

Berry, David P.

From: Flynn, Terence F.
Sent: Monday, September 19, 2011 4:11 PM
To: 'Peter Kirsanow'
Subject: FW: second complaint on the notice posting rule
Importance: High
Attachments: NFIB NRTW complaint.pdf; notice of related cases.pdf

From: HELTZER, LES (Hdqs)
Sent: Monday, September 19, 2011 4:02 PM
To: Pearce, Mark G.; Becker, Craig; Hayes, Brian
Cc: Hirozawa, Kent; Colwell, John F.; Winkler, Peter D.; Murphy, James R.; Flynn, Terence F.; Schiff, Robert; Cowen, William B.; Garza, Jose
Subject: FW: second complaint on the notice posting rule
Importance: High

All—

I am forwarding the attached a Complaint for Declaratory and Injunctive Relief regarding the Final Rule—Posting of Employee Rights. The complaint was filed jointly on 9/16/11 in the US Dist Ct in DC by the Right to Work Legal Defense and Education Foundation and the National Federation of Independent Business.

*LES HELTZER
EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD*

From: Attorney from Special Litigation Branch
Sent: Monday, September 19, 2011 3:47 PM
To: Solomon, Lafe E.; Mattina, Celeste J.; Abruzzo, Jennifer; HELTZER, LES (Hdqs); Ferguson, John H.; Lieber, Margery E.; Moskowitz, Eric G.; Attorney from Special Litigation Branch
Subject: second complaint on the notice posting rule

Attached, please find the second complaint, this one by both Right to Work and the National Federation of Independent Business. The first claim for relief is largely identical to the NAM complaint (with the exception that it references Section 8(c), but the second claim adds a First Amendment allegation.)

and I are considering whether to file a motion for consolidation of the two cases. It should not be opposed, b/c the plaintiffs in this second case listed the NAM as a related case in the other attachment. Also, both cases have been assigned to Judge Berman.

From: Moskowitz, Eric G.
Sent: Monday, September 12, 2011 11:13 AM
To: Attorney from Special Litigation Branch; Solomon, Lafe E.; Mattina, Celeste J.; HELTZER, LES (Hdqs); Ferguson, John H.; Lieber, Margery E.; Attorney from Special Litigation Branch

3/6/2012

Subject: RE: NAM :11-cv-01629-ABJ (D,D.C.) fyi

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:11-cv-01629-ABJ**

NATIONAL ASSOCIATION OF MANUFACTURERS v.
NATIONAL LABOR RELATIONS BOARD et al
Assigned to: Judge Amy Berman Jackson
Cause: 05:702 Administrative Procedure Act

Date Filed: 09/08/2011
Jury Demand: None
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

**NATIONAL ASSOCIATION OF
MANUFACTURERS**

represented by **William G. Miossi**
WINSTON & STRAWN, LLP
1700 K Street, NW
Washington, DC 20006
(202) 282-5708
Fax: (202) 282-5100
Email: wmiossi@winston.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**NATIONAL LABOR RELATIONS
BOARD**

Defendant

MARK PEARCE

*in his official capacity as member of the
National Labor Relations Board*

Defendant

CRAIG BECKER

*in his official capacity as member of the
National Labor Relations Board*

Defendant

DAVE SOLOMON

*in his official capacity as General Counsel of
the National Labor Relations Board*

3/6/2012

Date Filed	#	Docket Text
09/08/2011	1	COMPLAINT against CRAIG BECKER, NATIONAL LABOR RELATIONS BOARD, MARK PEARCE, LAFE SOLOMON (Filing fee \$ 350, receipt number 4616042081) filed by NATIONAL ASSOCIATION OF MANUFACTURERS. (Attachments: # <u>1</u> Civil Cover Sheet) (jf,) (Entered: 09/12/2011)
09/08/2011		Summons (6) Issued as to CRAIG BECKER, MARK PEARCE, LAFE SOLOMON. (jf,) (Entered: 09/12/2011)
09/08/2011	2	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests NONE by NATIONAL ASSOCIATION OF MANUFACTURERS (jf,) (Entered: 09/12/2011)

PACER Service Center			
Transaction Receipt			
09/12/2011 11:10:45			
PACER Login:	n10045	Client Code:	
Description:	Docket Report	Search Criteria:	1:11-cv-01629-ABJ
Billable Pages:	1	Cost:	0.08

Eric Moskowitz
Assistant General Counsel
Special Litigation Branch
National Labor Relations Board
1099 - 14th St., NW
Washington, D.C. 20570
202-273-2931

From: [REDACTED]
Sent: Monday, September 12, 2011 11:09 AM
To: [REDACTED] Solomon, Lafe E.; Mattina, Celeste J.; HELTZER, LES (Hdq); Ferguson, John H.; Lieber, Margery E.; Moskowitz, Eric G.; [REDACTED]
Subject: RE: NAM complaint filed, docketed

PS Has anyone heard the identity of the second plaintiff rumored to be filing a challenge on the notice posting rule, or where it might be filed?

From: [REDACTED]
Sent: Monday, September 12, 2011 11:09 AM
To: Solomon, Lafe E.; Mattina, Celeste J.; HELTZER, LES (Hdq); Ferguson, John H.; Lieber, Margery E.; Moskowitz, Eric G.; [REDACTED]

3/6/2012

Subject: NAM complaint filed, docketed

I was able to download a copy of the 136-page complaint from PACER, but every time I have tried to attach it to an email, my system has crashed. Not sure if this is because the file is too big, or if this is an issue with our network. I am reading the complaint now.