

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

In the Matter of

VOITH INDUSTRIAL SERVICES, INC.

and

GENERAL DRIVERS, WAREHOUSEMEN &
HELPERS, LOCAL UNION NO. 89, AFFILIATED
WITH THE INTERNATIONAL BROTHERHOOD
OF TEAMSTERS

Cases 9-CA-075496
9-CA-078747
9-CA-082437

and

INTERNATIONAL UNION, UNITED AUTOMOBILE,
AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA, AFL-CIO

and

UNITED AUTOMOBILE, AEROSPACE AND
AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA, LOCAL UNION NO. 862, AFL-CIO

and

GENERAL DRIVERS, WAREHOUSEMEN &
HELPERS, LOCAL UNION NO. 89, AFFILIATED
WITH THE INTERNATIONAL BROTHERHOOD
OF TEAMSTERS

Cases 9-CB-075505
9-CB-082805

COUNSEL FOR THE ACTING GENERAL COUNSEL'S
OPPOSITION TO RESPONDENT VOITH'S SECOND REQUEST
FOR AN EXTENSION OF TIME TO FILE EXCEPTIONS AND
BRIEF IN SUPPORT OF EXCEPTIONS

Counsel for the Acting General Counsel hereby files this objection and opposition to Respondent Voith's Second Request for an Extension of Time to File Exceptions. There is simply no basis to grant Respondent Voith additional time to file exceptions in this matter. Any additional delay serves no purpose other than to prolong the harm suffered by hundreds of employees who are entitled to reinstatement and make whole remedies pursuant to the decision of

the Administrative Law Judge. Section 10(j) relief has been requested, and while the District Court dismissed the petition, the matter has been appealed to the United States 6th Circuit Court of Appeals. Accordingly, Counsel for the Acting General Counsel opposes Respondent Voith's second extension request in part to preserve the merits of the petition for injunctive relief and to preclude any argument that too much time has passed to warrant the relief sought. Additionally, Respondent Voith has had ample opportunity to explore settlement with the Region, but only recently has begun that process. Settlement efforts may still be undertaken while Respondent Voith files any exceptions that it intends to file. Moreover, while it will take some time to liquidate the total backpay amount; primarily because of the need to calculate and offset interim earnings, the parameters of an agreement could be agreed upon with little delay if Respondent Voith was truly interested in settlement of this matter at this juncture. Indeed, Respondent Voith has all of the necessary information at its disposal, save interim earnings information, to make an informed judgment regarding its probable liability within a narrow range, based on the decision of the Administrative Law Judge.

For these reasons, and because there is no good cause shown, Counsel for the Acting General Counsel hereby opposes Respondent Voith's request for a second extension and requests that the original extension date of February 11, 2013 be adhered to and that this second request be denied.

Dated at Cincinnati, Ohio this 5th day of February 2013.

Respectfully submitted,

/s/ Eric A. Taylor

/s/ Jonathan D. Duffey

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