ See, e.g., 2/6/12 GC's Answering Brief to Exceptions, at p. 4 (“to [the] extent they assert the ALJ improperly found the Acknowledgment standing alone did not establish a Section 9(a) relationship between the parties”); 2/7/12 GC Cross Exceptions, at p. 1 (“to the ALJ's failure to find that based on current Board law as set forth in *Central Illinois Construction* the Parties' relationship was governed by 9(a) rather than Section 8(f) of the Act”).

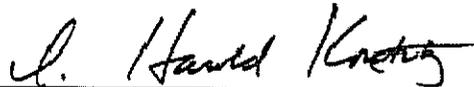
³⁵ See, e.g., 2/7/12 Respondent's Brief in Support of ALJ Decision.

commencement that did not include the GC's and Union's insistence of a Section 9(a) relationship.

IV. Conclusion

Austin Fire is the prevailing party in this action that resulted from the Acting General Counsel's pursuit of a Section 9(a) relationship. The Board found that the Acknowledgment, on its face, did not meet Section 9(a) requirements.³⁶ The Acting General Counsel ("GC"), therefore, was not substantially justified in pursuing this case since, as a matter of law, the Acknowledgment was incapable of supporting a Section 9(a) relationship. Alternatively, the GC was not substantially justified in pursuing this case while a nearly identical case (involving the same Union and Acknowledgment) was pending before the Board. Accordingly, Austin Fire respectfully requests that the Board award it \$178,647.84 logged to date, as well as all additional fees and expenses from this point forward under the Equal Access to Justice Act.

CARVER, DARDEN, KORETZKY, TESSIER,
FINN, BLOSSMAN & AREAUX



I. HAROLD KORETZKY, T.A. (LA #7842)
STEPHEN ROSE (LA #11460)
RUSSELL L. FOSTER (LA #26643)
SARAH E. STOGNER (LA #31636)
1100 Poydras Street, Suite 3100
New Orleans, Louisiana 70163-3100
Telephone: (504) 585-3802

ATTORNEYS FOR RESPONDENT
AUSTIN FIRE EQUIPMENT, LLC

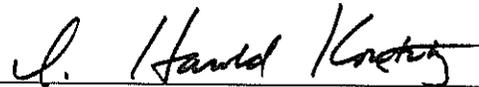
³⁶ *Austin Fire Equipment, LLC*, 359 NLRB No. 3, at 1 (9/28/12).

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Respondent's Application for Attorneys' Fees and Costs Pursuant to the Equal Access to Justice Act has been served via e-mail on the following this 26th day of October, 2012:

Caitlin Bergo
Kevin McClue
Region 15
National Labor Relations Board
600 South Maestri Place, 7th Floor
New Orleans, LA 70130-3413
Caitlin.Bergo@nrlb.gov
Kevin.McClue@nrlb.gov

Natalie C. Moffett
William W. Osborne, Jr.
OSBORNE LAW OFFICES, P.C.
4301 Connecticut Avenue, N.W.
Suite 108
Washington, D.C. 20008
(202) 243-3200 Phone
(202) 243-3207 Fax
bosborne@osbornelaw.com
nmoffett@osbornelaw.com



I. Harold Koretzky

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

AUSTIN FIRE EQUIPMENT, LLC	*	359 NLRB No. 3 (9/28/12)
Respondent	*	
and	*	JD (ATL) – 32-11 (11/29/11)
	*	
ROAD SPRINKLER FITTERS LOCAL	*	Case No. 15-CA-19697
UNION NO. 669, U.A., AFL-CIO	*	
Union	*	
	*	

VERIFICATION

I, I. Harold Koretzky, am an attorney representing Respondent, Austin Fire Equipment, LLC (“Austin Fire”) in this matter. I have prepared the foregoing Application for Attorneys’ Fees and Expenses and state under penalty of perjury that the statements therein are true and correct of my own personal knowledge or the best information available to me.

I have also prepared the attached exhibits to the Applications for Attorneys’ Fees and Expenses: Exhibit A is the Affidavit of Austin Fire owner Russell Ritchie, with a copy of Austin Fire’s 2011 Balance Sheet attached; Exhibit B is my Affidavit; Exhibit C is a copy of my firm’s invoices for this matter for the period August 2010 through September 2012 through October 25, 2012.

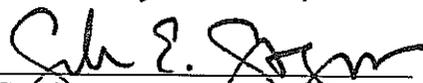
I state under penalty of perjury that Exhibits A-C are as I have stated herein and are all true and correct of my own personal knowledge and belief.

Executed on October 25, 2012, in New Orleans, Louisiana



I. Harold Koretzky

Sworn to and subscribed before me,
the 25th day of October, 2012



Sarah E. Stogner, Notary Public
My commission expires at death.

SARAH E. STOGNER
ATTORNEY NOTARY
State of Louisiana
My Commission Is Issued For Life
La. Bar Roll No. 31636

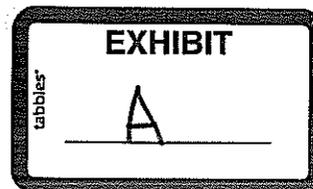
**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

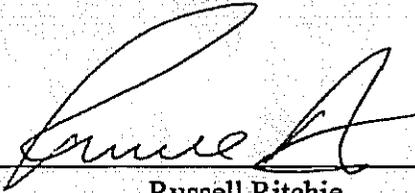
AUSTIN FIRE EQUIPMENT, LLC	*	359 NLRB No. 3 (9/28/12)
Respondent	*	
and	*	JD (ATL) – 32-11 (11/29/11)
	*	
ROAD SPRINKLER FITTERS LOCAL	*	Case No. 15-CA-19697
UNION NO. 669, U.A., AFL-CIO	*	
Union	*	
	*	

AFFIDAVIT OF RUSSELL RITCHIE

I, Russell Ritchie, P.E., being first duly sworn upon oath, depose and state that I am over eighteen (18) years of age, have personal knowledge of and am competent to testify to the following:

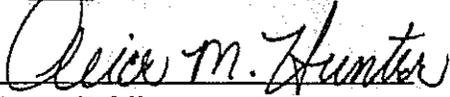
1. I am the President of Austin Fire Equipment, LLC, which is the Respondent in the above-captioned action.
2. As of January 31, 2011, Austin Fire had approximately 78 employees (including all persons who regularly perform services for remuneration for Austin Fire) and its net worth was significantly less than \$7 million.
3. Attached is a copy of Austin Fire's 2011 Balance Sheet, which provides detailed support that the net worth of Austin Fire did not exceed \$7 million when the complaint issued on January 31, 2011.





Russell Ritchie

Sworn to and subscribed before me,
the 26 day of October, 2012



Notary Public

My commission expires LIFE

ALICE M. HUNTER
NOTARY PUBLIC
LOUISIANA ID 53036
ASCENSION PARISH
COMMISSIONED FOR LIFE

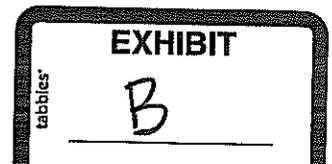
**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

AUSTIN FIRE EQUIPMENT, LLC	*	359 NLRB No. 3 (9/28/12)
Respondent	*	
and	*	JD (ATL) – 32-11 (11/29/11)
	*	
ROAD SPRINKLER FITTERS LOCAL	*	Case No. 15-CA-19697
UNION NO. 669, U.A., AFL-CIO	*	
Union	*	
	*	

AFFIDAVIT OF I. HAROLD KORETZKY

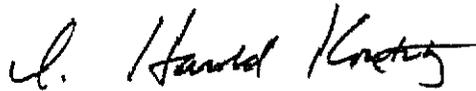
I, I. Harold Koretzky, being first duly sworn upon oath, depose and state that I am over eighteen (18) years of age, have personal knowledge of and am competent to testify to the following:

1. I am a founding partner at the law firm of Carver, Darden, Koretzky, Tessier, Finn, Blossman & Areaux, LLC.
2. I have been licensed to practice law since 1968 and have spent the past 44 years as a labor and employment attorney.
3. From 1968 to 1980 I was a field attorney, trial specialist, and supervisory attorney with the National Labor Relations Board in the 15th Region, with my last position as Deputy Assistant General Counsel in Operations-Management (D.C.).
4. My standard hourly rate is \$340.00/hour. Stephen Rose, an attorney at my firm with 34 years of labor and employment experience has a standard hourly rate of \$315.00/hour. The standard hourly rate for the firm's associates ranges from \$145.00/hour to \$195.00/hour. The standard hourly rate for the firm's law clerks is \$75.00/hour.
5. I am lead counsel for Austin Fire Equipment, LLC in the above-captioned action.



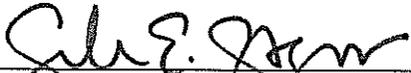
6. I discounted my rate and Stephen Rose's rate to \$295.00/hour in this action because Austin Fire is a small business entity and the legal fees were a significant financial burden on the company.
7. From July 2010 to October 25, 2012 a total of 627.5 attorney hours were worked on this action for \$178,647.84 in total market value of attorneys' fees and related expenses.
8. From July 2010 to October 25, 2012 I billed Austin Fire \$150,448.59 for attorneys' fees and related expenses.
9. I wrote off \$28,199.25 in attorneys' fees and related expenses from July 2010 to October 25, 2012 because Austin Fire was already so burdened by the costs associated with defending the unreasonable investigation and hearing in this litigation.
10. From July 2010 through January 2011, I represented Austin Fire in voluntarily and fully complying with numerous affidavit and other information requests of the 15th Region, which required Austin Fire to incur substantial attorneys' fees in responding to a seemingly endless "need" for additional information, all of which were supposedly necessary to satisfy the Acting General Counsel ("GC").
11. I communicated with the 15th Region on numerous occasions to ensure that the facts and Austin Fire's legal and financial position were clear. Throughout these proceedings, I requested ways to stop the piecemeal gathering of information by asking that Respondent be allowed to provide information in the most efficient, relevant, and meaningful ways in order to minimize Austin Fire's attorneys' fees.

12. From June 21-23, 2012, I had several communications with Advice, the Acting General Counsel's office, Operations Management and Counsel for the General Counsel (15th Region) in which I communicated Austin Fire's offer to settle on the basis of Austin Fire's recognition of a Section 8(f) relationship with the Union, and providing payments to the various benefit funds for the period February 4, 2010 through March 31, 2010. This settlement offer was summarily rejected, and I was informed by the 15th Region that no settlement would be considered unless it included the Respondent's recognition of a Section 9(a) relationship.



I. Harold Koretzky

Sworn to and subscribed before me,
the 25th day of October, 2012



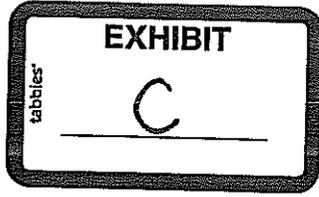
Sarah E. Stogner, Notary Public
My commission expires at death.

SARAH E. STOGNER
ATTORNEY NOTARY
State of Louisiana

4828-7754-6961-X-LS
My Commission is Issued For Life
La. Bar Roll No. 31636

2040.16875 Austin Fire/NLRB Matter

Statement #	Statement #	FEES	COSTS	TOTAL	
9/10/2010	107454	\$4,493.50	\$6.00	\$4,499.50	
10/12/2010	108464	\$7,876.50	\$715.50	\$8,092.00	
11/12/2010	109600	\$5,103.50	\$72.50	\$5,176.00	
11/29/2010	110440	\$2,743.50	\$1.00	\$2,744.50	
1/19/2011	111823	\$2,183.00	\$0.00	\$2,183.00	
2/15/2011	112550	\$619.50	\$0.00	\$619.50	
3/18/2011	113494	\$5,097.50	\$70.63	\$5,168.13	
4/12/2011	114261	\$767.00	\$0.00	\$767.00	
5/18/2011	115448	\$3,895.00	\$7.50	\$3,902.90	
6/28/2011	116567	\$3,068.00	\$4.80	\$3,072.80	
7/13/2011	117027	\$20,886.00	\$94.38	\$20,980.38	
8/12/2011	117937	\$22,656.00	\$935.40	\$23,591.40	
9/8/2011	118760	\$17,818.00	\$664.68	\$18,482.68	
10/31/2011	119887	\$13,929.50	\$230.50	\$14,160.00	
12/2/2011	121609	\$1,091.50	\$0.00	\$1,091.50	
1/17/2012	123110	\$4,366.00	\$0.00	\$4,366.00	
2/16/2012	123840	\$7,699.50	\$3.90	\$7,703.40	
3/15/2012	124686	\$8,078.50	\$0.00	\$8,078.50	
4/12/2012	125598	\$333.50	\$0.00	\$333.50	
10/26/2012	131657	\$15,434.00	\$1.90	\$15,435.90	
Grand Total 8/10 to date		\$148,139.50	\$2,309.09	\$150,448.59	
Grand Total 2/11 to date		\$125,120.00	\$2,014.09	\$127,134.09	
Written off		\$25,551.50	\$2,647.75	\$28,199.25	
# of HOURS				\$178,647.84	
Statement #	Harold Koretzky	Steve Rose	Russell Foster	Sarah Stogner	Mary O'Brien
107454	14.80				
108464	26.70				
109600	16.70				
110440	9.30				
111823	7.40				
112550	2.10				
113494	17.00		0.30		
114261	2.60				
115448	10.50		2.90		
116567	8.50	1.90			
117027	34.80	36.00			
117937	58.30	18.50			
118760	17.40	43.00			
119887	23.80	22.30			4.40
121609	2.20	1.50			
123110	11.30	3.50			
123840	8.90	17.20			
124686	14.90	11.60			\$1.80
125598	3.40	7.90			
131657	19.20	5.40		44.20	
Total Hours:	309.80	168.80	3.20	1.80	4.40
written off				44.20	
Total Hours:				95.3	
CPI-U adjusted rate				627.5	
				\$	180.92
					113,527.30



CARVER, DARDEN,
KORETZKY, TESSIER, FINN,
BLOSSMAN & AREAUX LLC

ENERGY CENTRE • 1100 POYDRAS ST. • SUITE 3100 • NEW ORLEANS, LA 70163
TELEPHONE (504) 585-3800 • FACSIMILE (504) 585-3801
FEDERAL TAX ID# 72-1259996

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
September 10, 2010
File No: 2040-16875M
Invoice No: 107454

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
08/04/2010	IHK	Conferences with client/consultant; communiques from/to consultant; communique to NLRB; receive, review client case materials; legal research materials review, analysis; issues analysis; NLRB charge response strategies, directions, analysis.	1.20 354.00
	FRM	Research on 8(f) v. 9(a), obligation to bargain (Original time entry 3.50 hours)	0.60 45.00
08/05/2010	IHK	Legal research materials review, analysis	0.90 265.50
	FRM	Research on section 8(f) and continuing obligation to bargain (Original time entry 1.70 hours)	0.50 37.50
08/06/2010	IHK	Receive, review union's amended NLRB charge; correspondence from/to NLRB; office conference with client; data, documents review, analysis; issues analysis; legal research materials review, analysis; response strategies, directions, analysis	1.90 560.50
	FRM	Printed, read and highlighted cases on Section 8(f) (Original time entry 3.00 hours)	0.60 45.00
08/09/2010	IHK	Communique to client; materials review, analysis	0.30 88.50
08/10/2010	IHK	Conference with client representative; communiques from/to client; materials review; response strategies	0.40 118.00
08/11/2010	IHK	Receive, review materials from client; communiques to/from client regarding information needs; issues analysis; materials review; response strategies; directions, analysis	0.90 265.50

Austin Fire Equipment, LLC

Page: 2
September 10, 2010
File No: 2040-16875M
Invoice No: 107454

NLRB Matter
Billing Atty: I. Harold Koretzky

08/13/2010	IHK	Union contribution materials review, analysis to determine work force composition	0.90	265.50
08/16/2010	IHK	Receive, review information requests from NLRB/multi-employer benefit funds; conference with NLRB supervisor; communiques to client; conference with client; issues analysis; communiques with tax benefit attorney; response strategies	0.90	265.50
08/17/2010	IHK	Communiques from/to client representative; materials review, analysis; draft NLRB submission materials; issues analysis; response, directions, analysis	1.90	560.50
08/18/2010	IHK	Records, data, documents review, analysis; legal research materials review, analysis; issues analysis; draft NLRB submission materials; position statement response strategies, directions; communiques from/to counsel	1.60	472.00
08/19/2010	IHK	Payroll records review, analysis; communique/materials to client	0.30	88.50
08/20/2010	IHK	Legal research materials review, analysis	0.60	177.00
08/26/2010	IHK	Communiques to NLRB; conference with NLRB investigator; communique to client; materials review; issues analysis; response strategies, directions, analysis	0.60	177.00
08/30/2010	IHK	Review, revise draft NLRB submission materials; case law review, analysis; communique to NLRB; issues analysis; response strategies, directions, analysis	1.20	354.00
08/31/2010	IHK	Communiqués to/from client; legal research materials review; issues analysis; response strategies, directions, analysis	1.20	354.00
		For Current Services Rendered	16.50	4,493.50
08/06/2010		Fax Charges.		1.00
08/18/2010		Westlaw research (Original entry \$375.00)		5.00
		Total Expenses		6.00

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
October 12, 2010
File No: 2040-16875M
Invoice No: 108464

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
09/01/2010	IHK	Communiqués from/to client representatives; materials to client; materials review, analysis; issues analysis; response strategies, directions (Original time entry .80 hour)	0.60 177.00
09/02/2010	IHK	Communiqués from/to client representatives; materials from client; materials review, analysis; issues analysis; response strategies, directions, analysis; legal analysis; document review; preparation of submission materials (Original time entry 2.40 hours)	1.90 560.50
09/03/2010	IHK	Communiqués from/to client representatives; conference with client/benefit tax attorney; materials review, analysis; issues analysis; NLRB submission strategies, directions, analysis (Original time entry 2.60 hours)	1.90 560.50
09/07/2010	IHK	Conference with client; communiqués from/to client representatives; materials receipt/review client; conference with NLRB; communiqué to benefits attorney; materials review, analysis; issues analysis; response strategies, directions; legal analysis; document review; revision of submission materials (original time 1.90 hours)	1.60 472.00
09/08/2010	IHK	Review, revise, finalize submission to NLRB; communiques to/conference with benefits attorney; conference with client; preparation of materials for benefits attorney; charge response to NLRB; materials review, analysis; issues analysis; response strategies, directions, analysis; legal analysis; document review (Original time entry 2.30 hours)	1.90 560.50
09/10/2010	IHK	Information requests from NLRB; responses to NLRB's additional information requests; communiqués to client/benefits counsel; issue analysis; response strategies, directions, analysis (Original time entry 1.40 hours)	1.20 354.00

NLRB Matter

Billing Atty: I. Harold Koretzky

		Hours	
09/13/2010	IHK	Legal research materials review, analysis; conferences with NLRB investigator/client; case materials review, analysis; NLRB information requests review, analysis; response strategies re NLRB's investigation; issues analysis; response strategies, directions (Original time entry 1.50 hours)	1.20 354.00
09/14/2010	IHK	Communiqués from/to NLRB investigator; communiqués to client; conference with client; legal issues analysis; investigative materials review, analysis; investigative/submission response strategies, directions, analysis (Original time entry 1.40 hours)	1.20 354.00
09/15/2010	IHK	Communiqué from NLRB; communiqué/status report to NLRB investigator; communiqué to client; legal research materials review, analysis; issues analysis; materials review (Original time entry 1.20 hours)	0.90 265.50
09/16/2010	IHK	Conference with client representatives; communiqué from NLRB; communiqués/materials from client; response strategies (Original time entry .80 hour)	0.60 177.00
09/17/2010	IHK	Communiqués from/to NLRB investigator; communiqués to/from client; review, analysis of documents from client; issues analysis; response strategies, directions, analysis (Original time entry 3.20 hours)	2.90 855.50
09/20/2010	IHK	Legal research materials review, analysis; communiqués to/from benefits counsel; communiqués from/to client; issues analysis; response strategies, directions; document review (Original time entry 1.40 hours)	1.20 354.00
09/21/2010	IHK	Communiqués from/to client; materials from client; document review; issues analysis; response strategies, directions (Original time entry .60 hour)	0.40 118.00
09/22/2010	IHK	Materials review, analysis; preparation for client meeting; communiqués from/to benefits counsel; document review, analysis; issues analysis; response strategies, directions, analysis (Original time entry 2.30 hours)	1.90 560.50

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
09/23/2010	IHK Site investigative meetings with client representatives; data, documents, materials review, analysis; preparation for client's interview with NLRB; receive, review draft letter from benefits attorney; issues analysis; NLRB response strategies, directions, analysis; communiqués from/to client representatives; communiqués/status reports to benefits attorney (original time 5.90 hours exclusive of travel time/expense).	4.90	1,445.50
09/24/2010	IHK Materials from client; issues analysis; legal research materials review, analysis; response strategies, directions, analysis (Original time entry 1.20 hours)	0.90	265.50
09/27/2010	IHK Communiques from/to client; documents review, analysis; communiqués from/to benefits attorney; issues analysis; legal research review, analysis; response strategies, directions (Original time entry 1.40 hours)	1.20	354.00
09/29/2010	IHK Communiques to/from client representatives; materials review (Original time entry .40 hour)	0.30	88.50
	For Current Services Rendered	----- 26.70	----- 7,876.50
09/08/2010	Fax Charges		2.50
09/26/2010	Photocopies (Original entry \$427.75)		213.75
	Total Expenses		----- 215.50

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
November 12, 2010
File No: 2040-16875M
Invoice No: 109600

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
10/01/2010	IHK	Legal research review, analysis; issues analysis; response strategies, directions, analysis; communiqué to client	1.40 413.00
10/04/2010	IHK	Communiqué/status report from client; materials review, analysis; issues analysis; response strategies, directions, analysis; statute review, analysis	0.60 177.00
10/06/2010	IHK	Materials review, analysis in preparation for NLRB affidavit of client; communiques to client; call to benefits attorney; review, revise employee lists (Original time entry 2.90 hours)	1.90 560.50
	IHK	Meeting with client in preparation for NLRB interview (Original time entry 1.0 hour)	0.90 265.50
	IHK	Participation in NLRB interview and affidavit of client; data, documents, materials review, analysis; issues analysis; review, revise, finalize affidavit (Original time entry 5.90 hours)	4.90 1,445.50
10/08/2010	IHK	Conference with client; communiqués from/to NLRB attorney; communiques to client; issues analysis; response strategies, directions, analysis; draft correspondence/requested dues deduction authorization forms to NLRB; document review	0.90 265.50
10/15/2010	IHK	Correspondence/documents to NLRB; communiqué/material to client	0.30 88.50
10/18/2010	IHK	Conferences with NLRB/client; communiques from/to NLRB; communiques to client; issues analysis; response strategies	0.60 177.00
10/19/2010	IHK	Conference with client; communiques from/to NLRB; materials review; communiques to client; issues analysis; response strategies, directions, analysis	0.40 118.00

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
10/20/2010	IHK	Communicues from/to NLRB investigator; communiques to client; conference with client; calls to witness; communiqué to witness; materials review; issues analysis; response strategies, directions	0.90 265.50
10/21/2010	IHK	Conferences with NLRB investigator/client; communiques to/from NLRB/client; supplemental submission/revise charts to NLRB/client; conference with NLRB official regarding status, handling of pending charge; calls to witness; materials review; issues analysis; response strategies, directions, analysis	1.90 560.50
10/22/2010	IHK	Conferences with NLRB investigator/client; communiques to/from NLRB/client; supplemental submission/revise charts to NLRB/client; conference with NLRB official regarding status, handling of pending charge; calls to witness; materials review; issues analysis; response strategies, directions, analysis	0.40 118.00
10/25/2010	IHK	Conferences with NLRB investigator/client; communiques to/from NLRB/client; supplemental submission/revise charts to NLRB/client; conference with NLRB official regarding status, handling of pending charge; calls to witness; materials review; issues analysis; response strategies, directions, analysis	0.90 265.50
10/26/2010	IHK	Correspondence/subpoena from NLRB; communiques from/to client representatives; materials to/from client	0.60 177.00
10/27/2010	IHK	Communiqué/material from client; communiqué/material to NLRB; materials review analysis; response strategies	0.30 88.50
10/29/2010	IHK	Communiqué/materials from client; communiques from/to NLRB; communiques to client	0.40 118.00
		For Current Services Rendered	----- 16.70 5,103.50
10/27/2010		Photocopies (Original entry \$145.00)	72.50
		Total Expenses	----- 72.50

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
November 29, 2010
File No: 2040-16875M
Invoice No: 110440

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

			Hours	
11/01/2010	IHK	Conferences with client/witness; communiqués/materials to witness; materials from client/to NLRB; communiqués to/from client; response strategies, directions	0.60	177.00
11/03/2010	IHK	Conferences with NLRB investigator/witness; communiqués to NLRB investigator; communiqués to client representatives; preparation for/participation in witness' affidavit; materials to client	1.90	560.50
11/04/2010	IHK	Communiqués from/to NLRB investigator; communiqués to/from client; issues analysis; response strategies, directions, analysis	0.30	88.50
11/05/2010	IHK	Communiqués to client/from NLRB; issues analysis; materials review; response strategies, directions	0.30	88.50
11/08/2010	IHK	Communiqué/materials to NLRB investigator; conference with NLRB investigator; issues analysis; response strategies, directions	0.30	88.50
11/09/2010	IHK	Communiqués from/to NLRB investigator; communiqués to/from client; issues analysis; materials review; response strategies	0.30	88.50
11/10/2010	IHK	Communiqués from/to NLRB investigator; communiqués from/to client; information from client; information to NLRB; status reports to NLRB/client; issues analysis; response strategies, directions, analysis	0.60	177.00
11/11/2010	IHK	Conference with/status report to client; issues analysis; response strategies, directions; materials review	0.30	88.50
11/15/2010	IHK	Information request from NLRB/to client; conference with client; issues analysis' response strategies, directions, analysis	0.40	118.00

NLRB Matter
 Billing Atty: I. Harold Koretzky

		Hours	
11/16/2010	IHK	Communicues from/to NLRB investigator; communiques to/from client; strategies, directions regarding response to outstanding NLRB information requests; issues analysis; response strategies, directions	0.60 177.00
11/17/2010	IHK	Communique/materials from client regarding pending NLRB inquiry; materials review; issues analysis; response strategies	0.40 118.00
11/18/2010	IHK	Communiques to/from client; materials from client regarding pending NLRB inquiries; materials review, analysis; issues analysis; response strategies, directions, analysis; communiqué/material to NLRB	0.80 236.00
11/19/2010	IHK	Communiques to client/NLRB; data, documents, materials review, analysis; strategies, directions, analysis regarding response to pending NLRB inquiries; issues analysis; response strategies, directions, analysis; status/investigative response reports to NLRB/client	1.80 531.00
11/22/2010	IHK	Communiques from/to NLRB; communiques to/from client; materials to NLRB; data, documents, materials review, analysis; strategies, directions regarding response to pending NLRB inquiries; issues analysis; response strategies, directions; investigative report to NLRB	0.40 118.00
11/23/2010	IHK	Communique/investigative response to NLRB; communique to client; materials review; issues analysis; response strategies	0.30 88.50
		For Current Services Rendered	----- 9.30 2,743.50
11/24/2010		Long Distance Tolls for the month of November	1.00
		Total Expenses	----- 1.00

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
January 19, 2011
File No: 2040-16875M
Invoice No: 111823

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
11/26/2010	IHK	Communicues from NLRB/to client; materials review, analysis; issues analysis; response strategies, directions, analysis; inquiries from NLRB; status reports to NLRB	1.20 354.00
11/29/2010	IHK	Communiues to/from NLRB; communiues to/from client; conferences with NLRB/client; draft responses to NLRB information requests	1.20 354.00
11/30/2010	IHK	Conference with client; communiues to/from client; communiqué/second amended unfair labo practice charge from NLRB; issues analysis; response strategies, direction, analysis	1.20 354.00
12/01/2010	IHK	Receive, review correspondence/amended charge from NLRB; communiqué/material to client; materials review; issues analysis; response strategies	0.30 88.50
12/03/2010	IHK	Status report to client; issues analysis; response strategies, directions, analysis	0.50 147.50
12/08/2010	IHK	Communiues to/from NLRB; communiues to/from client; issues analysis; materials review; response strategies	0.30 88.50
12/09/2010	IHK	Materials review, analysis in preparation for meeting with NLRB's Deputy Head of the Division of Advice	0.90 265.50
12/10/2010	IHK	Site meeting with NLRB's Deputy Director of the Division of Advice; status report to NLRB official; communiues to client; issues analysis; materials review; response strategies, directions, analysis	0.90 265.50
12/29/2010	IHK	Communiues from/to NLRB; case review, analysis; issues analysis; response strategies, directions, analysis	0.90 265.50
		For Current Services Rendered	7.40 2,183.00

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
February 15, 2011
File No: 2040-16875M
Invoice No: 112550

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
01/05/2011	IHK	Conference with NLRB investigator regarding status, handling of pending charge; issues analysis; response strategies, directions, analysis	0.50 147.50
01/06/2011	IHK	Calls to NLRB; conferences with client/union attorney; communiques to client/union attorney; strategies, directions regarding status, handling of pending charge; issues analysis; response strategies, directions	1.20 354.00
01/07/2011	IHK	Conference with NLRB official; materials review; issues analysis; response strategies	0.40 118.00

		For Current Services Rendered	2.10 619.50

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
March 18, 2011
File No: 2040-16875M
Invoice No: 113494

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

			Hours	
02/01/2011	IHK	Receive, review, analysis of NLRB's complaint; communicate to NLRB advice branch; communicate/filing/status report to client; issues analysis; response strategies, directions, analysis	0.80	236.00
02/02/2011	IHK	Call to/conference with NLRB attorney; communiques from/to NLRB advice branch; communiqué to client; issues analysis; response strategies, directions, analysis	0.40	118.00
02/04/2011	IHK	Communique to NLRB/union's counsel; communicate from client; preparation of motion; preparation of draft inserts for proposed answer	2.40	708.00
02/07/2011	IHK	Communiques from/to union's counsel; conference with NLRB attorney; communiques to client; motion strategies, directions, analysis	0.60	177.00
02/08/2011	IHK	Conferences with Region 15's Regional Director/NLRB Executive Secretary; review, revise, finalize filing; correspondence/filing to NLRB/union/client; issues analysis; litigation strategies, directions	0.90	265.50
02/10/2011	IHK	Review, revise draft answer; legal authorities review, analysis; issues analysis; materials review, analysis; data, documents, legal research materials review, analysis; litigation strategies, directions, analysis	3.90	1,150.50
02/11/2011	IHK	Legal research/data/documents review, analysis; review, revise draft answer; issues analysis; materials review, analysis; response strategies, directions; draft answer to client	3.80	1,121.00

NLRB Matter

Billing Atty: I. Harold Koretzky

		Hours	
02/14/2011	IHK	Conferences with NLRB/client; communiques to/from NLRB/union's counsel; legal research materials review, analysis; review, revise, finalize, file, serve answer; issues analysis; materials review, analysis; response strategies, directions, analysis	2.90 855.50
	RLF	Review and analysis of communiques/documents regarding issue with Equal Access to Justice Act; legal research regarding method of making such claim before NLRB; analysis regarding same for answer (Original time entry .40 hour)	0.30 82.50
02/15/2011	IHK	Communiques/filings to NLRB; research materials review; issues analysis; response strategies, directions	0.40 118.00
02/16/2011	IHK	Conference with client regarding status, handling of pending NLRB litigation; materials review; issues analysis; response strategies, directions, analysis	0.30 88.50
02/17/2011	IHK	Receive, review rescheduling order; communique/order to client; strategies, directions regarding status/handling of pending NLRB litigation; materials review; issues analysis; response strategies	0.30 88.50
02/21/2011	IHK	Communiques to/from client; materials review; issues analysis; litigation strategies, directions, analysis	0.30 88.50
		For Current Services Rendered	----- 17.30 5,097.50
02/08/2011		Fax Charges (Original entry \$3.50)	1.75
02/08/2011		Fax Charges (Original entry \$3.50)	1.75
02/24/2011		Photocopies (Original entry \$134.25)	67.13
		Total Expenses	----- 70.63

Austin Fire Equipment, LLC
 Russell Ritchie
 P.O. Box 411
 Prairieville LA 70769

April 12, 2011
 File No: 2040-16875M
 Invoice No: 114261

Attn: Russell Ritchie

NLRB Matter
 Billing Atty: I. Harold Koretzky

		Hours	
03/03/2011	IHK	Communique to/from client; communique/materials to NLRB; conference with NLRB; issues analysis; response strategies, directions, analysis	0.30 88.50
03/09/2011	IHK	Conference with client; materials review, analysis; issues analysis; response strategies, directions, analysis	0.40 118.00
03/14/2011	IHK	Communique from/to union's attorney; communique to client; materials review, analysis; issues analysis; response strategies, directions, analysis	0.40 118.00
03/17/2011	IHK	Communique from/to union's counsel; communique to/from client; issues analysis; litigation strategies, directions, analysis	0.30 88.50
03/18/2011	IHK	Conferences with union's attorney/client regarding status, handling of pending litigation	0.60 177.00
03/30/2011	IHK	Communique to union attorney/client; issues analysis; trial preparation; litigation strategies, directions, analysis	0.30 88.50
03/31/2011	IHK	Communique to/from client; issues analysis; trial preparation/litigation strategies, directions; materials review	0.30 88.50
		For Current Services Rendered	2.60 767.00

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
May 18, 2011
File No: 2040-16875M
Invoice No: 115448

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
04/01/2011	IHK	Communicues to/from client regarding status, handling of pending litigation; issues analysis; response strategies	0.30 88.50
04/04/2011	IHK	Preparation for/participating in witness interviews; post interviews conference with Russell; communiques to/from client regarding status, handling of pending litigation; issues analysis; response strategies	2.60 767.00
04/12/2011	IHK	Conferences with client; issues analysis; response strategies, directions, analysis; materials review; strategies, directions regarding status, handling of pending litigation matter	0.90 265.50
04/13/2011	IHK	Conference with client; communique to client; issues analysis; response strategies, directions; materials review; strategies, directions regarding status, handling of pending litigation	0.40 118.00
04/14/2011	IHK	Conference with client; communiques to/from client; subpoena from NLRB; communique/response to NLRB; issues analysis; response strategies, directions; materials review; strategies, directions regarding status, handling of pending litigation; draft settlement outline; settlement document to union/client	1.40 413.00
04/15/2011	IHK	Communiques from/to union attorney; communique to client; response strategies, directions, analysis; materials review, analysis; strategies, directions regarding status, handling of pending litigation	0.60 177.00
04/22/2011	IHK	Communique from union's attorney; communiques to/conference with client; response strategies, directions, analysis; communique/status report to union attorney/client	0.90 265.50

NLRB Matter

Billing Atty: I. Harold Koretzky

		Hours	
04/26/2011	IHK	Communiqués from/to NLRB ALJ's Division; conference with client; communiqués to/from client; receive, review, revise union's settlement proposal; issues analysis; response strategies, directions, analysis; communiqués from/to union's counsel	0.90 265.50
04/27/2011	IHK	Communiqués from/to client; communiqués from/ NLRB ALJ's Division; document review, analysis; issues analysis; response strategies, directions, analysis; communiqués from union's counsel/NLRB counsel; materials review	0.40 118.00
04/28/2011	IHK	Communiqués/materials from client; communiqué to client/union attorney; document review, analysis; issues analysis; response strategies, directions, analysis; materials review, analysis	0.90 265.50
04/29/2011	IHK	Review, revise draft motion to continue; communiqués to/from union's counsel/NLRB officials; conference with ALJ Division; communiqués from/to client; document review, analysis; issues analysis; response strategies, directions, analysis; materials review	1.20 354.00
	RLF	Review and analysis of documents and communiques regarding hearing; prepare materials for motion for continuance; review and analysis of regulations governing hearings/motions to continue; revise and finalize motion with exhibit for electronic filing (Original time entry 3.90 hours)	2.90 797.50
		For Current Services Rendered	----- 13.40 3,895.00
04/25/2011		Long Distance Tolls for the month of April	1.15
04/29/2011		Fax Charges (Original entry \$13.50)	6.75
		Total Expenses	----- 7.90

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
June 28, 2011
File No: 2040-16875M
Invoice No: 116567

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
05/02/2011	IHK	Conferences with client/NLRB Acting Regional Director; call to NLRB Associate General Counsel for Operations-Management; communiques from/to NLRB officials; receive, review Region 15's objections to continuance; status reports to NLRB/client; materials review, analysis; issues analysis; response strategies, directions, analysis	1.20 354.00
05/03/2011	IHK	Communiques to/from NLRB/union's counsel; conferences with NLRB/client; materials from client; receive, review order denying continuance; status reports to client/NLRB; materials review, analysis; issues analysis; response strategies, directions	1.20 354.00
05/04/2011	IHK	Communiques from/to NLRB/union's counsel; communiques to/from client; preparation/filing of joint motion for continuance; materials review, analysis; status reports to client; issues analysis; response strategies, directions, analysis	0.90 265.50
05/05/2011	IHK	Status reports to client; communiques from/to NLRB; receive, review ALJ's orders continuing hearing/cancelling attorney conference; materials review, analysis; issues analysis; response strategies, directions	0.90 265.50
05/20/2011	IHK	Review, revise draft settlement agreement outline; communiques to union's attorney/client; issues analysis; response strategies, directions, analysis	0.80 236.00
05/23/2011	IHK	Communiques from/to client; conference with client; communiques from/to union attorney; issues analysis; response strategies, directions, analysis; materials review, analysis	0.80 236.00

June 28, 2011

File No: 2040-16875M

Invoice No: 116567

NLRB Matter

Billing Atty: I. Harold Koretzky

		Hours	
05/24/2011	IHK Materials review, analysis; issues analysis; communiques to client; communiques to/from union's attorney; issues analysis; response strategies, directions, analysis; litigation strategies, directions, analysis	0.90	265.50
05/25/2011	IHK Communiques from/to client; issues analysis; settlement strategies, directions, analysis; litigation strategies, directions	0.30	88.50
05/26/2011	IHK Conferences with union's attorney/client; settlement proposal to union's attorney/client; issues analysis; response strategies, directions, analysis	1.20	354.00
05/27/2011	IHK Communiques from/to client; issues analysis; materials review; settlement strategies, directions, analysis	0.30	88.50
05/31/2011	SR Review of pleadings and correspondence; analysis of issues (Original time entry 2.00 hours)	1.90	560.50
	For Current Services Rendered	10.40	3,068.00
05/04/2011	Fax Charges (Original entry \$4.50)		2.25
05/26/2011	Long Distance Tolls for the month of May		2.55
	Total Expenses		4.80

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
July 13, 2011
File No: 2040-16875M
Invoice No: 117027

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

			Hours	
06/02/2011	IHK	Communiqués to/from counsel; communiques to client; communiques from/to NLRB Administrative Law Judge; conference with client	0.40	118.00
06/03/2011	IHK	Conferences with union's counsel/client regarding possible settlement; draft response to union's attorney; communiques from/to client; status reports to client	1.20	354.00
06/06/2011	IHK	Communiqué/document from client; communiqués to/from client; issues analysis; response strategies, directions, analysis	0.20	59.00
	IHK	Communiqués from/to client; conferences with union's attorney/client; communiqué from NLRB's attorney; status reports to client	0.90	265.50
06/07/2011	IHK	Communiqués from/to Administrative Law Judge/counsel; communique/status report to client; litigation strategies; issues analysis; response strategies	0.30	88.50
06/08/2011	IHK	Receive, review NLRB's subpoena; communiqués to/from client; materials review, analysis; status reports to client; litigation strategies; issues analysis; response strategies, directions, analysis; data, document review, analysis	0.90	265.50
	SR	Review and analysis of pleadings and documents (Original time entry 5.50 hours)	3.50	1,032.50
06/09/2011	IHK	Receive, review NLRB's proposed stipulation/documents; legal analysis; communiqués from/to client; materials review, analysis; status reports to client; litigation strategies, directions, analysis; issues analysis; response strategies, directions, analysis; data, document review; communiques from/to NLRB	1.90	560.50

NLRB Matter

Billing Atty: I. Harold Koretzky

		Hours	
	SR Legal research re: development of defenses; conference with I. Harold Koretzky to develop trial strategy (Original time entry 8.00 hours)	5.90	1,740.50
06/10/2011	IHK Trial preparation materials review, analysis; site interviews with employee witnesses; NLRB subpoena review with client representative; conference with client; issues analysis; response strategies, directions, analysis; conference with counsel (exclusive of travel time/expense).	3.90	1,150.50
	SR Review subpoenas, prepare Petition to Revoke; review stipulations and exhibits from NCRB; legal research re: repudiation 10(b) (Original time entry 6.50 hours)	4.50	1,327.50
06/11/2011	IHK Legal research materials review, analysis; trial materials preparation; documents review, analysis; litigation strategies, directions, analysis; communiques/filings to client; status report to client; issues analysis; pre-trial conference strategies, direction, analysis	2.90	855.50
06/12/2011	IHK Communiques/proposed stipulation of facts from NLRB; subpoena from union; case authority review, analysis; draft trial preparation materials; motion to quash NLRB/union subpoenas strategies, directions, analysis; issues analysis; response strategies, directions, analysis; case materials review, analysis	2.60	767.00
	SR Review and analyse case law and potential defenses (Original time entry 3.00 hours)	2.40	708.00
06/13/2011	IHK Preparation for/participation in pre-trial conference with NLRB judge; conference with counsel; communiques from/to NLRB; materials from NLRB; conferences with client/witnesses; draft, review, revise subpoena to union; correspondence to union; issues analysis; litigation strategies, directions, analysis	2.90	855.50
	SR Preparation for pre-trial conference; attendance at pre-trial conference; finalize subpoena to Union; review and analysis of proposed stipulations (Original time entry 8.50 hours)	6.40	1,888.00

Austin Fire Equipment, LLC

July 13, 2011

File No: 2040-16875M

Invoice No: 117027

NLRB Matter

Billing Atty: I. Harold Koretzky

		Hours	
06/14/2011	IHK	Site preparation of client for trial; conferences with witnesses; data, documents, stipulations of fact, and affidavits review, analysis; preparation of documents; materials review, analysis; subpoena to union; review proposed filings; issues analysis; litigation strategies, directions, analysis; communique/subpoena to union's counsel; review, revise draft subpoena (7.90 hours, exclusive of travel time/expense)	6.90 2,035.50
	SR	Preparation of amended answer, preparation of revised stipulations (Original time entry 5.50 hours)	3.50 1,032.50
06/15/2011	SR	Preparation of amended answer; telephone conference with R. Ritchie; legal research re: defense of fraud in the execution of an agreement; analysis of agreement documents; analysis of G & L Associated case (Original time entry 6.00 hours)	3.90 1,150.50
	IHK	Communiqués to/from client; materials to witness; communiqués to witness; review, revise draft amended answer; review, revise draft stipulation of facts; conference with client; witness interview notes review, revision; materials review, analysis; issues analysis; litigation strategies, directions, analysis; trial preparation materials review, analysis; data, documents, statements review, analysis; preparation of documents; litigation strategies, directions, analysis	2.90 855.50
06/16/2011	IHK	Review, revise, finalize petition to revoke union's subpoena/draft amended answer; receive, review NLRB's pre-hearing brief statement; site interviews of witnesses; data, document, exhibit review, analysis; call to witness; communique to witness; receive, review client materials; trial preparation; materials from witnesses; review draft stipulation of facts; witness interview notes review, revision; materials review, analysis; issues analysis; litigation strategies, directions, analysis; trial preparation materials review, analysis; data, documents, statements review, analysis; preparation of documents (original time 7.9 hours, exclusive of travel time/expense)	6.90 2,035.50

Austin Fire Equipment, LLC

Page: 4
July 13, 2011
File No: 2040-16875M
Invoice No: 117027

NLRB Matter
Billing Atty: I. Harold Koretzky

Hours

SR	Trial preparation; review and revisions to stipulations; research evidentiary issues; preparation of cross-examination (Original time entry 8.00 hours)	5.90	1,740.50
		-----	-----
	For Current Services Rendered	70.80	20,886.00

06/13/2011	Postage		18.30
06/14/2011	Postagé		1.08

	Total Expenses		19.38
06/13/2011	Fees for service of process. Tony Cacioppo #14930		75.00

	Total Advances		75.00

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

August 12, 2011
File No: 2040-16875M
Invoice No: 117937

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours
06/17/2011 SR	Preparation of cross-examination, review and analysis of Union pre-trial brief; review and analysis of General Counsel pre-trial brief; preparation of Company's pre-trial brief (Original time entry 5.00 hours)	4.40 1,298.00
IHK	Communiques to/from client; call to process server; conferences with NLRB officials; review, revise, finalize amended answer; review, revise draft stipulation of facts; correspondence to NLRB judges; receive, review union's pre-hearing brief; data, document, exhibits review, analysis; receive, review client materials; trial preparation materials review, analysis; witness interview notes review; materials review, analysis; issues analysis; litigation strategies, directions, analysis; trial preparation materials review, analysis; data, documents, statements review, analysis; document preparation	3.90 1,150.50
06/18/2011 SR	Conference/strategies regarding revisions to pre-trial brief (Original time entry 2.50 hours)	1.90 560.50
IHK	Conference with client; communiques to/from client; communiques from/to NLRB; review, revise draft stipulation of facts; receive, review client's pre-hearing brief; data, document, exhibits review, analysis; trial preparation materials review, analysis; witness interview notes review, revision; materials review, analysis; issues analysis; litigation strategies, directions, analysis; subpoenas review, analysis; data, documents, statements review, analysis; review, revise draft stipulation of facts; client document review; legal research materials review, analysis (Original time entry 11.90 hours)	7.90 2,330.50

NLRB Matter

Billing Atty: I. Harold Koretzky

		Hours
06/19/2011	IHK Communiques from/to client; materials review, analysis; finalize pre-hearing brief; preparation of trial outline materials; review, revise draft stipulation of facts; legal research materials review, analysis; data, document, exhibits review, analysis; witness interview notes review, revision; issues analysis; litigation strategies, directions, analysis; subpoenas review, analysis; preparation for pre-trial conference with Administrative Law Judge; data, documents, statements review, analysis; review, analysis of communications to/from NLRB; review, analysis of client information; materials to client; document review (Original time entry 9.90 hours)	6.90 2,035.50
06/20/2011	IHK Conference with NLRB official; communiques to/from counsel; preparation for/participation in pre-trial conference with judge; interviews of witnesses; document receipt/review, analysis; legal issues review, analysis; data, documents, exhibits, statements, materials review, analysis; finalize stipulation; preparation of trial outline materials; legal research materials review, analysis; witness notes review, revision; issues analysis; litigation strategies, directions, analysis; subpoenas review, analysis; service of documents on parties; subpoena preparation, service, handling (Original time entry 9.90 hours)	7.90 2,330.50
	SR Legal Research re: 10(b) barring evidence of 8(f); preliminary conference with ALJ; preparation for motion in limine (Original time entry 6.00 hours)	5.40 1,593.00
06/21/2011	IHK Communiques to/from NLRB; communiques from/to union attorneys; conference with/calls to NLRB officials; communiques to/from client representatives; materials from client; conferences with witnesses; preparation for trial; document receipt/review, analysis; legal issues review, analysis; data, documents, exhibits, statements, materials review, analysis; finalize stipulation; preparation of trial outline materials; legal research materials review, analysis; witness notes review, revision; issues analysis; litigation strategies, directions, analysis;	

NLRB Matter

Billing Atty: I. Harold Koretzky

		Hours	
	receive, review oppositions to petitions to revoke subpoenas; trial exhibit preparation (Original time entry 10.90 hours)	7.90	2,330.50
	SR Meeting with R. Ritchie; trial preparation; prepare response to position of B. Kearney (Original time entry 3.50 hours)	2.90	855.50
06/22/2011	IHK Preparation for trial; communiqués to/from NLRB; communiqués from/to union attorneys; conference with/calls to NLRB officials; communiqués to/from client representatives; materials from client; conferences with witnesses/client/counsel; document receipt/review, analysis; legal issues review, analysis; data, documents, exhibits, statements, materials review, analysis; finalize stipulation; preparation of trial outline materials; legal research materials review, analysis; witness notes review, revision; issues analysis; litigation strategies, directions, analysis; receive, review (Original time entry 4.50 hours)	2.90	855.50
	IHK Preparation in trial; preparation of witnesses; exhibit review (Original time entry 5.90 hours)	4.90	1,445.50
	IHK Post-trial preparation of materials/testimony (Original time entry 3.90 hours)	1.90	560.50
	SR Prepare for Motion in Limine argument; review of subpoenaed records from Union; appearance and representation at hearing (Original time entry 4.50 hours)	3.90	1,150.50
06/23/2011	IHK Pre-hearing preparation, participation in trial and post-trial analysis (Original time entry 11.90 hours)	7.90	2,330.50
06/24/2011	IHK Post-hearing outline of the briefing; record analysis (Original time entry 1.90 hours)	1.20	354.00
06/27/2011	IHK Exhibits, documents, materials review, analysis in preparation for post-hearing brief (Original time entry 1.20 hours)	0.90	265.50
06/28/2011	IHK Briefing materials review, analysis; issues analysis; briefing strategies, directions, analysis; documents/exhibits review;		

NLRB Matter

Billing Atty: I. Harold Koretzky

		Hours	
	preparation of briefing outline materials (Original time entry 1.90 hours)	1.20	354.00
06/29/2011	IHK Preparation of briefing outline; exhibits review, analysis; materials review, analysis; issues analysis; post-hearing briefing strategies, directions, analysis; documents review; communique to/from client (Original time entry 3.90 hours)	2.90	855.50
	For Current Services Rendered	76.80	22,656.00
06/20/2011	Fax Charges (Original entry \$4.50)		2.25
06/23/2011	Long Distance Tolls for the month of June		5.40
06/26/2011	Photocopies (Original entry \$1,006.75)		496.75
	Total Expenses		504.40
06/20/2011	Travel Expenses: Henry Fajardo #14959		75.00
06/20/2011	Travel Expenses: Brian K. Dupuy #14960		75.00
06/20/2011	Travel Expenses: Shannon Rogers #14961		75.00
06/20/2011	Travel Expenses: Bryan Harris #14962		75.00
06/20/2011	Travel Expenses: Karen Ritchie #14963		75.00
06/23/2011	Other chargeable expense: United Cabs		9.00
06/24/2011	Other chargeable expense: United Cabs		9.00
06/24/2011	Other chargeable expense: United Cabs		8.75
06/24/2011	Other chargeable expense: United Cabs		10.00
06/27/2011	Other chargeable expense: United Cabs		9.00
06/27/2011	Other chargeable expense: United Cabs		10.25
	Total Advances		431.00

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
September 08, 2011
File No: 2040-16875M
Invoice No: 118760

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
07/01/2011	IHK	Review, analysis of case authority for briefing; draft, review, revise briefing outline; issues analysis; response strategies, directions, analysis regarding status, handling of pending litigation (Original time entry 2.90 hours)	2.30 678.50
07/05/2011	IHK	Conferences with client/transcription service; communiqués from/to transcription service; briefing strategies, directions, analysis; issues analysis; response strategies, directions, analysis; materials review, analysis	1.20 354.00
	SR	Analysis of defenses for brief; conference with I. Harold Koretzky.	1.20 354.00
07/06/2011	SR	Review and analysis of trial evidence (Original time entry 4.50 hours)	3.90 1,150.50
07/07/2011	IHK	Review, analysis of trial transcript	1.90 560.50
07/08/2011	SR	Review and analysis of evidence (Original time entry 6.00 hours)	4.90 1,445.50
	IHK	Review, analysis of trial transcript	2.60 767.00
07/11/2011	IHK	Communiques from/to union attorney; communicate to client; briefing strategies, directions, analysis	0.30 88.50
	SR	Preparation of post-hearing brief (Original time entry 7.00 hours)	5.90 1,740.50
07/12/2011	IHK	Communiques from/to union attorney; communicate to client; briefing strategies, directions, analysis	0.40 118.00
	SR	Preparation of post-hearing brief (Original time entry 6.50 hours)	5.80 1,711.00

NLRB Matter

Billing Atty: I. Harold Koretzky

		Hours	
07/13/2011	IHK	Conference with ALJ division; receive, review correspondence from ALJ; communicate to client; briefing strategies, directions (Original time entry 2.80 hours)	2.40 708.00
	SR	Preparation of post-hearing brief (Original time entry 4.50 hours)	3.90 1,150.50
07/14/2011	IHK	Review, analysis of trial transcript testimony (Original time entry 2.90 hours)	2.80 826.00
07/15/2011	IHK	Transcript testimony review, analysis	2.90 855.50
	SR	Preparation of post-hearing brief (Original time entry 6.00 hours)	4.90 1,445.50
07/18/2011	IHK	Receive, review correspondence from benefits attorney; status report to benefits attorney/client; issues analysis; response strategies, directions, analysis regarding pending benefits audit (Original time entry .80 hour)	0.60 177.00
	SR	Preparation of post-hearing brief (Original time entry 5.50 hours)	4.80 1,416.00
07/19/2011	SR	Preparation of post-hearing brief (Original time entry 4.50 hours)	3.90 1,150.50
07/20/2011	SR	Preparation of post-hearing brief (Original time entry 4.00 hours)	3.80 1,121.00
		For Current Services Rendered	60.40 17,818.00
07/07/2011		Trial Transcripts I. Harold Koretzky - Transcript of NLRB hearing June 22-23, 2011.	664.68
		Total Advances	664.68

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
October 31, 2011
File No: 2040-16875M
Invoice No: 119887

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
07/21/2011	IHK	Conferences with benefits attorney/client; communique/materials to benefits attorney; issues analysis; briefing strategies, directions, analysis; litigation strategies, directions, analysis; materials review, analysis (original time 1.9 hrs)	1.50 442.50
	MAO	NLRB research (Original time entry 2.20 hours)	0.60 45.00
	MAO	NLRB research & memo (Original time entry 7.40 hours)	2.40 180.00
	SR	Preparation of post-hearing brief (Original time entry 4.50 hours)	3.90 1,150.50
07/22/2011	IHK	Correspondence/documents to benefits attorney; issues analysis; briefing strategies, directions, analysis; communique to benefits attorney/client; litigation strategies, directions, analysis; materials review, analysis (Original time entry .50 hour)	0.40 118.00
	SR	Preparation of post-hearing brief (Original time entry 8.00 hours)	6.90 2,035.50
07/23/2011	SR	Preparation of post-hearing brief (Original time entry 3.00 hours)	2.60 767.00
07/25/2011	IHK	Materials' review, analysis; issues analysis; briefing strategies, directions, analysis; litigation strategies, directions, analysis (Original time entry .40 hour)	0.30 88.50
	SR	Preparation of post-hearing brief (Original time entry 4.50 hours)	3.90 1,150.50
07/26/2011	IHK	Communique from/to client; conference with client; brief review, analysis; issues analysis; briefing strategies, directions,	

NLRB Matter

Billing Atty: I. Harold Koretzky

			Hours	
		analysis; litigation strategies, directions (Original time entry .40 hour)	0.30	88.50
07/27/2011	IHK	Draft brief review, revision; transcript review, analysis; issues analysis; briefing/litigation strategies, directions, analysis (Original time entry 2.50 hours)	1.90	560.50
07/28/2011	SR	Revisions to post-hearing brief (Original time entry 1.80 hours)	1.40	413.00
	IHK	Brief review, revision; transcript review, analysis; issues analysis; briefing/litigation strategies, directions (Original time entry 2.40 hours)	1.80	531.00
07/29/2011	IHK	Review, revise draft brief; transcript review, analysis; communicate/correspondence to client; issues analysis; briefing/litigation strategies, directions, analysis (Original time entry 3.40 hours)	2.90	855.50
08/01/2011	IHK	Draft brief review, revision; issues analysis; briefing/litigation strategies, directions, analysis (Original time entry 1.40 hours)	1.20	354.00
08/02/2011	IHK	Review, revise draft brief; issues analysis; briefing/litigation strategies, directions, analysis; communiques from/to client; communiques to/from benefits counsel (Original time entry 3.20 hours)	2.90	855.50
08/03/2011	MAO	Proof cite check, and KeyCite brief (Original time entry 3.50 hours)	1.40	105.00
	IHK	Review, revise draft brief; issues analysis; briefing/litigation strategies, directions, analysis; communiques from/to client; communiques to/from benefits counsel; conference with client; materials to client; receive, review benefits related correspondence (Original time entry 4.90 hours)	4.50	1,327.50
	SR	Review and analysis of exceptions filed in GL Associated; conference regarding brief (Original time entry 1.50 hours)	1.20	354.00
08/04/2011	IHK	Revise, finalize post-hearing brief to ALJ (NLRB); communiques/briefs from NLRB/Union;		

NLRB Matter
 Billing Atty: I. Harold Koretzky

		Hours	
	communiques/draft briefs to client; brief to benefits attorneys; legal issues analysis; briefing/litigation strategies, directions; legal research materials review, analysis; transcript review, analysis (Original time entry 5.90 hours)	4.90	1,445.50
SR	Review and finalize post-hearing brief; analysis of General counsel's brief; analysis of Unions brief; analysis and finalization of brief (Original time entry 3.00 hours)	2.40	708.00
08/05/2011	IHK Conference with client; review, analysis of NLRB/union briefs; legal issues analysis; briefing/litigation strategies, directions, analysis (Original time entry 1.40 hours)	1.20	354.00
		-----	-----
	For Current Services Rendered	50.50	13,929.50
07/21/2011	Westlaw research (Original entry \$849.00)		3.00
07/22/2011	Westlaw research (Original entry \$406.00)		2.00
07/26/2011	Long Distance Tolls for the month of July		7.60
07/27/2011	Photocopies (reduced rate of \$.10/copy)		201.20
08/03/2011	Westlaw research (Original entry \$445.00)		2.00
08/24/2011	Long Distance Tolls for the month of August		1.90
08/27/2011	Photocopies (reduced rate of \$.10/copy)		87.80

	Total Expenses		305.50
08/22/2011	Travel Expenses: Credit - Brian K. Dupuy 6/20/11 Invoice #117937, 8/12/11 Check #14960 Voided.		-75.00

	Total Credits for Advances		-75.00

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
December 02, 2011
File No: 2040-16875M
Invoice No: 121609

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
11/02/2011	IHK	Communicues from/to benefits counsel; communiques to/from NLRB regarding status of pending authority (Original time entry .40 hour)	0.30 88.50
11/30/2011	SR	Review and analyze Administrative Law Judge Decision.	1.50 442.50
	IHK	Receive, review decision of Administrative Law Judge; conference with client; communiques/status reports to client/benefits attorneys; communiques from/to NLRB; review Board's rules and regulations regarding the timing of exceptions; issues analysis; response strategies, directions, analysis	1.90 560.50
		For Current Services Rendered	3.70 1,091.50

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
January 17, 2012
File No: 2040-16875M
Invoice No: 123110

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
12/01/2011	IHK	Strategies, directions regarding exceptions to/brief in support of Administrative Law Judge's decision; materials review, analysis; issues analysis; briefing strategies, directions, analysis; decision review, analysis; review Board's rules and regulations regarding the filing of exceptions/brief in support; response strategies, directions, analysis	1.20 354.00
	SR	Review NLRB procedures for exceptions and cross exceptions; development of strategy	0.60 177.00
12/02/2011	IHK	Analysis of Administrative Law Judge decision in terms of possible exceptions; issues analysis; briefing strategies, directions, analysis; Board's rules and regulations review; response strategies, directions, analysis; communiques/status reports to benefits attorneys/client (Original time entry 2.30 hours)	1.90 560.50
12/05/2011	IHK	Call from/conference with NLRB compliance officer; communiques from/to benefits attorneys; communiques to/from client; receive, review order transferring case to NLRB (D.C.); issues analysis; briefing strategies, directions; Board's rules and regulations review; response strategies, directions (Original time entry 1.20 hours)	0.90 265.50
	SR	Conference regarding legal strategy.	0.40 118.00
12/06/2011	IHK	Communique/extension request by union; extension by NLRB; communique/ALJ decision to Fund by fund attorneys; communiques/status reports to benefits attorneys/client; receive, review order transferring case to NLRB (D.C.); issues analysis; briefing strategies, directions, analysis; litigation response strategies, directions, analysis (Original time entry 1.40 hours)	1.20 354.00

NLRB Matter

Billing Atty: I. Harold Koretzky

		Hours	
12/07/2011	IHK	Repudiation exceptions strategies, directions, analysis; communiques from/to client; communique from benefits attorney; briefing strategies, directions, analysis; litigation response strategies, directions; materials review, analysis (Original time entry 1.20 hours)	0.90 265.50
12/08/2011	IHK	Communiques from/to client; briefing materials review, analysis; repudiation exceptions strategies; briefing strategies, directions, analysis; litigation response strategies, directions, analysis; case materials review, analysis (Original time entry 1.90 hrs)	1.60 472.00
12/09/2011	IHK	Communiques to/from Association counsel; conferences with NLRB officials; cross-exceptions strategies, directions, analysis; communiques to/from client; briefing strategies, directions, analysis; litigation response strategies, directions, analysis; materials review, analysis; issues analysis (Original time entry 2.20 hours)	1.90 560.50
12/19/2011	IHK	Strategies, directions regarding status, handling of pending cross-exceptions; Board's rules and regulations review, analysis; issues analysis; decision review, analysis; materials review, revision	0.50 147.50
	SR	Analysis of ALJ decision; preparation of cross-exceptions; conference with I. Harold Koretzky.	2.00 590.00
12/20/2011	IHK	Draft cross-exceptions review; communique/draft filing to client	0.30 88.50
	SR	Revise cross-exceptions.	0.50 147.50
12/22/2011	IHK	Receive, review, revised draft supplemental benefits submission of client's benefits counsel; communique/status report to benefits counsel/client; issues analysis; benefits response/cross exception strategies, directions, analysis; materials review	0.90 265.50
		For Current Services Rendered	14.80 4,366.00

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
February 16, 2012
File No: 2040-16875M
Invoice No: 123840

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
01/03/2012	SR	Preparation of Brief In Support of Cross-Exceptions (Original time entry 6.50 hours)	5.60 1,652.00
01/05/2012	SR	Preparation of Brief in Support of Cross-Exception (Original time entry 5.20 hours)	4.40 1,298.00
01/10/2012	IHK	Draft correspondence review, analysis; issues analysis; communique from/to benefits attorney; draft motion for extension of time to file cross-exceptions/opposition brief; materials review; issues analysis; response strategies	0.90 265.50
01/11/2012	IHK	Conferences with Association official/client; issues analysis; briefing strategies, directions, analysis; materials review; response strategies, directions, analysis	0.90 265.50
	SR	Review and analyze Union's Exceptions and Brief; legal research of new cases cited in brief (Original time entry 2.50 hours)	1.80 531.00
01/12/2012	IHK	Call to/conference with NLRB's Executive Secretary's Office; file/serve motion for extension of time to file cross-exceptions; communique from/to NLRB trial attorney; draft motion for extension of time to file opposition brief to union's exceptions; issues analysis; briefing strategies, directions, analysis; materials review, analysis	0.90 265.50
01/13/2012	IHK	Communique from/to NLRB trial counsel; communique from/to union's counsel; communique to/from client; conference with NLRB's Executive Secretary's office; communique from/to benefits attorneys; revise/serve motion to extend time to file cross exceptions; file/serve motion to extend answering/opposition brief; receive/review orders granting extensions; issues analysis; materials review, analysis; response strategies, directions, analysis	1.20 354.00

NLRB Matter
 Billing Atty: I. Harold Koretzky

		Hours	
	SR	Preparation of Brief in Opposition to Unions' Exceptions. (Original time entry 6.00 hours)	5.40 1,593.00
01/18/2012	IHK	Communique from/to benefits attorney; communicate to client; conference with benefits counsel; review, revise draft brief to NLRB in support of cross exceptions; issues analysis; materials review, analysis; benefits response/briefing strategies, directions, analysis	1.20 354.00
01/20/2012	IHK	Conference with client; communique from/to client; communique from/to benefits attorneys; review, revise draft NLRB briefing; communique/status reports to client; issues analysis; materials review, analysis; benefits response strategies, directions; NLRB briefing strategies, directions, analysis	1.90 560.50
01/27/2012	IHK	Review, revise cross motion/brief in support; review ALJ decision; payroll data review, analysis; communique from/to client; employee list review; issues analysis; materials review, analysis; status reports to client; benefits audit response strategies (Original time entry 2.40 hours)	1.90 560.50
		For Current Services Rendered	26.10 7,699.50
01/23/2012		Long Distance Tolls for the month of January	3.90
		Total Expenses	3.90

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
March 15, 2012
File No: 2040-16875M
Invoice No: 124686

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
02/01/2012	SB	Analyze issues regarding repudiation of union agreement as to select group of employees (Original entry .30 hour)	0.00
	SB	Review and analyze the Barnabas case (Original time entry .90 hour)	0.00
	SB	Legal research for cases similar to Barnabas supporting our position that the decision not to apply the collective bargaining agreement to a class of employees constitutes a repudiation of the agreement; draft analysis of the applicable case law (Original time entry 4.10 hours)	1.80 261.00
02/02/2012	SB	Analyze repudiation issues and whether additional cases found in legal research would strengthen our position (Original time entry .40 hour)	0.00
	SB	Review and analyze the post-hearing brief and the ALJ's decision (Original time entry 2.50 hours)	0.00
	SB	Review and analyze applicable case law to determine if there are any additional arguments to be made to oppose the ALJ's repudiation decision (Original time entry 1.10 hours)	0.00
02/03/2012	IHK	Review, revise cross-exceptions and memorandum in support; briefing strategies, directions, analysis; review, analysis of ALJ decision; issues analysis; communique/status reports to client; communique from fund's attorney; communique from/to benefits counsel; benefits withdrawal liability arbitration strategies, directions, analysis; proposed client information for submission regarding pending audit	1.90 560.50
	SB	Review and analyze brief in support of exceptions (Original time entry .10 hour)	0.00

NLRB Matter

Billing Atty: I. Harold Koretzky

		Hours	
02/04/2012	IHK	Legal authority case law review, analysis; review/revise cross-exceptions and memorandum in support; briefing strategies, directions, analysis; review ALJ decision; issues analysis (Original time entry 2.90 hours)	2.40 708.00
02/06/2012	IHK	Conference with client; communiques from/to benefits counsel; review, revise cross-exception briefing; issues analysis; communique/briefing from NLRB; briefing strategies, directions, analysis; review, analysis of ALJ decision; communiques/status reports to client; benefits withdrawal liability arbitration strategies, directions, analysis; audit response strategies, directions, analysis (Original time entry 1.40 hours)	1.20 354.00
	SR	Review and analyze General Counsel's Response to Union's Exceptions (Original time entry .50 hour)	0.40 118.00
02/07/2012	IHK	Review, revise finalize, file, serve cross-exceptions and memorandum in support; communique/briefing from NLRB; communiques from/to benefits counsel; issues analysis; briefing strategies, directions, analysis; ALJ decision review, analysis; communiques/status reports to client; benefits withdrawal liability arbitration strategies, directions, analysis (Original time entry 2.40 hours)	1.90 560.50
02/08/2012	IHK	Filing of amended certification; receive, review union's request for extension of time; NLRB filings review; issues analysis; briefing strategies, directions; communique from benefits counsel; communique to client; ALJ decision review; benefits handling strategies, directions (Original time entry .80 hour)	0.60 177.00
	SR	Preparation of answering Brief to Union's Exceptions (Original time entry 4.00 hours)	3.60 1,062.00

NLRB Matter

Billing Atty: I. Harold Koretzky

		Hours	
02/09/2012	IHK	Conferences with NLRB Executive Secretary's office; communiques from/to benefits attorneys; briefing strategies, directions, analysis; issues analysis; response strategies, directions regarding pending NLRB/benefits issues (Original time entry .50 hour)	0.40 118.00
	SR	Preparation of Answering Brief to Union's Exceptions; review of recent cases (Original time entry 5.50 hours)	4.80 1,416.00
02/10/2012	IHK	Conferences with attorney for spouse/client; communiques from/to benefits attorneys; briefing strategies, directions, analysis; issues analysis; response strategies, directions regarding pending NLRB/benefits issues (Original time entry 1.20 hours)	0.90 265.50
02/14/2012	SR	Review of General Counsel's Cross-Exceptions; correspondence re: response (Original time entry 1.30 hours)	1.20 354.00
02/15/2012	IHK	Communiques from/to client; review, revise answering/opposition brief to union's exceptions; issues analysis; briefing strategies, directions, analysis re pending NLRB answering/opposition briefs (original time entry .90 hour, exclusive of travel time/expense)	0.60 177.00
02/16/2012	IHK	Reports from client; communiques from/to client/benefits attorney; review, revise answering/opposition brief to exceptions of union/NLRB; issues analysis; briefing strategies, directions, analysis re pending answering/opposition briefs to union/NLRB exceptions (Original time entry 1.40 hours)	1.20 354.00
	SR	Review and revise Brief in Opposition to Union's Exceptions; prepare brief In Opposition to General Counsel's Cross-Exceptions (Original time entry 1.80 hours)	1.60 472.00
02/17/2012	IHK	Review, revise draft answering/opposition briefs; briefing strategies, directions, analysis; issues analysis; legal issues review, analysis; communiques from/to client/benefits attorney (Original time entry 2.40 hours)	1.90 560.50

Austin Fire Equipment, LLC

Page: 4

March 15, 2012

File No: 2040-16875M

Invoice No: 124686

NLRB Matter

Billing Atty: I. Harold Koretzky

Hours

02/20/2012 IHK	Revise, finalize, file, serve answering/opposition briefs; briefing strategies, directions, analysis; issues analysis; legal issues review, analysis; communiques/briefing to client; communiques from benefits attorney; communicate to client re benefits audit (Original time entry 2.40 hours)	1.90	560.50
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	For Current Services Rendered	28.30	8,078.50

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
April 12, 2012
File No: 2040-16875M
Invoice No: 125598

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
03/07/2012	IHK	Communique/materials from client; communiques from/to benefits counsel; briefing from NLRB/Union; arbitration/briefing strategies, directions, analysis; issues analysis; materials review, analysis; response strategies, directions, analysis (Original time entry .80 hour)	0.60 177.00
	SR	Review and analysis of General Counsel's Opposition to Cross-Exceptions; review and analysis of Union's Opposition to Cross-Exception (Original time entry 1.20 hours)	0.90 265.50
03/08/2012	IHK	Briefing materials review, analysis; issues analysis; materials review, analysis; briefing strategies, directions, analysis (Original time entry .40 hour)	0.30 88.50
03/12/2012	SR	Preparation of Reply to General Counsel's Opposition to Cross-Exceptions; review of stipulations (Original time entry 3.50 hours)	3.40 1,003.00
03/13/2012	SR	Preparation of Reply Brief to General Counsel's Opposition to Cross-Exception (Original time entry 2.00 hours)	1.80 531.00
03/14/2012	SR	Review and revise Reply Brief to General Counsel's Opposition to Cross-Exceptions (Original time entry 2.00 hours)	1.80 531.00
03/16/2012	IHK	Communiques from/to benefits counsel; reply brief strategies, directions, analysis; issues analysis; materials review, analysis; arbitration strategies, directions, analysis; review, revise draft reply brief to NLRB (Original time entry .80 hour)	0.60 177.00
03/19/2012	IHK	Communiques from/to benefits counsel; reply brief review, analysis; briefing strategies, directions, analysis; issues analysis; materials review, analysis; arbitration strategies (Original time entry .40 hour)	0.30 88.50

Austin Fire Equipment, LLC

Page: 2

April 12, 2012

File No: 2040-16875M

Invoice No: 125598

NLRB Matter

Billing Atty: I. Harold Koretzky

Hours

03/21/2012 IHK	Review, revise, finalize, file, serve reply brief to NLRB; communiques from/to benefits counsel; communiques to client; issues analysis; briefing strategies, directions, analysis; materials review, analysis; arbitration strategies, directions (Original time entry 1.90 hours)	1.60	472.00
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	For Current Services Rendered	11.30	3,333.50

Austin Fire Equipment, LLC
Russell Ritchie
P.O. Box 411
Prairieville LA 70769

Page: 1
October 26, 2012
File No: 2040-16875M
Invoice No: 131657

Attn: Russell Ritchie

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
10/02/2012	IHK	Receive, review NLRB decision; communicate/ruling to client/benefits counsel; communiques from/to benefits counsel; issues analysis; response strategies, directions, analysis.	0.90 265.50
10/03/2012	IHK	NLRB decision receipt/review; status report to client/benefits counsel; conference with client; issues analysis; response strategies, directions.	0.90 265.50
10/04/2012	IHK	Communique to client; NLRB decision review; issues analysis; response strategies, directions, analysis.	0.40 118.00
10/05/2012	IHK	Strategies, directions regarding status, handling of pending NLRB matter; issues analysis; materials review; response strategies.	0.30 88.50
	SR	Review and analyze NLRB decision; analysis of possible appeal and remedy issues; response strategies	0.50 147.50
10/08/2012	IHK	Communiques from/to client; materials review, analysis; issues analysis; strategies, directions re status, handling of pending EAJA claim; response strategies, directions, analysis.	0.90 265.50
	SES	Preliminary research regarding requirements to recover attorneys' fees under Equal Access to Justice Act	4.10 758.50
10/09/2012	IHK	Communiques to/from client; materials review; issues analysis; strategies, directions re status, handling of pending EAJA claim; response strategies.	0.60 177.00
	SES	Research/review regarding recommendation for EAJA application	0.40 74.00

NLRB Matter
Billing Atty: I. Harold Koretzky

		Hours	
10/10/2012	IHK	Legal research review/analysis regarding eligibility for EAJA attorneys' fees.	1.20 354.00
10/13/2012	IHK	Materials review; issues analysis; strategies, directions regarding status, handling of pending EAJA claim; response strategies, directions, analysis	0.40 118.00
10/15/2012	IHK	Conference with NLRB compliance officer; status reports to client/benefits counsel; EAJA/appeal strategies, directions, analysis; issues analysis; response strategies, directions, analysis; communiques to/from client	0.90 265.50
	SES	Austin Fire attorney fee research under EAJA: timing, petition for review, finality requirement, and strategy for likelihood of success	2.80 518.00
10/16/2012	IHK	Communiques to/from NLRB's Executive Secretary's office; materials review, analysis; strategies, directions re status, handling of pending EAJA attorneys' fee application; filing strategies, directions, analysis; issues analysis; response strategies, directions, analysis; communiques to/from union's counsel; communiques to client.	1.20 354.00
	SES	Research timing, requirements for petition, NLRB ruling for final determination to start 30 day EAJA deadline and extension discussion regarding analysis of Union's request for extension to file motion for reconsideration	2.30 425.50
10/17/2012	IHK	Communiques from/to client; briefing materials review, analysis re pending EAJA attorneys' fee application; filing strategies, directions; issues analysis; response strategies; materials review, analysis.	0.90 265.50
10/18/2012	IHK	Communique/filing from union; call from/order from NLRB; briefing materials review, analysis re pending EAJA attorneys' fee application; filing strategies; issues analysis; response strategies; communique/filing to client.	0.80 236.00

NLRB Matter
Billing Atty: I. Harold Koretzky

			Hours	
10/19/2012	IHK	EAJA application materials review, analysis; communique to/from client; case law review, analysis; review, revise draft of briefing materials.	2.20	649.00
10/21/2012	SES	Researching EAJA requirements and begin drafting respondent's application for attorneys' fees and related expenses under EAJA	7.50	1,387.50
10/22/2012	IHK	Communique from/to client; financials from client; EAJA application materials review, analysis; case law review, analysis; review, revise draft of briefing materials (original time 2.4 hrs).	1.90	560.50
	SR	Analysis of strategy for attorneys' application	0.40	118.00
	SES	Drafting respondent's application for attorneys' fees and related expenses under EAJA	8.00	1,480.00
10/23/2012	IHK	EAJA application draft briefing materials review, revision; case law review, analysis; strategies, directions re status, handling of pending EAJA application (original time 2.3 hrs).	1.90	560.50
	SES	Finalizing draft of respondent's application for attorneys' fees and related expenses under EAJA	5.70	1,054.50
	SR	Review, analysis of arguments for prevailing under EAJA; EAJA filing strategies, analysis	1.50	442.50
10/24/2012	SES	Review/revise respondent's application for attorneys' fees and related expenses under EAJA	6.40	1,184.00
	IHK	EAJA application draft brief review, revision; review, analysis of attorneys' fees; case law review, analysis; strategies, directions regarding status, handling of pending EAJA application (Original time entry 2.40 hours)	1.90	560.50
	SR	Review and revise legal arguments in EAJA Application Brief.	3.00	885.00

Austin Fire Equipment, LLC

Page: 4
October 26, 2012
File No: 2040-16875M
Invoice No: 131657

NLRB Matter
Billing Atty: I. Harold Koretzky

10/25/2012	SES	Revising/reviewing/incorporating fee amounts and finalizing EAJA application	7.00	1,295.00
	IHK	Review, revise, finalize EAJA application draft brief; review, analysis of attorneys' fees; case law review, analysis; strategies, directions, analysis re status, handling of pending EAJA application (Original time entry 2.50 hours)	1.90	560.50
		For Current Services Rendered	68.80	15,434.00
<hr/>				
10/25/2012		Long Distance Tolls for the month of September		1.90
		Total Expenses		1.90

Grand Total 8/01/2010 to date \$ 150,448.59

Grand Total 2/01/2011 to date \$ 127,134.09