

Nos. 16-2721 & 16-2944

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

COOPER TIRE & RUBBER COMPANY,

Petitioner/Cross-Respondent,

v.

NATIONAL LABOR RELATIONS BOARD,

Repondent/Cross-Petitioner.

ON PETITION FOR REVIEW FROM THE
NATIONAL LABOR RELATIONS BOARD
NLRB Case No. 08-CA-087155

**INTERVENOR UNITED STEELWORKERS' OPPOSITION TO COOPER
TIRE & RUBBER COMPANY'S MOTION TO STRIKE**

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On December 9, 2016, Cooper Tire & Rubber Company (“Cooper”) filed a motion to strike certain portions of the briefs of the General Counsel and of the Union on the asserted ground that the challenged passages assert arguments with respect to issues not before the Court. This is false, and for that reason, the motion should be denied.

Contrary to the representations in Cooper’s motion to strike, the Union’s brief does not urge that the order of the National Labor Relations Board be enforced on any ground other than those in its Decision.

The passages that are the objects of the motion to strike respond to Cooper’s arguments advocating that the Court deny enforcement of the Board’s order. Cooper’s brief argues at great length that it was justified in discharging Anthony Runion because of its interest in enforcing its corporate anti-discrimination policy, which it asserts is necessary to comply with the dictates of Title VII, 42 U.S.C. §§ 2000e *et seq.* (Cooper Br. at 23-30).

The challenged sections of the briefs of the Union and the General Counsel respond to this argument by recounting Cooper’s history of enforcing its anti-discrimination policy. The record demonstrates that Cooper has not previously interpreted its anti-discrimination policy to require the discharge of workers found to have violated the policy. By pointing out this fact, the challenged portions of

the briefs undercut Cooper's assertion that its termination of Mr. Runion was somehow required in order for it to comply with its obligations under Title VII.

In view of the foregoing, the Union requests that this Court deny Cooper's motion to strike in its entirety.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH RULE 32(A)

1. This brief complies with the type-volume limitation of FRAP 32(a)(7)(B) because this brief contains 269 words, excluding the parts of the brief exempted by FRAP 32(a)(7)(B)(iii).

2. This brief complies with the typeface requirements of FRAP 32(a)(5) and the type style requirements of FRAP 32 (a)(6) because this brief has been prepared in a proportionally spaced typeface using Word 2010 in Times New Roman typeface and 14 point font size.

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CERTIFICATE OF SERVICE

I, Daniel Kovalik, that on this 15th day of December, 2016, I electronically filed the foregoing with the Clerk of the Court for the U.S. Court of Appeals for the Eighth Circuit by using the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

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