PAUL
HASTINGS

Atlanta
Beijing
Brussels
Chicago
Frankfurt
Hong Kong
London
Los Angeles
Milan
New York
Orange County
Palo Alto
Paris
San Diego
San Francisco
Shanghai
Tokyo
Washington, DC

(212) 318-6315
zacharyfasman@paulhastings.com

February 19, 2013 29247.00009

VIA HAND DELIVERY AND E-FILE

Gary Shinners
Acting Executive Secretary
National Labor Relations Board
1099 14th St. N.W.
Washington, D.C. 20570

Re: *CNN America, Inc. and Team Video Services*,
Case Nos. 5-CA-31828 & 5-CA-33125 (formerly 2-CA-36129)

Dear Mr. Shinners:

We are counsel for CNN America in the above-referenced cases, and write to supplement our January 30, 2013 letter regarding the D.C. Circuit's recent decision in *Noel Canning v. National Labor Relations Board*, ___ F.3d ___ (January 25, 2013), as well as the United States Supreme Court's decision in *New Process Steel, L.P. v. National Labor Relations Board*, 130 S. Ct. 2635 (2010). These two cases raise important implications for this case, and CNN respectfully requests the right to address their implications in a full brief.[1]

The Board, then consisting of Members Liebman and Schaumber, granted three requests for Special Permission to Appeal during the lengthy hearing in this case. CNN argued in Exceptions 120 and 126 of its Exceptions, and in Footnote 175 in its brief in support of those Exceptions, that the Board did not have authority to render those decisions, under the reasoning subsequently adopted by the Supreme Court in *New Process Steel*. These invalid decisions had a substantial impact upon the trial of this case. Moreover, in light of *Noel Canning*, CNN submits that the Board currently has no authority to render a decision in this matter, and may not rely upon any rulings rendered after August 27, 2011, the last time the Board was properly constituted as envisioned in that ruling.

CNN again suggests that the parties should be allowed to file supplemental briefs concerning the implications of these decisions, prior to any Board ruling. CNN does not, by submitting this supplemental authority or requesting the opportunity to file a

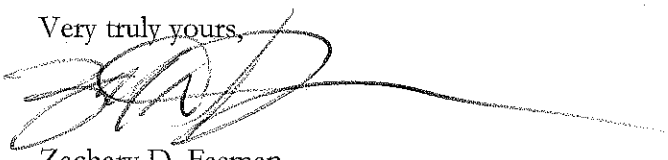
[1] CNN submitted a Motion to this effect on February 13. 2013, and appends that Motion to this letter.

PAUL
HASTINGS

supplemental brief, concede that the Board as presently constituted is empowered to enter any decisions in light of *Noel Canning v NLRB*.

Thank you for your consideration of our request.

Very truly yours,



Zachary D. Fasman
of PAUL HASTINGS, LLP

cc: See Attached Affidavit of Service

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CNN AMERICA, INC. AND TEAM VIDEO SERVICES, LLC,

And

Case No. 5-CA-31828

NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES & TECHNICIANS, COMMUNICATIONS WORKERS OF AMERICAN, LOCAL 31, AFL-CIO,

And

CNN AMERICA, INC. AND TEAM VIDEO SERVICES, LLC,

And

Case No. 5-CA-33125
(formerly 2-CA-36129)

NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES & TECHNICIANS, COMMUNICATIONS WORKERS OF AMERICAN, LOCAL 11, AFL-CIO.

CNN AMERICA, INC.'S MOTION FOR LEAVE TO AMEND ITS EXCEPTIONS

I. INTRODUCTION

CNN filed its exceptions to Administrative Law Judge Arthur J. Amchan's Decision in this case on February 17, 2009. CNN's Exceptions and Brief in Support of Exceptions set forth in comprehensive detail CNN's position. The Board has issued no decision on CNN's Exceptions. During the intervening years since CNN filed its Exceptions, the United States Supreme Court decided *New Process Steel, L.P. v NLRB*, 130 S. Ct. 2635 (2010) and the United States Circuit Court of Appeal for the District of Columbia decided *Noel Canning v. NLRB*, No. 12-1115, slip. op. (D.C. Cir. Jan. 25, 2013). Both of these cases have significant implications in this case. CNN, therefore, moves for leave to amend its Exceptions and requests oral argument and/or briefing on the impact of *New Process Steel* and *Noel Canning* in this case.[1]

II. RECENT COURT CASES SHOULD ENABLE CNN TO AMEND ITS EXCEPTIONS AND BRIEF THE IMPLICATIONS TO THIS CASE

A. The Board Did not Have a Quorum When it Ruled on CNN's Interlocutory Appeals.

During the trial of this case, CNN filed several requests for special permission to appeal evidentiary rulings by Judge Amchan. One involved Judge Amchan's ruling that CNN produce to him documents listed on CNN's privilege log for *in camera* inspection. The Board, consisting of only two members – Peter Schaumber and Wilma Liebman – accepted CNN's request for permission to appeal but denied CNN's appeal on the merits, ordering CNN to produce the documents for *in camera* inspection. *See CNN America, Inc.*, 352 N.L.R.B. 448 (2008). Another request involved Judge Amchan's ruling that CNN produce documents protected by the reporter's privilege. The Board, again consisting of only two members – Peter Schaumber and Wilma

[1] In making this Motion, CNN does not concede that the Board's lack of a quorum is not raised in the exceptions it previously filed. *See* CNN Exceptions No. 120, 126. Moreover, in making this Motion, CNN does not concede that the Board as presently constituted is empowered to enter any decisions in light of *Noel Canning v NLRB*, and as explained below submits that the NLRB has been acting without a quorum since August 27, 2011.

Liebman – granted permission to appeal but ruled against CNN on the merits as well. *See CNN America, Inc.*, 352 N.L.R.B. 675 (2008). CNN argued in its Exceptions to Judge Amchan's Decision that these Board rulings were not issued by a quorum of a properly constituted three-member panel. *See* CNN's Exceptions to Administrative Law Judge Arthur J. Amchan's Decision at 327 (Exception No. 120) and 328 (No. 126).

On June 17, 2010, the United States Supreme Court ruled in *New Process Steel, L.P. v. National Labor Relations Board*, 130 S. Ct. 2635 (2010), that the nearly 600 decisions made by the two-member Board from January 2008 to March 2010 were invalid because the Board lacked a proper quorum. Such a definitive answer from the Supreme Court of the United States on the very issue raised by CNN in its Exceptions constitutes an extraordinary circumstance warranting an amendment to CNN's Exceptions and additional briefing.

Immediately following the issuance of the decision in *New Process Steel*, on June 28, 2010, CNN specifically requested in a letter addressed to the Board's Associate Executive Secretary the opportunity to brief the impact of the Supreme Court's decision in this case. That request was opposed and eventually denied.[2] Given the importance of the Supreme Court's decision in *New Process Steel* and its implications on this case, CNN respectfully and now formally renews its request to brief that issue and its implications on this case as well as the right to amend its exceptions to Judge Amchan's Decision.

B. Pursuant to the D.C. Circuit's Decision in *Noel Canning*, The Board Lacks a Quorum and Cannot Act.

On January 25, 2013, the D.C. Circuit Court Appeals, in *Noel Canning v. National Labor Relations Board*, __ F.3d __, 2013 WL 276024 (D.C. Cir. January 25, 2013), held that President Obama's "recess" appointments of Members Block, Griffin and Flynn to the Board were

[2] A copy of the June 28, 2010 letter is attached hereto as Exhibit A.

unconstitutional. The D.C. Circuit Court of Appeals determined, in the *Noel Canning* case, that none of the three recess appointments was valid and thus, under *New Process Steel*, the Board lacked a quorum and its decision in *Noel Canning* was void.

Again, immediately after issuance of the D.C. Circuit's decision in *Noel Canning*, on January 30, 2013, CNN sent a letter to the Board's Acting Executive Secretary requesting permission to brief the issues raised in both *Noel Canning* and *New Process Steel*, as well as the inevitable implications of those decisions on this case.[3] While CNN has not yet received a response, the implications of these two decisions on this case compels CNN to preserve all its rights regarding the impact of these issues on its exceptions to Judge Amchan's ruling below.

Additionally, given the decision in *Noel Canning v NLRB*, CNN submits that the Board cannot rely on any decision rendered since August 27, 2011, as those decisions, under the reasoning in *Noel-Canning* and *New Process Steel*, are ultra vires because they were not issued by the Board with a lawful quorum. CNN further submits that in light of these precedents, the Board has been acting without a quorum since August 27, 2011 may not issue any further decisions until a lawful quorum is assembled. Submission of this motion is not intended to and should not be construed as a waiver of any objection to any action by the Board conducted without a quorum under the standards established in *Noel Canning* and *New Process Steel*.

III. CONCLUSION

For the reasons stated above and in the extraordinary circumstances that have occurred, CNN respectfully requests the right to file the attached Amended Exceptions[4] and the opportunity to brief the implications to this case raised in the decisions in *New Process Steel* and *Noel Canning*.

---

[3] A copy of the January 13, 2013 letter is attached hereto as Exhibit B.

[4] CNN's proposed amendments to its exceptions are attached hereto as Exhibit C.

DATED: February 13, 2013.

Respectfully submitted,

PAUL HASTINGS LLP

Zachary D. Fasman, Esq.
75 E. 55th Street
New York, NY 10022
(212) 318-6000

Kenneth M. Willner, Esq.
875 15th Street, N.W.
Washington, D.C. 20005
(202) 551-1700

Todd C. Duffield, Esq.
75 E. 55th Street
New York, NY 10022
(212) 318-6000

Lisa H. Reeves
Turner Broadcasting System, Inc.
One CNN Center
Atlanta, GA 30303

COUNSEL FOR RESPONDENT CNN AMERICA, INC.

EXHIBIT A

PaulHastings

Paul, Hastings, Janofsky & Walker LLP
Park Avenue Tower
75 East 55th Street
First Floor
New York, NY 10022
telephone 212-318-6000 • facsimile 212-319-4090 • www.paulhastings.com

Atlanta
Beijing
Brussels
Chicago
Frankfurt
Hong Kong
London
Los Angeles
Milan
New York
Orange County
Palo Alto
Paris
San Diego
San Francisco
Shanghai
Tokyo
Washington, DC

(212) 318-6315
zacharyfastman@paulhastings.com

June 28, 2010

29247.00009

VIA HAND DELIVERY AND E-FILE

Henry S. Breiteneicher
Associate Executive Secretary
National Labor Relations Board
1099 14th St. N.W.
Washington, D.C. 20570

Re: *CNN America, Inc. and Team Video Services,*
Case Nos. 5-CA-31828 & 5-CA-33125 (formerly 2-CA-36129)

Dear Mr. Breiteneicher:

We are counsel for CNN America in the above-referenced cases. We write with regards to the recent United States Supreme Court decision, *New Process Steel, L.P. v. National Labor Relations Board*, 560 U.S. ___ (June 17, 2010). As the National Labor Relations Board ("the Board") is aware, the Supreme Court in *New Process Steel* held that any decision issued by Members Liebman and Shaumber as a two-member Board, during the period of January 1, 2008 through March 27, 2010, was invalid and without authority.

Given the holding in *New Process Steel*, CNN hereby requests permission to brief the impact of this decision on the CNN matter currently pending at the Board. Moreover, to the extent the Board intends to revisit any of the issues decided by the two-member Board in the CNN matter, CNN requests the right to brief specifically any of those issues before the Board renders a decision.

Please be advised that CNN has informed the Court in a related enforcement action, *National Labor Relations Board v. CNN America, Inc.*, 08 CV M18-304 (S.D.N.Y., filed June 26, 2008), that the Board decision the General Counsel seeks to enforce (352 NLRB No. 64) in that matter is null and void and that the enforcement action should be dismissed.

Thank you for your consideration of our request.

Very truly yours,

Zachary D. Fasman / by Kathleen with permission

Zachary D. Fasman
of PAUL, HASTINGS, JANOFSKY & WALKER LLP

cc: See Attached Affidavit of Service

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CNN AMERICA, INC. AND TEAM VIDEO SERVICES, LLC,
JOINT EMPLOYERS

and

Case 5-CA-31828

NATIONAL ASSOCIATION OF BROADCAST
EMPLOYEES & TECHNICIANS, COMMUNICATIONS
WORKERS OF AMERICA, LOCAL 31, AFL-CIO

and

CNN AMERICA, INC. AND TEAM VIDEO SERVICES, LLC,
JOINT EMPLOYERS

and

Case 5-CA-33125
(formerly 2-CA-
36129)

NATIONAL ASSOCIATION OF BROADCAST
EMPLOYEES & TECHNICIANS, COMMUNICATIONS
WORKERS OF AMERICA, LOCAL 11, AFL-CIO

AFFIDAVIT OF SERVICE

Eric Engberg, being duly sworn, deposes and says as follows:

1. I am over 18 years of age, am not a party to this proceeding, and am employed by the law firm of Paul, Hastings, Janofsky & Walker LLP, 875 15th Street, N.W., Washington, D.C. 20005.

2. On the 28th day of June, 2010, I filed, by hand-delivery and electronic means, an original and eight copies of CNN America, Inc.'s Letter requesting additional briefing in light of the United States Supreme Court's decision in *New Process Steel*, with Henry S. Breiteneicher, Associate Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570.

3. On the 28th day of June, 2010, I served one true and correct copy of CNN America, Inc.'s Letter requesting additional briefing in light of the United States Supreme Court's decision in *New Process Steel*, by overnight delivery on the following and notified the same by telephone at the numbers below:

Gregory Beatty, Esq.
National Labor Relations Board
103 S. Gay Street, 8th Floor
Baltimore, MD 21202-4061
(410) 962-0179

Dorothy C. Foley, Esq.
Allen Rose, Esq.
National Labor Relations Board
Region 2 – New York Resident Office
26 Federal Plaza – Room 3614
New York, NY 10278
(212) 264-0300

Peter Chatilovicz, Esq.
Seyfarth Shaw
975 F Street, NW
Washington, D.C. 20004
(202) 828-5330

Brian Powers, Esq.
O'Donoghue & O'Donoghue
4748 Wisconsin Avenue, N.W.
Washington, D.C. 20016
(202) 362-0041

David Biggar, Esq.
Region 18, National Labor Relations Board
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
(612) 348-1757

Robert Marinovic, Esq.
Meyer, Suozzi, English & Klein, P.C.
1350 Broadway, Suite 501
New York, NY 10018
(212) 239-4999

Steve Sturm, Esq.
Sturm and Pearl
9 Wittman Drive
Katonah, NY 10536
(914) 299-4007

National Association of Broadcast Employees and Technicians Local 11
145 West 30th Street, 12th Floor
New York, NY 10001
(212) 757-3065

Communications Workers of America, District 2
c/o Jimmy Tarleu, Esq.
17000 Science Drive, Ste. 210
Bowie, MD 20715
(301) 809-4160

NABET-CWA Local 52031
962 Wayne, Suite 400
Silver Spring, MD 20910
(301) 495-4999

Mr. Larry D'Anna
Team Video Services, LLC
4455 Connecticut Avenue, N.W., Suite 300
Washington, DC 20008
(202) 363-1000

Matt Harris, Esq.
Communications Workers of America, AFL-CIO
501 3rd Street, N.W., Suite 800
Washington, DC 20001
(202) 434-1100

Eric Engberg

Sworn to before me this
28th day of June, 2010

Notary Public

Carole L. Stephens
Notary Public, District of Columbia
My Commission Expires 2/14/2015

EXHIBIT B

PAUL
HASTINGS

1(212) 318-6315
zacharyfasman@paulhastings.com

January 30, 2013 29247.00009

VIA HAND DELIVERY AND E-FILE

Gary Shinners
Acting Executive Secretary
National Labor Relations Board
1099 14th St. N.W.
Washington, D.C. 20570

Re: *CNN America, Inc. and Team Video Services,*
Case Nos. 5-CA-31828 & 5-CA-33125 (formerly 2-CA-36129)

Dear Mr. Shinners:

We are counsel for CNN America in the above-referenced cases. We write with regards to the recent United States D.C. Circuit Court of Appeals decision, *Noel Canning v. National Labor Relations Board*, ___ F.3d ___ (January 25, 2013). The D.C. Circuit held last week in *Noel Canning* that President Obama's recess appointments of Members Block, Griffin and Flynn to the National Labor Relations Board ("the Board") were unconstitutional, thus depriving the Board of a quorum under *New Process Steel, L.P. v. National Labor Relations Board*, 130 S. Ct. 2635 (2010).

Given the holdings in *Noel Canning* and *New Process Steel*, CNN hereby requests permission to brief the impact of *Noel Canning* and *New Process Steel* on the CNN matter currently pending at the Board. Moreover, CNN hereby renews its request to brief the impact of any of the issues decided by the two-member Liebman and Schaumber Board in the CNN matter before the Board renders a decision. Our prior letter requesting such an opportunity is attached for your convenience.

Thank you for your consideration of our request.

Very truly yours,

Zachary D. Fasman / by E. LaRuffa with permission

Zachary D. Fasman
of PAUL HASTINGS LLP

cc: See Attached Affidavit of Service

LEGAL_US_E # 102354838.1

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CNN AMERICA, INC. AND TEAM VIDEO SERVICES, LLC,
JOINT EMPLOYERS

and

Case 5-CA-31828

NATIONAL ASSOCIATION OF BROADCAST
EMPLOYEES & TECHNICIANS, COMMUNICATIONS
WORKERS OF AMERICA, LOCAL 31, AFL-CIO

and

CNN AMERICA, INC. AND TEAM VIDEO SERVICES, LLC,
JOINT EMPLOYERS

and

Case 5-CA-33125
(formerly 2-CA-
36129)

NATIONAL ASSOCIATION OF BROADCAST
EMPLOYEES & TECHNICIANS, COMMUNICATIONS
WORKERS OF AMERICA, LOCAL 11, AFL-CIO

AFFIDAVIT OF SERVICE

Brenda S. Freed, being duly sworn, deposes and says as follows:

1. I am over 18 years of age, am not a party to this proceeding, and am employed by the law firm of Paul Hastings LLP, 875 15th Street, N.W., Washington, D.C. 20005.

2. On the 30th day of January, 2013, I filed, by hand-delivery and electronic means, an original and eight copies of CNN America, Inc.'s Letter requesting additional briefing in light of the D.C. Circuit Court of Appeals decision, *Noel Canning v. National Labor Relations Board,* with Gary Shinners, Acting Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570.

3. On the 30th day of January, 2013, I served one true and correct copy of CNN America, Inc.'s Letter requesting additional briefing in light of the D.C. Circuit Court of Appeals decision in *Noel Canning* by overnight delivery on the following and notified the same by telephone at the numbers below:

Gregory Beatty, Esq.
National Labor Relations Board
103 S. Gay Street, 8th Floor
Baltimore, MD 21202-4061
(410) 962-0179

Dorothy C. Foley, Esq.
Allen Rose, Esq.
National Labor Relations Board
Region 2 – New York Resident Office
26 Federal Plaza – Room 3614
New York, NY 10278
(212) 264-0300

Peter Chatilovicz, Esq.
Seyfarth Shaw
975 F Street, NW
Washington, D.C. 20004
(202) 828-5330

Brian Powers, Esq.
O'Donoghue & O'Donoghue
4748 Wisconsin Avenue, N.W.
Washington, D.C. 20016
(202) 362-0041

David Biggar, Esq.
Region 18, National Labor Relations Board
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
(612) 348-1757

Robert Marinovic, Esq.
Meyer, Suozzi, English & Klein, P.C.
1350 Broadway, Suite 501
New York, NY 10018
(212) 239-4999

Steve Sturm, Esq.
Sturm and Pearl
9 Wittman Drive
Katonah, NY 10536
(914) 299-4007

National Association of Broadcast Employees and Technicians Local 11
145 West 30th Street, 12th Floor
New York, NY 10001
(212) 757-3065

Communications Workers of America, District 2
c/o Jimmy Tarleu, Esq.
17000 Science Drive, Ste. 210
Bowie, MD 20715
(301) 809-4160

NABET-CWA Local 52031
962 Wayne, Suite 400
Silver Spring, MD 20910
(301) 495-4999

Mr. Larry D'Anna
Team Video Services, LLC
4455 Connecticut Avenue, N.W., Suite 300
Washington, DC 20008
(202) 363-1000

Matt Harris, Esq.
Communications Workers of America, AFL-CIO
501 3rd Street, N.W., Suite 800
Washington, DC 20001
(202) 434-1100

Brenda S. Freed

Sworn to before me this
30th day of January, 2013

Constance L. Stallings
Notary Public

CONSTANCE L. STALLINGS
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires September 14, 2016

EXHIBIT C

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CNN AMERICA, INC. AND TEAM VIDEO SERVICES, LLC, JOINT EMPLOYERS and NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES & TECHNICIANS, COMMUNICATIONS WORKERS OF AMERICA, LOCAL 31, AFL-CIO and CNN AMERICA, INC. AND TEAM VIDEO SERVICES, LLC, JOINT EMPLOYERS and NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES & TECHNICIANS, COMMUNICATIONS WORKERS OF AMERICA, LOCAL 11, AFL-CIO	Case 5-CA-31828 Case 5-CA-33125 (formerly 2-CA-36129) **ORAL ARGUMENT REQUESTED**

CNN'S AMENDED EXCEPTIONS TO
ADMINISTRATIVE LAW JUDGE ARTHUR J. AMCHAN'S DECISION

Pursuant to Section 102.46 of the Rules and Regulations of the National Labor Relations Board and in light of the United States Supreme Court's decision in *New Process Steel, L.P. v. NLRB*, 130 S. Ct. 2635 (2010) and the United States Circuit Court of Appeal for the District of Columbia's decision in *Noel Canning v. NLRB*, No. 12-1115, slip. op. (D.C. Cir. Jan. 25, 2013), CNN respectfully files the following AMENDED exceptions to the November 19, 2008 Decision of Administrative Law Judge Arthur J. Amchan.[1]

[1] References to the ALJ's Decision are identified by page and line numbers, as "D.__, L.__." References to the hearing transcript are identified by the official transcript page number and line numbers, as "Tr.__, L.__." In most if not all cases there are multiple Record citations that support each exception. Given the volume of the Record in this case, CNN cites only to the principle citations related to the exceptions.

CNN incorporates by reference as if stated in full herein its Exceptions to Administrative Law Judge Arthur J. Amchan's Decision, originally filed on February 17, 2009.[2]

I. EXCEPTIONS

A. Exceptions to Rulings on CNN's Assertions of Attorney Client and/or Work Product Privilege

1. To the Board's ruling (*CNN America, Inc.*, 352 N.L.R.B. 448 (2008)) affirming the ALJ's ruling at Tr. 7687, L.1-6 regarding the production of privileged documents for *in camera* review, as such ruling is null and void because it was issued by a two-member panel that the United States Supreme Court has held in *New Process Steel, L.P. v. NLRB*, 130 S. Ct. 2635 (2010) lacked authority to act.

B. Exceptions to Rulings on CNN's Assertions of Reporter's Privilege

2. To the Board's ruling (*CNN America, Inc.*, 352 N.L.R.B. No. 85 (May 30, 2008) affirming the ALJ's ruling at Tr. 16291, L.8-10, regarding CNN's assertion of reporter's privilege, as such ruling is null and void because it was issued by a two-member panel that the United States Supreme Court has held in *New Process Steel, L.P. v. NLRB*, 130 S. Ct. 2635 (2010) lacked authority to act.

II. CONCLUSION

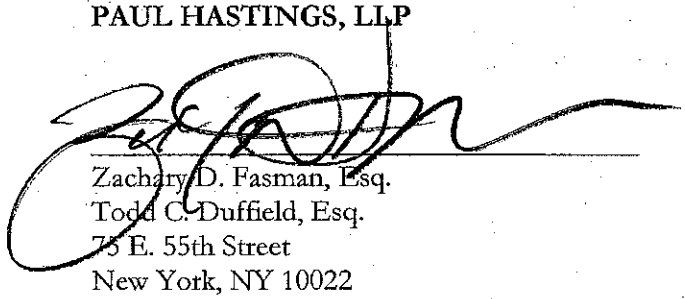
For all the foregoing reasons and the reasons set forth in CNN's Exceptions filed on February 17, 2009, CNN America, Inc. respectfully requests that the Second Amended Consolidated Complaint, all amendments thereto, and all underlying charges be dismissed in their entirety, that the

[2] In submitting these exceptions, CNN does not concede that the Board's lack of a quorum is not raised in the exceptions it previously filed. *See* CNN Exceptions No. 120, 126. Moreover, in proposing these exceptions, CNN does not concede that the Board as presently constituted is empowered to enter any decisions in light of *Noel Canning v. NLRB*.

Exceptions and Amended Exceptions of CNN America, Inc. be granted and that the Decision of the ALJ be reversed.

Respectfully submitted this 13th day of February, 2013,

PAUL HASTINGS, LLP



Zachary D. Fasman, Esq.
Todd C. Duffield, Esq.
75 E. 55th Street
New York, NY 10022
(212) 318-6000

Kenneth M. Willner, Esq.
875 15th Street, N.W.
Washington, D.C. 20005
(202) 551-1700

Lisa H. Reeves
Turner Broadcasting System, Inc.
One CNN Center
Atlanta, GA 30303

COUNSEL FOR RESPONDENT CNN AMERICA, INC.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CNN AMERICA, INC. AND TEAM VIDEO SERVICES, LLC,
JOINT EMPLOYERS

and

Case 5-CA-31828

NATIONAL ASSOCIATION OF BROADCAST
EMPLOYEES & TECHNICIANS, COMMUNICATIONS
WORKERS OF AMERICA, LOCAL 31, AFL-CIO

and

CNN AMERICA, INC. AND TEAM VIDEO SERVICES, LLC,
JOINT EMPLOYERS

and

Case 5-CA-33125
(formerly 2-CA-
36129)

NATIONAL ASSOCIATION OF BROADCAST
EMPLOYEES & TECHNICIANS, COMMUNICATIONS
WORKERS OF AMERICA, LOCAL 11, AFL-CIO

AFFIDAVIT OF SERVICE

Jean M. Gutierrez, being duly sworn, deposes and says as follows:

1. I am over 18 years of age, am not a party to this proceeding, and am employed by the law firm of Paul Hastings LLP, 75 East 55th Street, New York, New York 10022.

2. On the 13th day of February, 2013, I filed, by electronic means, CNN America, Inc.'s Motion for Leave to Amend Its Exceptions, with Gary Shinners, Acting Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570.

3. On the 13th day of February, 2013, I served one true and correct copy of CNN America, Inc.'s Motion for Leave to Amend Its Exceptions by overnight delivery on the following:

Gregory Beatty, Esq.
National Labor Relations Board
103 S. Gay Street, 8th Floor
Baltimore, MD 21202-4061
(410) 962-0179

Dorothy C. Foley, Esq.
Allen Rose, Esq.
National Labor Relations Board
Region 2 – New York Resident Office
26 Federal Plaza – Room 3614
New York, NY 10278
(212) 264-0300

Peter Chatilovicz, Esq.
Seyfarth Shaw
975 F Street, NW
Washington, D.C. 20004
(202) 828-5330

Brian Powers, Esq.
O'Donoghue & O'Donoghue
4748 Wisconsin Avenue, N.W.
Washington, D.C. 20016
(202) 362-0041

David Biggar, Esq.
Region 18, National Labor Relations Board
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
(612) 348-1757

Robert Marinovic, Esq.
Meyer, Suozzi, English & Klein, P.C.
1350 Broadway, Suite 501
New York, NY 10018
(212) 239-4999

Steve Sturm, Esq.
Sturm and Pearl
9 Wittman Drive
Katonah, NY 10536
(914) 299-4007

National Association of Broadcast Employees and Technicians Local 11
145 West 30th Street, 12th Floor
New York, NY 10001
(212) 757-3065

Communications Workers of America, District 2
c/o Jimmy Tarleu, Esq.
17000 Science Drive, Ste. 210
Bowie, MD 20715
(301) 809-4160

NABET-CWA Local 52031
962 Wayne, Suite 400
Silver Spring, MD 20910
(301) 495-4999

Mr. Larry D'Anna
Team Video Services, LLC
4455 Connecticut Avenue, N.W., Suite 300
Washington, DC 20008
(202) 363-1000

Matt Harris, Esq.
Communications Workers of America, AFL-CIO
501 3rd Street, N.W., Suite 800
Washington, DC 20001
(202) 434-1100

Jean M. Gutierrez

Sworn to before me this
13th day of February, 2013

Notary Public

DOROTHY A. DALBON
Notary Public State of New York
No 01DA6078952
Valid From Westchester County
Commission Expires August 12, 2014

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CNN AMERICA, INC. AND TEAM VIDEO SERVICES, LLC,
JOINT EMPLOYERS

and

Case 5-CA-31828

NATIONAL ASSOCIATION OF BROADCAST
EMPLOYEES & TECHNICIANS, COMMUNICATIONS
WORKERS OF AMERICA, LOCAL 31, AFL-CIO

and

CNN AMERICA, INC. AND TEAM VIDEO SERVICES, LLC,
JOINT EMPLOYERS

and

Case 5-CA-33125
(formerly 2-CA-
36129)

NATIONAL ASSOCIATION OF BROADCAST
EMPLOYEES & TECHNICIANS, COMMUNICATIONS
WORKERS OF AMERICA, LOCAL 11, AFL-CIO

AFFIDAVIT OF SERVICE

Jean M. Gutierrez, being duly sworn, deposes and says as follows:

1. I am over 18 years of age, am not a party to this proceeding, and am employed by the law firm of Paul Hastings LLP, 75 East 55th Street, New York, NY 10022.

2. On the 20th day of February, 2013, I caused to be filed, by hand-delivery and electronic means, an original and eight copies of CNN America, Inc.'s Letter Supplementing its January 30, 2013 letter requesting additional briefing in light of the D.C. Circuit Court of Appeals decision, *Noel Canning v. National Labor Relations Board,* with Gary Shinners, Acting Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570.

3. On the 20th day of February, 2013, I served one true and correct copy of CNN America, Inc.'s Letter Supplementing its January 30, 2013 letter requesting additional briefing in light of the D.C. Circuit Court of Appeals decision in *Noel Canning* by overnight delivery on the following:

Gregory Beatty, Esq.
National Labor Relations Board
100 South Charles Street
Suite 600
Baltimore, MD 21202-4061
(410) 962-0179

Allen Rose, Esq.
National Labor Relations Board
Region 2 – New York Resident Office
26 Federal Plaza – Room 3614
New York, NY 10278
(212) 264-0300

Peter Chatilovicz, Esq.
Seyfarth Shaw
975 F Street, NW
Washington, D.C. 20004
(202) 828-5330

Brian Powers, Esq.
O'Donoghue & O'Donoghue
4748 Wisconsin Avenue, N.W.
Washington, D.C. 20016
(202) 362-0041

Marlin Osthus, Regional Director
Region 18, National Labor Relations Board
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
(612) 348-1757

Robert Marinovic, Esq.
Meyer, Suozzi, English & Klein, P.C.
1350 Broadway, Suite 501
New York, NY 10018
(212) 239-4999

Steve Sturm, Esq.
Sturm and Pearl
9 Wittman Drive
Katonah, NY 10536
(914) 299-4007

Tom Cappo
National Association of Broadcast Employees and Technicians Local 11
145 West 30th Street, 12th Floor
New York, NY 10001
(212) 757-3065

Jimmy Tarlau, Esq.
Communications Workers of America, District 2-13
9602-D Martin Luther King, Jr. Highway
Lanham, MD 20706
(301) 429-2510

Richard McDermott
NABET-CWA Local 52031
4483-B Forbes Blvd.
Lanham, MD 20706
(301) 459-4999

[Mr. Larry D'Anna
Team Video Services, LLC
4455 Connecticut Avenue, N.W., Suite 300
Washington, DC 20008
(202) 363-1000] Extinct Entity

Judi Chartier, Esq.
Communications Workers of America, AFL-CIO
501 3rd Street, N.W., Suite 800
Washington, DC 20001
(202) 434-1100

Jean M. Gutierrez

Sworn to before me this
20th day of February, 2013

Notary Public

DOROTHY A. DALBON
Notary Public State of New York
No 01DA6078952
Valid From Westchester County
Commission Expires August 12, 2014