

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10

MERCEDES-BENZ U.S. INTERNATIONAL, INC.)	
(MBUSI))	
)	
and)	
)	Cases 10-CA-112406,
KIRK GARNER, an Individual)	10-CA-115917
)	
and)	
)	
INTERNATIONAL UNION, UNITED)	
AUTOMOBILE, AEROSPACE & AGRICULTURAL)	
IMPLEMENT WORKERS OF AMERICA)	

**ANSWER OF MERCEDES-BENZ U.S. INTERNATIONAL, INC. TO ORDER
CONSOLIDATING CASES, CONSOLIDATED COMPLAINT,
AND NOTICE OF HEARING**

Respondent Mercedes-Benz U.S. International, Inc. ("Respondent") responds to the Order Consolidating Cases, Consolidated Complaint, and Notice of Hearing issued on December 31, 2013, and says as follows:

Paragraph 1(a): Respondent admits that a copy of the Charge identified in paragraph 1(a) was served upon Respondent, and denies the remaining allegations of paragraph 1(a).

Paragraph 1(b): Respondent admits that a copy of the Charge identified in paragraph 1(b) was served upon Respondent, and denies the remaining allegations of paragraph 1(b).

Paragraph 1(c): Respondent admits that a copy of the First Amended Charge was served upon Respondent, and denies the remaining allegations of paragraph 1(c).

Paragraph 2: Respondent admits that it is a corporation with an office and place of business in Vance, Alabama and that it has engaged in manufacturing automobiles, and denies the remaining allegations of paragraph 2.

Paragraph 3: Respondent admits the allegations of paragraph 3.

Paragraph 4: Respondent admits the allegations of paragraph 4.

Paragraph 5: Respondent admits that the individuals listed in (a)-(e) of this paragraph have at times been "supervisors" for some purposes within the meaning of Section 2(11) of the Act, and denies the remaining allegations of paragraph 5.

Paragraph 6: Respondent denies the allegations of paragraph 6.

Paragraph 7: Respondent denies the allegations of paragraph 7 and its subparts.

Paragraph 8: Respondent admits that, at relevant times, the quoted policy was part of its handbook, and denies the remaining allegations of paragraph 8.

Paragraph 9: Respondent denies the allegations of paragraph 9.

Paragraph 10: Respondent denies the allegations of paragraph 10.

Paragraph 11: Respondent denies the allegations of paragraph 11, and that it has engaged in any unfair labor practices whatsoever or interfered with, restrained, or coerced employees in the exercise of their Section 7 rights.

Paragraph 12: Respondent denies that it has engaged in any unfair labor practices whatsoever, and denies the remaining allegations of paragraph 12.

AFFIRMATIVE DEFENSES

For affirmative defenses to the above-styled Consolidated Complaint, Respondent alleges as follows:

1. The allegations of the Consolidated Complaint do not support recovery under the Act because some or all of them fail to state a claim.
2. Some or all of the claims asserted in the Consolidated Complaint are barred by the six month statute of limitations set forth in § 10(b) of the NLRA.

3. Some or all of the allegations in the Consolidated Complaint fall outside the scope of the underlying charges.

4. Complainants have not satisfied the administrative pre-requisites to bringing some or all of the alleged actions.

5. The Consolidated Complaint is so vague and lacking in detail that Respondent is unable to understand the charges and issues to be considered at the trial.

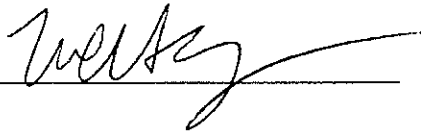
6. Respondent did not unlawfully discourage its employees from engaging in protected concerted activities.

7. Respondent did not interfere with, restrain, or coerce employees in the exercise of their § 7 rights.

8. Respondent did not treat employees who engaged in protected activity any differently than employees who did not engage in protected activity.

9. Respondent did not enforce its solicitation and distribution rules in a discriminatory manner.

10. Respondent denies all allegations not expressly admitted.



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on the following by directing same to their office addresses via first-class United States mail, postage prepaid, on this the 10 day of January 2014:

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