

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 9

In the Matter of

SALON/SPA AT BORO, INC.

and

NATALIE ANN LAKES, AN INDIVIDUAL

and

ELIZABETH A. FRITH, AN INDIVIDUAL

Cases 9-CA-45349  
9-CA-45426  
9-CA-45538

MEMORANDUM IN SUPPORT OF  
MOTION FOR DEFAULT JUDGMENT

1. On December 30, 2010, the National Labor Relations Board, herein called the Board, issued its Decision and Order (356 NLRB No. 69), herein called the Order which, among other things, requires that Salon/Spa at Boro, Inc., herein called Respondent, make whole Natalie Ann Lakes, herein called Lakes, and Elizabeth A. Frith, herein called Frith, for any loss of earnings that they may have suffered as a result of Respondent's unfair labor practices in violation of Section 8(a)(1) of the National Labor Relations Act, as amended.

2. Controversy having arisen over the amounts of backpay due Lakes and Frith, herein together called the discriminatees, under the Order, as described above herein, the Regional Director of the National Labor Relations Board for Region 9, pursuant to Section 102.54 of the Rules, issued a Compliance Specification and Notice of Hearing and alleges as follows (A copy is attached to the Motion as Exhibit A.).

3. The Compliance Specification and Notice of Hearing notified Respondent that under Sections 102.56 and 102.114 of the Board's Rules and Regulations, Respondent had an obligation to timely file an answer and that the answer must be received by the Regional Office on or before August 19, 2011, or postmarked on or before August 18, 2011, and if no answer is filed, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Compliance Specification and Notice of Hearing are true.

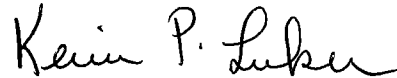
4. When no answer was received by August 19, 2011, Counsel for the Acting General Counsel notified Respondent by regular mail that unless an answer was filed by close of business on September 1, 2011, the Counsel for the Acting General Counsel would file with the Board a Motion for Default Judgment requesting that all allegations of the Compliance Specification and Notice of Hearing be deemed admitted as true. (A copy of the letter is attached hereto as Attachment 1.) To date, Respondent has not filed an answer or made any reply to that letter.

5. Inasmuch as Respondent has failed to file an answer as required by the Board's Rules and Regulations and has failed to give any reason why it has not done so, Counsel for the Acting General Counsel's Motion for Default Judgment should be granted. It is well settled that if a Respondent fails to file an answer to a Compliance Specification and Notice of Hearing within the time and in the manner prescribed by the Board's Rules and Regulations, all allegations in the complaint are deemed to be admitted to be true and may be so found by the Board, and judgment may be rendered on the basis of the Compliance Specification and Notice of Hearing alone. *Boilermakers Local Lodge 83, affiliated with the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers, AFL-CIO (Capitol Iron Workers Company)*, 357 NLRB No. 12 (2011).

WHEREFORE, Counsel for the Acting General Counsel moves that all of the allegations of the Compliance Specification and Notice of Hearing be deemed admitted to be true and be so found by the Board and prays for the relief sought in the Motion for Default Judgment.

Dated at Cincinnati, Ohio this 8<sup>th</sup> day of September 2011.

Respectfully submitted,



Kevin P. Luken  
Counsel for the Acting General Counsel  
Region 9, National Labor Relations Board  
3003 John Weld Peck Federal Building  
550 Main Street  
Cincinnati, Ohio 45202-3271

Attachment



United States Government

**NATIONAL LABOR RELATIONS BOARD, Region 9**

John Weld Peck Federal Building

550 Main Street - Room 3003

Cincinnati, Ohio 45202-3271

TELEPHONE: (513) 684-3633

FAX: (513) 684-3946

August 22, 2011

Ms. Bobbi Hausfeld  
Salon/Spa at Boro, Inc.  
760 North Main Street  
Springboro, Ohio 45066-8944

Re: Salon/Spa at Boro, Inc.  
Cases 9-CA-45349  
9-CA-45426  
9-CA-45538

Dear Ms. Hausfeld:

I am Counsel for the General Counsel in the above captioned case which is scheduled for hearing on October 3, 2011. It appears that Salon/Spa at Boro, Inc. (the Employer) has not filed an Answer to the Compliance Specification which issued in this case on July 29, 2011. The Compliance Specification was served upon the Employer by certified mail on July 29, 2011 and an Answer was due August 19, 2011. Accordingly, this is to advise that unless Respondent's Answer is received in the Regional Office by close of business on **September 1, 2011**, I will promptly file a Motion for Default Judgment requesting that all allegations of the Compliance Specification which are not specifically denied be deemed to be admitted to be true. Please find enclosed a copy of the Compliance Specification and Notice of Hearing which explains the requirements for filing an Answer under Sections 102.56 and 102.21 of the Board's Rules and Regulations and the consequences for failing to file an Answer. If you need additional time to file an answer, please submit a written request to the Region prior to September 1, 2011.

In the event you have any other questions please do not hesitate to contact me at, 513-684-3929.

Very truly yours,

Kevin P. Luken  
Counsel for the General Counsel

ATTACHMENT 1