

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8**

MID-WEST TELEPHONE SERVICE, INC.

and

CASE

8-CA-38901

WILFREDO PLACERES, AN INDIVIDUAL

MID-WEST TELEPHONE SERVICE, INC.

and

CASE

8-CA-39168

DUSTIN PORTER, AN INDIVIDUAL

MID-WEST TELEPHONE SERVICE, INC.

and

CASES

8-CA-39297

8-CA-39388

BEN FANNIN, AN INDIVIDUAL

MID-WEST TELEPHONE SERVICE, INC.

and

CASE

8-CA-39334

MIKE WILLIAMS, AN INDIVIDUAL

**COUNSEL FOR THE ACTING GENERAL COUNSEL'S MOTION TO DISMISS
RESPONDENT'S APPLICATION FOR ATTORNEY FEES UNDER THE EQUAL
ACCESS TO JUSTICE ACT**

Pursuant to Section 102.150 of the Board's Rules and Regulations, the undersigned Counsel for the Acting General Counsel files this Motion to Dismiss Respondent's Application

for Attorney Fees, hereinafter Application, under the Equal Access to Justice Act, 5 U.S.C. §504 et seq., hereinafter, EAJA.

For the reasons fully set forth in Counsel for the Acting General Counsel's Brief in Support of Motion to Dismiss, Respondent's Application should be dismissed.

Respectfully submitted,

/s/Melanie R. Bordelois

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PROOF OF SERVICE

On November 15, 2012, Counsel for the Acting General Counsel's Motion to Dismiss was E-Filed on the Board's website, with a copy served on Respondent via electronic and regular U.S. mail at:

Hans Nilges, Esq.
6279 Frank Avenue, NW
North Canton, OH 44720
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Also on November 15, 2012, a copy of Counsel for the Acting General Counsel's Motion to Dismiss was sent via regular U.S. mail to the following:

Dustin Porter
1076 Tod Avenue NW
Warren, OH 44485

Ben Fannin
1101 South Street
Niles, OH 44446

Mike Williams
562 Stanton Avenue
Niles, Ohio 44446

Wilfredo Placeres
604 Whipple Avenue
Campbell, OH 44405

/s/ Melanie R. Bordelois
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National Labor Relations Board
Region 8