



AFL-CIO-CLC • Local 11  
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February 2, 2009

Dear TVS/CNN Members,

We would like to bring you up to date on the National Labor Relations Board's Unfair Labor Practice case against CNN and Team Video. The November 19, 2008 decision of Administrative Law Judge Arthur Amchan gave all parties until December 17, 2008 to file exceptions to his decision. CNN's lawyers filed for an extension of time, requesting an additional three months to file exceptions. In response to CNN's request, lawyers for the NLRB's General Counsel filed a brief presenting their opposition to that much additional time. The board issued an extension of two months, making the new deadline to file exceptions February 17, 2009. The NLRB and Locals 31 and 11 will have an opportunity to file cross exceptions after CNN's exceptions are filed. Cross exceptions present an opportunity for the NLRB and the two Union locals to appeal any aspect of the Administrative Law Judge's decision that they take issue with.

The NLRB attorneys representing the General Counsel are also continuing their efforts to gain access to CNN documents created in 2003 by the network's in-house legal department. The documents were part of a large subpoena issued by the government in 2007. CNN's lawyers appealed the subpoena on the basis of it being overburdensome and disruptive to their client's business operations. During the trial, the labor board appointed a separate Administrative Law Judge to work as a Special Master to resolve the subpoena dispute between the two parties. As the trial progressed the NLRB trial attorneys were confident that they no longer needed the majority of what was originally subpoenaed in 2007, but they still needed to see CNN payroll records and the in-house legal documents. The NLRB trial attorneys received the payroll records from the network's attorneys towards the end of the trial, but not the legal documents. On December 1, 2008 Administrative Law Judge Paul Buxbaum issued his Special Master's Report and Recommendations on CNN's appeal of the subpoena. ALJ Buxbaum recommended the labor board find that CNN has failed to meet its burden of demonstrating that the documents being sought by the General Counsel would be unduly burdensome to produce. He also recommended that the labor board order CNN to submit those documents to Administrative Law Judge Arthur Amchan for inspection. The NLRB still reserves the right to reopen the trial record if they receive further documentary evidence. The next step will be for the labor board to either accept or reject the Special Master's recommendations in whole or in part.

A copy of ALJ Buxbaum's report is attached to this email. His decision can also be found at this direct link: [http://www.nlr.gov/shared\\_files/ALJ%20Decisions/2008/JDR-1-08.pdf](http://www.nlr.gov/shared_files/ALJ%20Decisions/2008/JDR-1-08.pdf)

We will continue to keep our members informed of any developments as our case moves forward.

The NABET-CWA Local 11 TVS/CNN Mobilization Committee

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