

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8

MODERN INTERNATIONAL GRAPHICS, INC.

and

Case No. 8-CA-38782

GRAPHIC COMMUNICATIONS UNION
LOCAL 546M, GCC/IBT

**MOTION TO THE NATIONAL LABOR
RELATIONS BOARD FOR DEFAULT JUDGMENT**

Counsel for the General Counsel asks the National Labor Relations Board (herein called the Board) for default judgment in this case, requesting that the allegations of the Complaint issued in this matter be found to be true, that the Board make findings of fact and conclusions of law based upon these allegations, and that the Board issue an appropriate Decision and Order.

BRIEF IN SUPPORT OF MOTION

Procedural History of the Instant Matter

A Complaint and Notice of Hearing, Exhibit A, issued in this matter on May 27, 2010, 2008. At page 5 of this document Respondent, Modern International Graphics, Inc., was advised that it had until June 9, 2010 to file its Answer. The Affidavit of Service of the Complaint and Notice of Hearing is attached as Exhibit B. Respondent signed for the certified mailing of this document, Exhibit C, on June 2, 2010.

On June 14, 2010, the undersigned sent a cover letter and a copy of the Complaint and Notice of Hearing to the Respondent by regular mail and e-mail. The letter, Exhibit D, advised

the Respondent that no Answer had been filed and informed the Respondent that if no answer was filed by close of business on June 23, 2010, a motion for default judgment would be made.¹

On July 6, 2010, the undersigned sent a second letter, Exhibit E, by regular mail to Respondent, advising it that still no Answer had been filed and informing it that if no answer had been filed by Friday, July 16, 2010, a motion for default judgment would definitely be filed.

To date, Respondent has not responded to these communications nor has it filed an Answer to the Complaint.

Respondent Failed to File an Answer

Section 102.20 of the Board's Rules and Regulations provides that in its Answer to a complaint, a respondent must specifically admit, deny or explain each of the facts alleged in the complaint, and if no answer is filed, the allegations contained in the complaint shall be deemed to be admitted to be true.

Respondent has been given more than adequate opportunity to file an appropriate Answer and has failed to do so. Counsel for the General Counsel's June 14, 2010 letter clearly advised Respondent that if no Answer was filed, then the allegations would be deemed to be admitted to be true. The letter granted Respondent an extension of time to file its Answer to June 23, 2010. Counsel for the General Counsel's June 14 letter again clearly advised Respondent of the ramifications if Respondent did not file an Answer. These same warnings were repeated in the July 6 letter and the deadline extended to July 16, 2010. Respondent has not submitted an Answer. The Board has granted default judgment motions when respondents have failed to file a timely Answer. *In Re Patrician Assisted Living Facility, 339 NLRB 1153 (2003)*. Bare claims

¹ While Respondent apparently did consult with attorney Jeffrey Embleton during the investigation of this matter, attorney Embleton did not enter an appearance in this matter. See reference in Exhibit F to Respondent's alleged inability to retain counsel. However, attorney Embleton has been copied on all relevant correspondence in this matter.

that Respondent has ceased operation and is financial insolvent do not suffice to excuse its failure to answer the Complaint. *Hannah & Sons Construction Co., Inc. 341 NLRB No. 58 (2004); Power Jet Industrial Cleaning, Inc., 270 NLRB 975 (1984.* (See exchange of e-mails between Respondent's president and the undersigned attached as Exhibit F). As no Answer has been filed, the Board should grant Counsel for the General Counsel's Motion for Default Judgment, find that the allegations contained in the Complaint are true and issue an appropriate Decision and Order.

Dated at Cleveland, Ohio this 20th day of July 2010.

Respectfully submitted,



Steven D. Wilson
Counsel for the General Counsel
National Labor Relations Board
Region 8

CERTIFICATE OF SERVICE

On this 20th day of July 2010, copies of the foregoing Motion for Default Judgment and Brief in Support were sent to the following:

Office of the Executive Secretary
Lester A. Heltzer, Executive Secretary
National Labor Relations Board
1099 14th Street, NW
Washington, D.C. 20570

Modern International Graphics, Inc.
Attn: David Margiotta, President
36600 Lakeland Blvd.
Eastlake, Ohio 44094

Jeffrey Embleton, Esq.
Mansour, Gavin, Gerlack & Manos Co., LPA
55 Public Square
Cleveland, Ohio 44113

Daniel B. Smith, Esq.
O'Donnell, Schwartz & Anderson, P.C.
1300 L Street, N.W., Suite 1200
Washington, D.C. 20005



Steven D. Wilson
Counsel for the General Counsel
National Labor Relations Board
Region 8

List of Exhibits for General Counsel's Motion For Default Judgment

- Exhibit A Complaint and Notice of Hearing, dated May 27, 2010, Case No. 8-CA-38782.
- Exhibit B Affidavit of Service of Complaint and Notice of Hearing, dated May 27, 2010, Case No. 8-CA-38782.
- Exhibit C Signed certified mail receipt dated June 2, 2010
- Exhibit D Letter from Regional Office to Respondent dated June 14, 2010.
- Exhibit E Letter from Regional Office to Respondent dated July 6, 2010.
- Exhibit F E-mail correspondence between Regional Office and Respondent between May 6 and May 25, 2010.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8

MODERN INTERNATIONAL GRAPHICS, INC.

and

CASE NO. 8-CA-38782

GRAPHIC COMMUNICATIONS UNION LOCAL
546M, GCC/IBT

COMPLAINT AND NOTICE OF HEARING

Graphic Communications Union Local 546M, GCC/IBT, herein called the Union, has charged that Modern International Graphics, Inc., herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. § 151 et seq., herein called the Act. Based thereon the General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, issues this Complaint and Notice of Hearing and alleges as follows:

1. The charge in this proceeding was filed by the Union on February 9, 2010, and a copy was served by mail on Respondent on February 9, 2010.

2. (A) At all material times the Respondent, an Ohio corporation, with an office and place of business in Eastlake, Ohio, herein called Respondent's facility, has been engaged in the operation of a printing business.

(B) Annually, at all material times, Respondent, in conducting its business operations described above in paragraph 2(A), sold and shipped from its Eastlake, Ohio facility goods valued in excess of \$50,000 directly to points outside the State of Ohio.

Exhibit A

3. At all material times the Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times David Margiotta held the position of Respondent's President, and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

6. The following employees of Respondent, herein called the Unit, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All production employees, except typesetters, keyliners, and artist, employed by Respondent at its Eastlake, Ohio facility who perform the following work: shipping, receiving, delivery, process operation and new products directly associated with the processing of lithographic production (including dry or wet), (photoengraving, intaglio, gravure), bookbinding, and finishing or otherwise reproducing images of all kinds or any other purpose, but excluding all office clerical employees and all professional employees, guards and supervisors as defined in the Act.

7. All at material times, the Union has been the designated exclusive collective-bargaining representative of the Unit and at all material times the Union has been recognized as the representative by Respondent. This recognition has been embodied in a successive collective-bargaining agreement, the most recent of which is effective from August 1, 2007 to December 31, 2011.

8. At all material times, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

9 (A) About January 29, 2010, Respondent ceased operations at Respondent's facility.

(B) On or about January 29, 2010, the Union requested that the Respondent meet and bargain with it over the effect of the closure of Respondent's facility.

(C) Since on or about February 9, 2010, Respondent has failed and refused to bargain with the Union over the effects of the closure of Respondent's facility.

10. (A) Since on or about January 29, 2010, Respondent has failed and refused to:

- (i) pay accrued vacation pay to employees in the Unit;
- (ii) pay severance pay to employees in the Unit;
- (iii) continue to provide health insurance coverage to employees in the Unit; and,
- (iv) accept and process grievances.

(B) The subjects set forth above in paragraph 10(A) relate to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(C) Respondent engaged in the conduct described above in paragraph 10(A) without prior notice to the Union and/or without affording the Union an opportunity to bargain with Respondent with respect to this conduct and/or the effects of this conduct and/or without first bargaining with the Union to an agreement.

11. (A) Since on or about January 29, 2010, the Union verbally requested certain information and again on February 8, 2010 and on February 12, 2010, the Union, by letter, has requested that Respondent furnish the Union with the following information:

- (i) a copy of the foreclosure notice issued to the Respondent by PNC Bank;
- (ii) a copy of the bank covenant that MIG allegedly breached in its agreement(s) with PNC;
- (iii) the names of Respondent's secured creditors and the

amounts owed to each,

- (iv) Respondent's balance sheet as of the time of closure;
- (v) the value of Respondent's assets at the time of closure;
- (vi) information regarding the contemplated disposal of Respondent's assets following closure;
- (vii) information relating to contacts between Respondent and another entity named AGS Custom Graphics prior to January 29, 2010;
- (viii) names of all employees of Respondent offered jobs with AGS Custom Graphics;
- (ix) work outsourced by Respondent in the 6 months prior to closure;
- (x) amount of accrued vacation time for each employee in the Unit; and,
- (xi) amount of severance pay owed to each employee in the Unit.

(B) The information requested by the Union, as described above in paragraph 11(A) is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(C) Since on or about February 12, 2010, Respondent has failed and refused to furnish the Union with the information requested by it as described above in paragraph 11(A).

12. By the conduct described above in paragraphs 9, 10 and 11, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

13. By the conduct described above in paragraphs 9, 10 and 11, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-

bargaining representative of its employees within the meaning of Section 8(d) of the Act in violation of Section 8(a)(1) and (5) of the Act.

14. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in Paragraph 10 and its subparagraph, the General Counsel seeks an Order requiring that Respondent preserve and, within 14 days of a request, provide at the office designated by the Board or its agents, a copy of all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this order. If requested, the originals of such records shall be provided to the Board or its agents in the same manner. General Counsel further seeks as a remedy an Order requiring that any monetary remedy include compounded interest on a quarterly basis. In addition, as part of the remedy for the unfair labor practices alleged above in paragraph 9, the General Counsel seeks an order requiring that Respondent make whole the Unit in the manner set forth in **Transmarine Navigation Corp., 170 NLRB 3891 (1968)**.

The General Counsel further seeks all other relief or may be just and proper to remedy the unfair labor practice alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before June 10, or postmarked on or before June 9, 2010.** Unless filed

electronically in a pdf format, Respondent should file an original and four copies of the answer with this office.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on the **E-Gov tab**, select **E-Filing**, and then follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed or if an answer is filed untimely, the

Board may find, pursuant to Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on a date, time and place to be designated later, if necessary, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Cleveland, Ohio this 27th day of May 2010.

/s/ Frederick J. Calatrello

Frederick J. Calatrello
Regional Director
National Labor Relations Board
Region 8

Attachments

**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD**

NOTICE

Case No. 8-CA-38782

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing.

However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds thereafter must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; *and*
- (5) Copies must be simultaneously served on all other parties (*listed below*), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

David Margiotta, President
Modern International Graphics, Inc.
36600 Lakeland Blvd.
Eastlake, OH 44094

Daniel Smith, Esq.
O'Donnell, Schwartz & Anderson, P.C.
1300 L Street, N.W., Suite 1200
Washington, DC 20005-4126

Christopher Farrand, President
Graphic Communications Union,
Local 546 M
3227 West 25th Street
Cleveland, OH 44109

Administrative Law Judges
1099 14th Street, N.W.
Washington, D.C. 20570

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MODERN INTERNATIONAL GRAPHICS, INC.

and

CASE NO. 8-CA-38782

GRAPHIC COMMUNICATIONS UNION LOCAL
546M, GCC/IBT

DATE OF MAILING 5/27/10

AFFIDAVIT OF SERVICE OF COMPLAINT AND NOTICE OF HEARING (w/NLRB forms)

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) by U.S. Mail upon the following persons, addressed to them at the following addresses:

David Margiotta, President
Modern International Graphics, Inc.
36600 Lakeland Blvd.
Eastlake, OH 44094

Daniel Smith, Esq.
O'Donnell, Schwartz & Anderson, P.C.
1300 L Street, N.W., Suite 1200
Washington, DC 20005-4126

Christopher Farrand, President
Graphic Communications Union,
Local 546 M
3227 West 25th Street
Cleveland, OH 44109

Administrative Law Judges
1099 14th Street, N.W.
Washington, D.C. 20570

Sue Neco

Sue Neco

Subscribed and sworn to before me this 27th
day of May 2010

DESIGNATED AGENT - Sharon Zilnackas
Sharon Zilnackas
NATIONAL LABOR RELATIONS BOARD

Exhibit B

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

David Margiotta, President
Modera International Graphics, Inc.
36600 Lakeland Blvd.
Eastlake, OH 44094

8-CA-38782; Comp; 5/27/10; sz

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *David Margiotta* Agent
 Addressee

B. Received by (Printed Name)

STACEY MAX GLOTT

C. Date of Delivery

6-2-10

- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

(Transfer from service label) 7009 0080 0000 4272 2492

Exhibit C



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 8

1240 East 9th Street - Room 1695

Cleveland, OH 44199-2086

Telephone: (216) 522-3715

Fax: (216) 522-2418

www.nlr.gov

June 14, 2010

David Margiotta, President
Modern International Graphics, Inc.
36600 Lakeland Blvd.
Eastlake, Ohio 44094

**Re: Modern International Graphics
Case No. 8-CA-38782**

Dear Mr. Margiotta:

On May 27, the Regional Director issued a complaint in this matter against Modern International Graphics (MIG). A copy of that complaint is attached. The answer to this complaint was due on June 10, 2010. No answer has yet been received.

Before I continue to discuss the possible ramifications of no timely answer being filed, I wish to confirm that MIG (and you) are **no longer** represented by legal counsel in this matter. If I am incorrect in that belief, you should not respond, or even read, this letter. Instead, you should forward this communication to counsel and ask him or her to review it and contact me.

If MIG and you are not represented by counsel, then allow me to provide you with some information regarding possible outcomes at this point should MIG answer or not answer the complaint. First, if MIG elects not to file an appropriate answer to the complaint (see pp 5-7 of the complaint for the specifics of the answer requirement); our office will file a Motion of Default Judgment with the Board. If successful, this will result in an order against MIG requiring it to take certain affirmative actions and, likely, pay a monetary remedy to resolve these unfair labor practices. However, as I noted in an earlier communication, this order, and obligation to satisfy it, would be against MIG only. We currently are not seeking any order against any company shareholder or officer, nor do we currently possess any evidence to support such action. Therefore, assuming we secure a Board order in this manner, our ability to satisfy this order will be limited by (1) the continuing existence of MIG and (2) the availability of any corporate assets not pledged to legitimate secured creditors. If there is no ability to secure an effective remedy because MIG is dissolved and has no funds, the case would likely be closed at that point.

Exhibit D

If MIG does elect to file an appropriate answer to the complaint, this will lead to a hearing being conducted before an impartial judge. At this hearing, both parties will have the opportunity to present evidence regarding the merits of the allegations set out in the complaint. Even if MIG decided to file an answer, but not voluntarily participate in the hearing, we would likely require certain MIG officers to appear under subpoena in order for our attorney(s) to be able to put on their case. So, MIG should not assume that filing an answer is an option that will allow it to avoid any further participation in this matter.

In conclusion, the Regional Director will allow you one last opportunity to file an appropriate answer to the complaint. The new deadline is Wednesday, June 23, 2010. If no appropriate answer is received by that date, he will move to file for default judgment shortly thereafter. While I am not in a position to offer legal advice, I will attempt to answer any questions you may have. My phone number is 216-522-3721.

Yours truly,

/s/ Steve Wilson

Steve Wilson
Supervisory Attorney

Cc: Jeffrey M. Embleton, Esq.



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 8

1240 East 9th Street - Room 1695

Cleveland, OH 44199-2086

Telephone: (216) 522-3715

Fax: (216) 522-2418

www.nlr.gov

July 6, 2010

David Margiotta, President
Modern International Graphics, Inc.
36600 Lakeland Blvd.
Eastlake, Ohio 44094

**Re: Modern International Graphics
Case No. 8-CA-38782**

Dear Mr. Margiotta:

On May 27, the Regional Director issued a complaint in this matter against Modern International Graphics (MIG). The answer to this complaint was due on June 10, 2010. When no answer was received by that date, I sent you a letter dated June 14, 2010, advising you that the deadline had passed with no answer being filed, that a new deadline had been set for June 23 and noting that if no answer was filed by the new date, the Regional Director would file a motion for default judgment. No answer was filed by that new date.

In the event that there was still some confusion on your part, the Regional Director has concluded that Respondent will be provided one final opportunity to file an appropriate answer to the complaint. The new deadline is Friday, July 16, 2010. If no appropriate answer is received by that date, he will move to file for default judgment as early as Monday, July 19. My phone number is 216-522-3721.

Yours truly,

Steve Wilson
Supervisory Attorney

Cc: (by e-mail only) Jeffrey M. Embleton, Esq.

Exhibit E

Wilson, Steven D.

From: Margiotta, Dave [dmargiotta@agscg.com]
Sent: Tuesday, May 25, 2010 5:52 PM
To: Wilson, Steven D.
Cc: Jeffrey Embleton
Subject: RE: MIG, Case No. 8-CA-38782

Hi Steve,

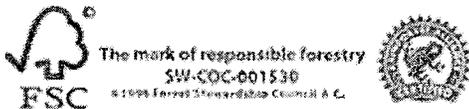
Thank you for your continued patience in this matter. I understand the guidelines you are under and I don't want to make life difficult for you, the director nor myself. However, I find that this is all so fruitless given that the company is closed, dissolved and any assets have been distributed to our bank and/or secured creditors. Most importantly, there was not even a full recovery by the secured parties.

I still need to speak to Jeff which I hope is tonight so that we can give you an answer. I don't have any financial resources whatsoever as I have lost everything in the closure so this defense is going to be problematic to say the least. I don't have the ability to hire Jeff nor anyone else. This entire process is fruitless to me. I will contact you tomorrow.

David Margiotta
President

a°g°s custom graphics

A CONSOLIDATED GRAPHICS COMPANY
dmargiotta@agscg.com
www.agscustomgraphics.com
Phone: 330.963.7770 ext. 237
800.362.6134
330.405.8237 (direct)
Fax: 330.963.7771



From: Wilson, Steven D. [mailto:Steven.Wilson@nlrb.gov]
Sent: Friday, May 21, 2010 3:55 PM
To: Margiotta, Dave
Cc: 'Jeffrey Embleton'
Subject: RE: MIG, Case No. 8-CA-38782

Dave, I met with my Director this afternoon and here is where matters stand from our perspective. The Director appreciates the steps you have taken to comply with his suggested disposition of this matter. However, he hoped that by now you would have been able to respond both to the Union's requests for preferential hiring and reference letters and also the February 12 information request letter. Due to our guidelines for deciding the merits of cases, the Director is committed to making a final decision on the merits of this charge no later than cob next Wednesday, the 26th. However, you still have at least two options that should lead to a resolution of the case by that date and which will avoid the Director making a formal decision on the merits. First, if no later than that same date, you (1) provide the Union (copy to our office) with a full and complete written response to their February 12 letter and (2) include in that response your commitment to preferential re-hiring and to provide letters of reference (in the manner you have proposed in your e-mail of May 20 below), the Director is inclined to consider that sufficient to resolve the matter. If you can not accomplish all this by that date, the second option is to enter into

7/6/2010

Exhibit F

the attached Settlement Agreement. You will note that it still commits the Employer to respond to the February 12 letter, but this can be done by a reasonable date sometime after the end of this month. It may (as set out in the Notice) require you to meet with the Union at least one time to respond to any meaningful requests/questions they still have and follow-up to the extent necessary. However, as Mr. Embleton can advise you, it does not require that you agree to any demands that you are not in a position to satisfy and it does not commit you to endless, fruitless meetings. I know this part of the settlement is somewhat vague, but anticipating where such discussions may lead is hard to anticipate. The advantage of this second approach; i.e. signing the Settlement Agreement, is that it allows you more time wrap up these issues once and for all. If you elect to enter into the Settlement Agreement, I need you to sign and date the document titled Settlement Agreement under the MIG designation and also initial and date the second document, the Notice to Employees, in the upper right corner. Then return both to me by e-mail or fax (216-522-2418). If you have any questions, you can contact me on Tuesday, the 25th or Mr. Embleton may be able to assist you. Thanks for your consideration. Steve Wilson

From: Margiotta, Dave [mailto:dmargiotta@agscg.com]
Sent: Thursday, May 20, 2010 11:04 PM
To: Wilson, Steven D.; Jeffrey Embleton
Cc: jembleton@mggmlpa.com
Subject: RE: MIG, Case No. 8-CA-38782

Good evening Steve,

I am so sorry but I have been traveling and have had a challenging time in putting this together. To address a few of the requests, I have attached a letter of recall and I believe this should satisfy their request. As for the neutral letter of reference, our practice would be just to admit their employment and positions held at the time of closure. The union office should author these letters on their members behalf and present to me for approval. I would recommend they write a template for me to approve and then can execute for all members. Once I approve format, we can move on this.

I need to discuss with Jeff the other Feb 12th requests before we move forward. Thanks for your patience as I'm sure you are aware that this has been a very difficult time for me in every way. Thanks.

Jeff, please call me on the Feb 12 request when you can. My cell is best.

David Margiotta
President
a.g.s custom graphics
8107 Bavaria Road
Macedonia, Ohio 44056
Direct: 330-405-8237
Cell: 440-781-2767
Toll Free: 800-362-6134
www.agscustomgraphics.com

-----Original Message-----

From: Wilson, Steven D. [mailto:Steven.Wilson@nlrb.gov]
Sent: Thu 5/6/2010 11:11 AM
To: 'Jeffrey Embleton'; Margiotta, Dave
Subject: MIG, Case No. 8-CA-38782

Gentlemen, Chris Farrand has asked me to convey the following proposals to you as part of his effort to comply with the Regional Director's request: The Union would ask Mr. Margiotta to (1) prepare neutral letters of reference for all bargaining unit employees (those actively working at the time of closure and those on lay-off status) and (2) agree, in writing, on behalf of MIG that former bargaining unit employees would have priority recall and rehire rights should MIG resume operations in the future. Of course, these requests are limited, based on MIG's assertions that the company has permanently ceased operations and there are no funds available to satisfy any monetary claims. If you are able to fulfill these requests and are able to provide a meaningful response to the Union's February 12 information request, I believe we can then dispose of this charge. Please give me your response to the above as soon as possible. Thanks for continuing to work with us on this

7/6/2010

matter.

Steve Wilson
NLRB Region 8
Cleveland, Ohio
Phone 216-522-3721
Fax 216-522-2418

NOTICE This message, as well as any attached document, contains information from Consolidated Graphics, Inc. that is confidential and/or privileged or may contain attorney work product. The information is intended only for the use of the addressee(s) named above. If you are not the intended recipient, you are hereby notified that any review, use, dissemination, forwarding, printing, copying, disclosure, or the taking of any action in reliance on the contents of this message or its attachments is strictly prohibited, and may be unlawful. If you have received this message in error, please destroy all copies (in any form) of this message and its attachments, if any, without disclosing the contents, and notify the sender immediately. Unintended transmission does not constitute waiver of the attorney-client privilege or any other privilege. Unless expressly stated in this email, nothing in this message should be construed as a digital or electronic signature. Thank you for your cooperation.

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