

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

THE BOEING COMPANY

and

Case 19-CA-32431

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS DISTRICT LODGE 751, affiliated
with
INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS

**BOEING'S STATEMENT IN RESPONSE
TO LETTER OF BLOOMBERG L.P.**

Bloomberg L.P. has submitted a letter to the Administrative Law Judge requesting a change to the Amended Protective Order in this case (the "Protective Order"). Respondent The Boeing Company does not oppose the request, although we believe it is unnecessary. Section V.B of the Protective Order states:

Immediately upon any party's belief that a document or material designated as confidential under the Protective Order will be or may likely be referred to in open court in contravention of the Protective Order, the party holding such belief should notify the administrative law judge and the other parties. Upon motion by any party, the hearing room in the Board Proceeding shall be cleared of all individuals other than Qualified Persons and essential personnel such as court reporters and security officers when witnesses testify or fairly are expected to testify in a manner revealing confidential information. The portions of the official transcripts of proceedings taken while the hearing room is cleared pursuant to such order shall also be placed under provisional seal.

(Emphases added to language discussed below.)

In its letter, Bloomberg asks the Administrative Law Judge to “change ‘refer[red] to’ to ‘disclose[d],’ such that a party notifies you only when it believes that confidential information is ‘likely to be *disclosed* in open court.’” Letter at 3 (emphasis in original).

Boeing does not oppose the change, although it appears to be unnecessary to satisfy Bloomberg’s concerns. Under the Order’s current terms, a party merely *notifies* the Judge and other parties when confidential information may be referred to. A separate motion is required for non-Qualified Persons to leave the courtroom. Moreover, the notification obligation is triggered when confidential information may be “referred to *in contravention of the Protective Order.*” (Emphasis added.) Thus, if the confidential information would be referred to in a generic manner that would not disclose the information itself, no notice is required.

Boeing believes it is appropriate for the parties to be vigilant about notifying the tribunal and other parties when confidential information *may* arise in testimony, so the other parties and Judge can determine how to proceed. With the understanding that the parties will approach their responsibilities under the Order in this manner, Boeing has no opposition to the change suggested by Bloomberg.

Respectfully submitted,

August 26, 2011

/s/ William J. Kilberg
William J. Kilberg P.C.
Eugene Scalia
Matthew McGill
Paul Blankenstein
Daniel J. Davis
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue N.W.
Washington, District of Columbia 20036
Telephone: 202.955.8500
Facsimile: 202.467.0539

J. Michael Luttig
Bryan H. Baumeister
Brett C. Gerry
Eric B. Wolff
THE BOEING COMPANY
100 N. Riverside Plaza
Chicago, Illinois 60606

Richard B. Hankins
Alston D. Correll
Drew E. Lunt
MCKENNA LONG & ALDRIDGE
303 Peachtree Street, N.E.
Atlanta, Georgia 30308
Telephone: 404.527-4000
Facsimile: 404.527-4198

Attorneys for The Boeing Company

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CERTIFICATE OF SERVICE

I certify that a copy of Boeing's Statement In Response To Letter of Bloomberg L.P. was electronically filed on August 26, 2011, and was sent via overnight mail to the following parties, as well as electronically served where emails are listed:

The Honorable Clifford H. Anderson
Associate Chief Administrative Law Judge
National Labor Relations Board Division of Judges
901 Market Street, Suite 300
San Francisco, CA 94103-1779

Richard L. Ahearn
Regional Director
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174-1078
Richard.Ahearn@nrlrb.gov

Mara-Louise Anzalone
Peter G. Finch
Rachel Harvey
Counsel for the Acting General Counsel
National Labor Relations Board
915 2nd Avenue, Suite 2948
Seattle, Washington 98174-1078
Mara-Louise.Anzalone@nlrb.gov
Peter.Finch@nlrb.gov
Rachel.Harvey@nlrb.gov

David Campbell
Carson Glickman-Flora
Robert H. Lavitt
Sean Leonard
Jennifer Robbins
Jude Bryan
SCHWERIN CAMPBELL BARNARD IGLITZIN & LAVITT LLP
18 West Mercer Street, Suite 400
Seattle, Washington 98119
Campbell@workerlaw.com
Flora@workerlaw.com
lavitt@workerlaw.com
leonard@workerlaw.com
robbins@workerlaw.com
bryan@workerlaw.com

Christopher Corson, General Counsel
IAM
9000 Machinists Pl.
Upper Marlboro, MD 20772-2687
ccorson@iamaw.org

Dennis Murray, Cynthia Ramaker & Meredith Going, Sr.
National Right to Work Foundation, Inc.
c/o Glen M. Taubman
8001 Braddock Road, Suite 600
Springfield, VA 22160
gmt@nrtw.org

Matthew C. Muggeridge
National Right to Work Foundation, Inc.
8001 Braddock Road, Suite 600
Springfield, VA 22160
mcm@nrtw.org

Jesse Cote, Business Agent
Machinists District Lodge 751
9135 15th Pl. S
Seattle, WA 98108-5100

James D. Blacklock
Office of the Attorney General
P.O. Box 12548 (MC 059)
Austin, TX 78711-2548
Jimmy.Blacklock@oag.state.tx.us

Andrew M. Kramer
Jessica Kastin
Jones Day
51 Louisiana Ave., N.W.
Washington, D.C. 20001-2113

Daniel V. Yager
General Counsel
HR Policy Association
1100 Thirteenth Street, NW
Suite 850
Washington, D.C. 20005

Bruce E.H. Johnson
Davis Wright Tremaine LLP
Suite 2200
1201 Third Avenue
Seattle, WA 98101-3045
brucejohnson@dwt.com

DATED this 26th Day of August, 2011

/s/ Daniel J. Davis
Daniel J. Davis
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue N.W.
Washington, D.C. 20036-5303
DDavis@Gibsondunn.com