

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

24 HOUR FITNESS USA, INC.)
)
 and) CASE NO. 20-CA-35419
)
 ALTON J. SANDERS, an individual.)
 _____)

**CHARGING PARTY ALTON SANDERS' AND INTERVENOR SEIU'S
CROSS-EXCEPTION
TO THE ADMINISTRATIVE LAW JUDGE'S DECISION**

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**CHARGING PARTY ALTON SANDERS' AND INTERVENOR SEIU'S
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Pursuant to the National Labor Relations Board's Rules and Regulations, including Section 102.46 thereof, Charging Party Alton J. Sanders and Intervenor SEIU respectfully file the following Cross-Exceptions to the Administrative Law Judge's Decision issued by Administrative Law Judge William Schmidt (hereinafter "the ALJ") on November 6, 2012.

| No. | Page | Exception |
|------------|-------------|--|
| 1 | 13:36-39 | Delete "On this latter score, Respondent correctly argues that there is no evidence of interference, restraint, or coercion that brought about the Charging Party's or any other employee's voluntary decision at the beginning of their employment to forego participation in class or collective actions." |

Dated: February 7, 2013

Respectfully submitted,

MICHAEL RUBIN
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JUDITH A. SCOTT
Service Employees International Union

CLIFF PALEFSKY
McGuinn, Hillsman & Palefsky

by: /s/Michael Rubin
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Attorneys for Intervenor Service
Employees International Union

by: /s/Cliff Palefsky
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Attorney for Charging Party
Alton J. Sanders

PROOF OF SERVICE

CASE: 24 Hour Fitness USA, Inc.

CASE NO: 20-CA-35419

I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within action; my business address is 177 Post Street, Suite 300, San Francisco, California 94108. On February 7, 2013, I served the following document(s):

**CHARGING PARTY ALTON SANDERS' AND INTERVENOR SEIU'S
CROSS-EXCEPTION
TO THE ADMINISTRATIVE LAW JUDGE'S DECISION**

on the parties, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below for service as designated below:

- (A) By First Class Mail: I placed the envelope, sealed and with first-class postage fully prepaid, for collection and mailing following our ordinary business practices. I am readily familiar with the practice of Altshuler Berzon LLP for the collection and processing of correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Mail Postal Service in San Francisco, California, for collection and mailing to the office of the addressee on the date shown herein.
- (B) By Email: I caused such document(s) to be served via electronic mail on the parties in this action by transmitting true and correct copies to the following email address(es):

| TYPE OF SERVICE | ADDRESSEE | PARTY |
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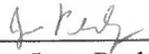
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I declare under penalty of perjury that the foregoing is true and correct. Executed this
February 7, 2013, at San Francisco, California.



Jean Perley