

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES
SAN FRANCISCO OFFICE

THE BOEING COMPANY

and

Case 19-CA-32431

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

RULING ON MOTION TO STAY PROCEEDINGS

On June 1, 2011, three individuals: Dennis Murray, Cynthia Ramaker and Meredith Going Sr., through counsel, filed a joint motion to intervene in the above-captioned case. On June 8, 2011, I denied the motion. This case is currently pending the commencement of an unfair labor practice hearing on June 14, 2011.

On June 10, 2011, the Moving Parties filed a motion with me to stay proceedings, i.e. to "delay the hearing in the above-captioned case pending the Board's ruling on the [Moving Parties'] Request for Permission to Appeal and their Appeal and to provide all parties the opportunity to respond to the Request." The Moving Parties have also filed today with the Board, a request for special permission to appeal and an appeal of my ruling denying their motion to intervene as well as a "Motion to Stay Proceedings Pending Board's Ruling on their Request for Permission to Appeal and Appeal of the ALJ's Ruling Denying Motion to Intervene."

As a result of the motions filed with the Board by the Moving Parties, the Board is aware of the Moving Parties' desire for expedition in consideration of its appeals given the upcoming commencement of the unfair labor practice hearing. Thus, the Board is, or will soon be, able to stay the instant unfair labor practice proceedings should it find it appropriate to do so or it may resolve the issue under appeal by immediate ruling.

Thus, the Board may immediately halt the unfair labor practice hearing if it finds it appropriate.

The instant case currently involves some 16 counsel of record from various locations across the country, who have been and are now preparing the cases of their respective parties. The issues to be litigated are substantial and complex. The hearing is scheduled to commence on June 14, 2011. Today is Friday, the hearing is to start on the following Tuesday in Seattle, Washington.

The Moving Parties in their motions and support for those motions argue they do not seek to participate in all aspects of the litigation, but rather seek only to present the Moving Parties perspective and evidence. Thus, in my view, the Moving Parties do not make a compelling case that the unfair labor case should be stayed pending Board action on the Moving Parties filings, when I fairly contemplate that the first week or two of the unfair labor practice litigation will involve evidentiary review and argument that the Moving Parties do not seek to participate in. I therefore find it inappropriate to issue a last minute stay of that proceeding under all the circumstances described.

Based upon all the above, I issue the following:

ORDER

The Motion to stay proceedings shall be, and it hereby is, denied.

Issued at San Francisco California, this 10th day of June, 2011.



Clifford H. Anderson
Administrative Law Judge

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