

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, Petitioner, v. BRAND ENERGY SERVICES, LLC, et al., Respondents. CASE NO. 1:09-CV-00620 (RMC)

AFFIDAVIT OF DANIEL SHANLEY IN SUPPORT OF PACIFIC NORTHWEST REGIONAL COUNCIL OF CARPENTERS' REPLY IN OPPOSITION TO LABORERS' INTERNATIONAL UNION OF NORTH AMERICA'S MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO RESPONDENTS' MOTION TO STAY PROCEEDINGS

I, DANIEL M. SHANLEY, pursuant to 28 U.S.C. § 1746, declare the following facts to be true and correct:

- 1. I have personal knowledge of the facts herein. If called to testify, I could and would testify as follows.
2. I am an attorney admitted pro hac vice in this action and am a member of DeCarlo, Connor & Shanley, the attorneys of record for Respondents United Brotherhood of Carpenters and Joiners of America ("UBC"), Pacific Northwest Regional Council of Carpenters ("PNRCC"), and Carpenters Local 1849 (collectively "Defendants").
3. I am filing this Affidavit in support of the Defendants' Reply in Opposition to

Laborers' International Union of North America's Memorandum of Points and Authorities in Opposition to Respondents' Motion to Stay Proceedings.

4. Attached hereto as Exhibit A are true and correct copies of pages 445-459 of the Section 10(k) hearing that was held before the National Labor Relations Board on May 5, 2009.

5. Attached hereto as Exhibit B are true and correct copies of pages 413, 415-416 of the Section 10(k) hearing that was held before the National Labor Relations Board on May 5, 2009.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 2nd day of July, 2009, in Los Angeles, California.

/s/ Daniel M. Shanley

Daniel M. Shanley, *Pro Hac Vice*

dshanley@deconsel.com

DeCARLO, CONNOR & SHANLEY

A Professional Corporation

533 South Fremont Ave., 9th Floor

Los Angeles, CA 90071-1706

Phone: 213.488.4100 Fax: 213.488.4180

Brian F. Quinn, DC Bar #447619

DeCARLO, CONNOR & SHANLEY,

A Professional Corporation

101 Constitution Ave., N.W., 10th Floor

Washington, DC 20001

Phone: 202.589.1151 Fax: 202.589.0105

Attorneys for UNITED BROTHERHOOD OF
CARPENTERS AND JOINERS OF
AMERICA, PACIFIC NORTHWEST
REGIONAL COUNCIL OF CARPENTERS,
CARPENTERS LOCAL 1849, and
MILLWRIGHTS LOCAL 1699

INDEX OF EXHIBITS

- A. Copies of pages 445-459 of the Section 10(k) hearing before the National Labor Relations Board
- B. Copies of pages 413, 415-416 of the Section 10(k) hearing before the National Labor Relations Board

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2009, I electronically filed the AFFIDAVIT OF DANIEL SHANLEY IN SUPPORT OF PACIFIC NORTH WEST REGIONAL COUNCIL OF CARPENTERS' REPLY IN OPPOSITION TO LABORERS' INTERNATIONAL UNION OF NORTH AMERICA'S MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO RESPONDENTS' MOTION TO STAY PROCEEDINGS and this certificate of service using the CM/ECF System which will send notification of such filing to the following:

Elizabeth A. Roma, Esq.: eroma@geclaw.com
Joseph Guerrieri, Jr., Esq.: jguerrieri@geclaw.com
GUERRIERI, EDMOND, CLAYMAN
& BARTOS, P.C.

Attorneys for LABORERS'
INTERNATIONAL UNION OF
NORTH AMERICA

Michael Barrett, Esq.: MBARRETT@liuna.org

And by first-class mail to upon the following:

Attorneys for BRAND ENERGY
SERVICES LLC

Steve Atkinson, Esq.
ATKINSON, ANDELSON, LOYA,
RUUD & ROMO
12800 Center Court Drive, Suite 300
Cerritos, CA 90703

DATED: July 2, 2009

/s/ Nelly Caywood

Nelly Caywood
Legal Assistant
DeCARLO, CONNOR & SHANLEY
A Professional Corporation
533 South Fremont Ave., 9th Floor
Los Angeles, CA 90071-1706
Phone: 213.488.4100
Fax: 213.488.4180
E-Mail: ncaywood@deconsel.com