

# GILBERT & SACKMAN

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September 24, 2008

By Hand

James J. McDermott, Esq.  
Regional Director  
NLRB, Region 31  
11150 West Olympic Boulevard  
Suite 700  
Los Angeles, CA 90064-1824

Re: New Albertsons, Inc.; Ralphs Grocery Company and Vons, a Safeway Company

Dear Regional Director McDermott:

I am co-counsel for UFCW Professional Division, Locals 135, 324, 770, 1036, 1167, 1428 and 1442 (the "UFCW Professional Division"). On behalf of my client, I herewith enclose an original and four copies of an unfair labor practice charge against the above-named employer/members of a multi-employer bargaining unit.

As you will recall, the UFCW Professional Division was recently certified in Case No. 31-RC-8467 as the exclusive bargaining representative for a new professional bargaining unit consisting of "all full-time and regular part-time pharmacists, graduate pharmacists and head pharmacists" employed within the multi-employer bargaining unit. In that election, the professional employees overwhelmingly voted to remove themselves from an overall unit including non-professional employees.

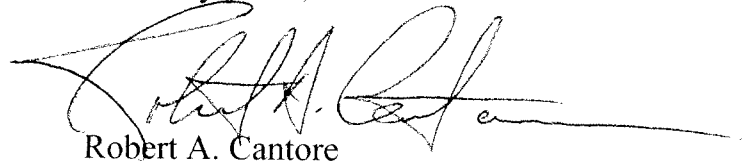
The UFCW Professional Division has repeatedly requested bargaining with these employers over a contract covering this new professional unit as well as requesting information concerning the unit from the employers. In spite of cases such as *United Steelworkers of America, Local #7912*, 338 N.L.R.B. 29, 29 (2002) ("when the Board finds a group of [professional] employees to be a separate appropriate unit, an existing collective-bargaining agreement covering those employees in their original bargaining unit does not apply"), the employers contend that this new unit still is

James J. McDermott, Esq.  
September 24, 2008  
Page 2

covered by the collective bargaining agreement covering the overall unit from which the professional employees opted to remove themselves.

Before the UFCW Professional Division is forced to take some form of protected activity, I respectfully request that you seek injunctive relief pursuant to section 10(j) of the Act ordering the employers to bargain and to provide the requested information. Please have the Board Agent assigned to investigate this charge contact me to arrange for the production of witnesses and other evidence.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Robert A. Cantore", with a long horizontal flourish extending to the right.

Robert A. Cantore

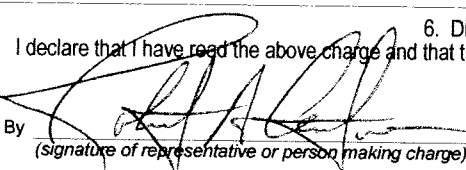
cc: UFCW Professional Division  
Robert M. Dohrmann, Esq.  
Jeffrey Wohlner, Esq.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>	
a. Name of Employer New Albertsons, Inc.; Ralphs Grocery Company and Vons, a Safeway Company	b. Tel. No. See Attached
	c. Cell No.
d. Address (Street, city, state, and ZIP code) See Attached	e. Employer Representative See Attached
	f. Fax No. See Attached
	g. e-Mail
	h. Number of workers employed 700
i. Type of Establishment (factory, mine, wholesaler, etc.) Grocery Supermarkets/Drug Departments	j. Identify principal product or service Pharmaceuticals
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
1. Since on or about September 10, 2008, and continuing to date, the above named members of a multi-employer bargaining unit have failed and/or refused to bargain in good faith with the charging parties concerning the terms and conditions of a collective bargaining agreement covering a newly certified professional bargaining unit.	
2. Since on or about September 20, 2008, and continuing to date, the above named members of a multi-employer bargaining unit have failed and/or refused to provide the charging parties with necessary, requested information concerning the newly certified professional bargaining unit.	
By these and other similar acts, the above named members of a multi-employer bargaining unit have violated section 8(a) (1) and (5) of the Act.	
Injunctive relief pursuant to section 10(j) of the Act is requested.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) UFCW Professional Division, Locals 135, 324, 770, 1036, 1167, 1428 and 1442	
4a. Address (Street and number, city, state, and ZIP code) 8530 Stanton Avenue, Suite 2A Buena Park, CA 90620	4b. Tel. No. 714-995-4601
	4c. Cell No.
	4d. Fax No. 714-995-8214
	4e. e-Mail Andreaz324@aol.com
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) United Food & Commercial Workers International Union	
6. DECLARATION	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By  (signature of representative or person making charge)	Robert A. Cantore, Attorney (Print/type name and title or office, if any)
	Tel. No. 323-938-3000
	Office, if any, Cell No. 213-999-2195
	Fax No. 323-937-9139
	e-Mail rac@gslaw.org
Address Gilbert & Sackman, 3699 Wilshire Blvd., #1200, LA, CA 90010	9/24/2008 (date)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**ATTACHMENT TO CHARGE**

**RESPONDENTS**

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<p>CO-COUNSEL TO CHARGING PARTY</p>	
<p>Robert M. Dohrmann          Schwartz, Steinsapir, Dohrmann &amp; Sommers          6300 Wilshire Boulevard          Suite 2000          Los Angeles, CA 90048-5204</p> <p>Phone: (323) 655-4700 Ext 413          Fax: (323) 655-4488          E-mail: rmd@ssdslaw.com</p>	<p>Jeffrey S. Wohlner          Wohlner Kaplon Phillips Young &amp; Cutler          15456 Ventura Blvd.          Suite 500          Sherman Oaks, CA 91403-3023</p> <p>Phone: (818) 501-8030          Fax: (818) 501-5306          E-mail: wohlnerj@wkpyc.com</p>