UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

RESORTS WORLD LAS VEGAS, LLC		
and	**Case**	**28-CA-293239**
ALEX O'CONNOR, an Individual		
and	**Cases**	**28-CA-295878** **28-CA-301606** **28-CA-310813** **28-CA-313877** **28-CA-317364**
BRIAN SATAKE, an Individual		
and	**Case**	**28-CA-320205**
KALEN CHAVEZ, an Individual		

GENERAL COUNSEL'S MOTION TO WITHDRAW PORTION OF GENERAL COUNSEL'S ANSWERING BRIEF TO RESPONDENT'S EXCEPTIONS TO THE ADMINISTRATIVE LAW JUDGE'S DECISION

Counsel for the General Counsel moves to withdraw the portion of the General Counsel's Answering Brief to Respondent's Exceptions to the Administrative Law Judge's Decision at pages 1 through 17 and page 31 (Section I. Introduction through Section II. D, and Section VI.) arguing that the Board should uphold *Stericycle, Inc.*, 372 NLRB No. 113 (2023), and find that Respondent's maintenance of certain rules is an unfair labor practice within the meaning of Section 8(a)(1) of the National Labor Relations Act (the Act) under the standard established in *Stericycle*. Instead, Counsel for the General Counsel requests that the National Labor Relations Board (the Board) overturn *Stericycle* in favor of a balanced and common-sense approach.

The Board is tasked with faithfully interpreting the Act by ensuring its enforcement remains within the parameters established by Congress. In this regard, the Board must strike a

careful balance to safeguard employer and employee rights and interests simultaneously, without creating unnecessary conflict between them. When evaluating facially-neutral work rules, the Board should endeavor to preserve employees' rights to engage in Section 7 activities by prohibiting workplace policies that will genuinely coerce employees while empowering employers to maintain order, adhere to legal requirements, and foster productive environments.

Instead of striking that proper balance, *Stericycle* encourages the reading of common workplace rules in a vacuum by adopting an excessively broad interpretation of Section 7 at the expense of congressional intent. Congress never intended for the Act to prevent employers from upholding safe and harassment-free workplaces or penalize companies for doing so. By stretching the scope of Section 7 beyond its intended boundaries—and common sense—the ruling undermines the ability of employers to establish essential policies that protect employees' safety and maintain a respectful environment.

Indeed, *Stericycle* fails to recognize employers' statutory and legal duties under federal and state laws to maintain safe environments, investigate allegations of harassment, uphold respectful workplace standards and safeguard confidential and proprietary information. The *Stericycle* framework thereby creates a dilemma by forcing employers to either comply with various legal and regulatory requirements or risk having every workplace policy challenged as potentially violative of the Act, leaving employers unable to enforce essential workplace rules without facing legal uncertainty and litigation. The *Stericycle* framework has made it increasingly difficult for employers to draft workplace policies with certainty, as nearly any rule may now be subject to challenge. This climate of regulatory uncertainty makes employers hesitant to uphold essential workplace standards for fear of having to litigate whether those standards could withstand Section 7 scrutiny under the broadest possible interpretation. Such

uncertainty discourages investment while encouraging litigation and falls particularly hard on small businesses that may lack the resources to secure labor counsel.

For these reasons, the General Counsel urges the Board to overturn *Stericycle* in favor of a more balanced approach that effectuates congressional intent and promotes industrial peace.

Dated at Phoenix, Arizona, this 17th day of July 2026.

Respectfully submitted,

/s/ Tucker Bingham

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing MOTION TO WITHDRAW PORTION OF GENERAL COUNSEL'S ANSWERING BRIEF TO RESPONDENT'S EXCEPTIONS TO THE ADMINISTRATIVE LAW JUDGE'S DECISION in *Resorts World Las Vegas, LLC,* Cases 28-CA-293239, *et al.*, was served via e-filed and served by email on this 17th day of July 2026, on the following:

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