

SEHAM, KLEIN & ZELMAN

485 MADISON AVENUE
NEW YORK, NEW YORK 10022

MARTIN C. SEHAM
FRED C. KLEIN
ANDREW E. ZELMAN
ROGER H. BRITON
JOAN EBERT ROTHERMEL
JOEL R. DICHTER
JANE B. JACOBS

TEL (212) 935-6020
FAX (212) 753-8101

JEFFREY M. SCHLOSSBERG
NANCY B. LEVINE
LEE R. A. SEHAM
KAREN M. DOWD

February 11, 1992

VIA FACSIMILE AND
FIRST CLASS MAIL

Mark Estabrook
Stick Shaker, Inc.
2722 Morning Woods Drive
Cordova, TN 38018

Re: NMB Case No. R-6044

Dear Mr. Estabrook:

You have asked us whether an independent union may participate in a re-run of a representation election if it did not participate in the original election. In the absence of any case law on this issue, we consulted with the chairman of the National Mediation Board who expressed his opinion that any re-run election would be confined to the original participants.

In view of the purposes of a re-run election -- to provide the original participant with an enhanced opportunity to prevail -- we concur with the chairman.

Sincerely,



Lee Seham