



**UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
1099 14<sup>TH</sup> STREET NW  
WASHINGTON DC 20570**

October 4, 2011

Re: Taylor Made Transportation Services, Inc.  
Case 5-CA-36646

Paul D. Shelton, Esq.  
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401 East Pratt Street  
Suite 2315  
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Dear Counsels:

This confirms receipt by this Office on September 29, 2011, by overnight delivery service, of the Respondent's Motion for Summary Judgment and Brief in Support in the above-captioned case, with attached exhibits.

Section 102.24(b) of the Board's Rules and Regulations requires that all motions for summary judgment must be filed with the Board in Washington, D.C. no later than 28 days prior to the hearing date. The hearing in this matter is scheduled for October 26, 2011. Thus, the last date for the timely filing with the Board of a motion for summary judgment in this matter was September 28, 2011. As noted above, however, the Motion was not filed with the Board until September 29. The 28-day limit was established as the minimum time in which the Board can give such motions proper and thorough consideration. See Section 102.24(b) of the Board's Rules and Regulations.

In addition, Section 102.111(b) of the Board's Rules and Regulations provides that documents or filings must be received by the Board no later than on the last day of the time limit, and "documents which are postmarked on or after the due date are untimely." Section 102.111(b) states that "Postmarking' shall include timely depositing the document with a delivery service that will provide a record showing that the document was tendered to the delivery service in sufficient time for delivery by the due date, but in no event later than the day before the due date."

Thus, the Respondent's Motion for Summary Judgment in this case was required to be postmarked or given to a delivery service no later than September 27, 2011. The FedEx Airbill attached to the Respondent's Exceptions and Brief, however, shows that these documents were tendered to the delivery service on September 28. Further, as noted above, these documents were not received by the Board until September 29, one day after the due date.

Accordingly, as the Respondent's Motion for Summary Judgment was not timely filed with the Board, I cannot forward it to the Board for consideration. None of the foregoing, however, precludes you from raising your motion with the administrative law judge at the hearing.

Very truly yours,

Henry S. Breiteneicher  
Associate Executive Secretary

cc: Parties, including Region 5 and  
Judge's Division