

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

TRUSTEES OF DARTMOUTH COLLEGE,

and

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 560,

Case 01-CA-348789
01-RC-325633

**RESPONDENT TRUSTEES OF DARTMOUTH COLLEGE'S
MOTION TO DISMISS CASES 01-CA-348789 AND 01-RC-325633**

Pursuant to Sections 102.24, 102.65 and/or 102.67 of the National Labor Relations Board's Rules and Regulations, the Trustees of Dartmouth College ("Dartmouth") move to dismiss the pending unfair labor practice charge in Case 01-CA-348789 and the underlying representation proceeding, Case 01-RC-325633, because, on December 31, 2024, the Service Employees International Union, Local 560 ("Union") disclaimed interest in the petitioned-for unit and National Labor Relation Board Region 1 approved the withdrawal of the applicable representation petition.¹ Dartmouth has argued and preserves its positions that the bargaining unit sought in Case 01-RC-325633, consisting of student-athletes participating on the Dartmouth Men's Basketball team, is inappropriate given that the student-athletes, among other things, do not receive athletic scholarships or monetary compensation for their participation in athletics and do not otherwise constitute employees under Section 2(3) of the Act. The Union's recent actions to withdraw the petition were taken after Dartmouth asserted these and other positions in submissions to the Board, supported by substantial precedent and authority.

¹ See, e.g., *Dartmouth College Basketball Players Halt Effort to Unionize*, N.Y. Times, (Dec. 31, 2024), <https://www.nytimes.com/2024/12/31/us/dartmouth-basketball-unionize.html>. The same day, the Regional Director for Region 1 approved the Union's request to withdraw the representation petition prior to any certification of any unit by the Board. See Exhibit A.

While preserving and without waiving any and all contentions that have been asserted by Dartmouth, the Union's disclaimer of interest and withdrawal of its representation petition, which has been approved by the Regional Director for Region 1 prior to any Board certification, eliminate the jurisdictional basis for the above-captioned Board proceedings. Accordingly, Dartmouth moves to dismiss the above-captioned proceedings.

Dated: January 2, 2025

Respectfully submitted,



Adam C. Abrahms
Nicole A. Buffalano
Philip A. Miscimarra
Neresa A. De Biasi
Richard J. Marks
MORGAN, LEWIS & BOCKIUS LLP
adam.abrahms@morganlewis.com
nicole.buffalano@morganlewis.com
philip.miscimarra@morganlewis.com
neresa.debiasi@morganlewis.com
richard.marks@morganlewis.com

Damien M. DiGiovanni
MORGAN BROWN & JOY, LLP
ddigiovanni@morganbrown.com

Counsel for Trustees of Dartmouth College

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Trustees of Dartmouth College's Motion to Dismiss Cases 01-CA-348789 and 01-RC-325633 was electronically filed today, January 2, 2025, using the National Labor Relations Board's electronic filing system and was served by electronic mail upon the following:

Roxanne L. Rothschild
Executive Secretary
National Labor Relations Board
Roxanne.rothschild@nlrb.gov

Laura A. Sacks
Regional Director
National Labor Relations Board, Region 1
laura.sacks@nlrb.gov

Counsel for Service Employees International Union, Local 560:

John S. Krupski
Milner & Krupski, PLLC
jake@milnerkrupski.com

Eyad Asad
Susan Davis
Evan Hudson-Plush
Carley Russell
Megan Shaw
Cohen, Weiss and Simon LLP
easad@cwsny.com
sdavis@cwsny.com
ehudson-plush@cwsny.com
crussell@cwsny.com
mshaw@cwsny.com



Richard J. Marks

EXHIBIT A



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1

Thomas P. O'Neill Jr. Federal Building
10 Causeway St, Room 1002
Boston, MA 02222-1001

Agency Website: www.nlrb.gov
Telephone: (617)565-6700
Fax: (617)565-6725

December 31, 2024

Joseph P. McConnell, Esq.
Ryan Jaziri, Esq.
Damien M. DiGiovanni, Esq.
Morgan, Brown & Joy, LLP
200 State Street, Suite 11A
Boston, MA 02109-2605

Richard Marks, Esq.
Philip A. Miscimarra, Esq.
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue NW
Washington, DC 20004

Adam C. Abrahms, Attorney
Neresa A. De Biasi, Attorney
Morgan Lewis & Bockius LLP
2049 Century Park East, Suite 700
Los Angeles, CA 90067-3109

Nicole A. Buffalano, Attorney
Morgan Lewis & Bockius, LLP
300 South Grand Avenue, 22nd Floor
Los Angeles, CA 90071-3132

Re: Trustees of Dartmouth College
Case 01-RC-325633

Dear Counselors:

This is to advise you that the Petitioner's request to withdraw the petition in the above case has been approved.

Very truly yours,

Laura A. Sacks
Regional Director

cc: Cheryl M. Guerin, Exec. Dir. of HR
Trustees of Dartmouth College
6001 Parkhurst Hall, Suite 11A
Hanover, NH 03755

John Stanley Krupski, Esq.
Service Employees International
Union, Local 560
109 North State Street, Suite 2
Concord, NH 03301

Evan Hudson-Plush, Esq.
Eyad Asad, Esq.
Megan S. Shaw, Esq.
Carley R Russell, Esq.
Cohen, Weiss and Simon LLP
909 Third Ave., 12th Floor
New York, NY 10022

Susan Davis, Atty.
Cohen Weiss & Simon LLP
PO Box 5604
Hanover, NH 03755-5604