

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Washington, D.C.**

AMPERSAND PUBLISHING, LLC
D/B/A SANTA BARBARA NEWS-PRESS

and

Case No. 31-CA-29253

GRAPHIC COMMUNICATIONS
CONFERENCE, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS

**COUNSEL FOR THE ACTING GENERAL COUNSEL'S OPPOSITION TO
RESPONDENT'S MOTION FOR RECONSIDERATION**

On September 27, 2012, the National Labor Relations Board (“the Board”) found that Ampersand Publishing, LLC d/b/a Santa Barbara News-Press (“News-Press” or “Respondent”) violated Section 8(a)(1) of the National Labor Relations Act (“the Act”) by issuing subpoenas to current and former employees, prior to their testimony at a Board hearing, that request copies of the affidavits the employees submitted to the Board in an unfair labor practice investigation.¹ On October 25, 2012, Respondent filed a motion for reconsideration of the above decision. There being no extraordinary circumstances warranting reconsideration, the Board should dismiss Respondent’s motion.

Respondent’s motion for reconsideration is based solely on the validity of the President’s recess appointments of Board Members Richard F. Griffin, Jr. and Sharon Block. When confronted with such challenges, the Board has found that it is not appropriate for it to decide whether Presidential appointments are valid. Instead, the Board applies the well-settled “presumption of regularity support[ing] the official acts of

¹ *Ampersand Publishing, LLC*, 358 NLRB No. 155 (2012).

public officers in the absence of clear evidence to the contrary.” *Lutheran Home at Moorestown*, 334 NLRB 340, 341 (2001), citing *U.S. v. Chemical Foundation*, 272 U.S. 1, 14-15 (1926).

Accordingly, the validity of the President’s recess appointments is not grounds for reconsideration of the Board’s decision.

Conclusion

Based on the foregoing, Counsel for the Acting General Counsel requests that the Board deny Respondent’s motion for reconsideration.

Dated at Los Angeles, California, this 8th day of November, 2012.

A handwritten signature in black ink, appearing to read "Manriquez", written over a horizontal line.

Miguel A. Manriquez, Esq.
Counsel for the Acting General Counsel

Re: AMPERSAND PUBLISHING, LLC D/B/A SANTA BARBARA NEWS-PRESS
Case No.: 31-CA-29253

CERTIFICATE OF SERVICE

I hereby certify that I served the attached COUNSEL FOR THE ACTING GENERAL COUNSEL'S OPPOSITION TO RESPONDENT'S MOTION FOR RECONSIDERATION on the parties listed below, on the 8th day of November, 2012.

SERVED VIA E-FILING

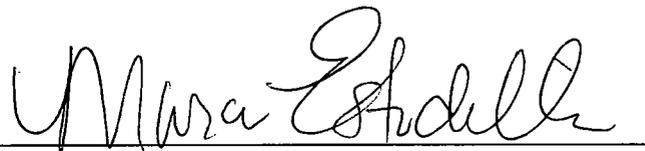
Lester A. Heltzer, Executive Secretary
Office of the Executive Secretary
National Labor Relations Board
www.nlr.gov

SERVED VIA E-MAIL

Michael Zinser, Esq.
The Zinser Law Firm
mzins@zinslaw.com

Glenn E. Plosa, Esq.
The Zinser Law Firm.
gplosa@zinslaw.com

Ira L. Gottlieb, Esq.
Bush, Gottlieb, Singer, Lopez, Kohanski, Adelstein & Dickinson
igottlieb@bushgottlieb.com



Mara Estudillo
Secretary to the Acting Regional Attorney
National Labor Relations Board
Region 31
11150 West Olympic Blvd., Suite 700
Los Angeles, CA 90064-1825