

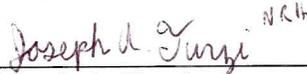


Further, the union's Exceptions provide virtually no explanation as to why the traditional remedies ordered by the ALJ would be inadequate to remedy the alleged ULPs and neglect to cite to any precedent in support of the union's requests. Instead, the union provides only conclusory statements that the NLRB's traditional notice-posting remedies are "inadequate" and "meaningless." The union simply has not provided an adequate justification for the NLRB to depart from its traditional remedies.

Finally, the union's request for extraordinary remedies is particularly inappropriate under these circumstances because, as ALJ Laws noted, "Fresh & Easy did not commit the unfair labor practices giving rise to these proceedings." *See* ALJD at p. 9. Rather, ALJ Laws found that Fresh & Easy was liable as a successor to Respondent 2 Sisters Food Group, Inc. Under such circumstances, it would be inequitable for the NLRB to grant the extraordinary remedies requested by the union.

For the foregoing reasons, Fresh & Easy respectfully requests that the NLRB reject the union's Exceptions.

Respectfully Submitted,

 <sup>NLRB</sup>

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**CERTIFICATE OF SERVICE**

I hereby certify that, on this 2nd day of January 2013, a copy of the foregoing Answering Brief was filed electronically and sent via electronic mail to the following:

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