



**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD**

REGION 4
615 CHESTNUT ST
STE 710
PHILADELPHIA, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658

November 29, 2012

VIA E-FILE

Lester A. Heltzer, Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570

Re: Lee's Industries, Inc., and Lee's Home Health
Services, Inc. and Lee's Companies, Inc.
(Single Employer)
Case 04-CA-036904

Dear Executive Secretary Heltzer:

Enclosed please find Counsel for the Acting General Counsel's Motion for Default Judgment (including attachments thereto) in the above-referenced case.

Copies of the above Motion have been served this day on the persons below by first class mail and/or by e-mail.

Very truly yours,

MARGARITA NAVARRO-RIVERA
Counsel for the Acting General Counsel

cc:

Nina Kinard, Lee's Industries, Inc., Lee's Home Health Services, Inc., Lee's Companies, Inc.,
109 Clayton Court, North Wales, PA 19454-1828; nkinard@leeindustries.com
Eric Lamback, President, Lee's Industries, Inc., Lee's Home Health Services, Inc., Lee's
Companies, Inc., 751 Germantown Pike, Lafayette Hill, PA 19444-1620; Eric Lamback,
Lee's Industries, Inc. 3858 Pulaski Ave., Phila., PA 19140; ericlamback@aol.com
Bruce Ludwig, Esquire, bludwig@wwdlaw.com
Joshua Rubinsky, Esquire, rubinsky@brodierubinsky.com

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

LEE'S INDUSTRIES, INC. AND LEE'S
HOME HEALTH SERVICES, INC. AND
LEE'S COMPANIES, INC. (SINGLE EMPLOYER)

and

Case 04-CA-036904

BERNICE BROWN, an Individual

MOTION FOR DEFAULT JUDGMENT

Counsel for the Acting General Counsel, pursuant to Section 102.24, 102.50 and 102.56 of the Rules and Regulations of the National Labor Relations Board, herein called the Rules and the Board, respectively, hereby moves for Default Judgment and requests the Board to transfer, and continue before the Board, the Compliance Specification issued herein and the proceedings related thereto. In support of the Motion, Counsel for the Acting General Counsel avers as follows:

1. On September 30, 2010, the Board issued its Decision and Order in the above-captioned case, 355 NLRB No. 206, directing Respondents Lee's Industries, Inc. and Lee's Home Health Services, Inc. and Lee's Companies, Inc., (Single Employer) herein called Respondents, their officers, agents, successors, and assigns to, to, inter alia:

- (a) Within 14 days from the date of the Board's Order, offer Bernice Brown full reinstatement to her former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to her seniority or any other rights or privileges previously enjoyed.
- (b) Make Bernice Brown whole for any loss of earnings and other benefits

she may have suffered as a result of the discrimination against her in the manner set forth in the remedy section of the decision.

2. On October 11, 2012, the Regional Director for the Fourth Region of the Board issued a Corrected Compliance Specification and Notice of Hearing in this matter, herein called the Specification, directing Respondents to file their answer to the Specification within 21 days from the service thereof, as required by Section 102.56 of the Rules. The hearing on the Specification, which had been scheduled for December 18, 2012, has been postponed indefinitely. A copy of the Specification, the Affidavit of Service thereof, and the Postal Service Domestic Return Receipt (Green Card) showing delivery of the Specification and the Postponement Order are attached hereto as Exhibits I, 2 and 3, respectively.

3. By letter dated November 5, 2012, Respondents were advised that their Answer to the Specification had not been received and that, unless Respondents filed their Answer by November 12, 2012, the instant Motion would be filed. A copy of the letter is attached hereto as Exhibit 4.

4. By letter dated November 12, 2012, Respondents' President Eric Lamback requested an extension of time to file an Answer to the Specification. A copy of the letter is attached hereto as Exhibit 5.¹

5. On November 14, 2012, the Regional Director for the Fourth Region issued an Order granting Lamback's request and extending the time for filing an Answer to the Specification to November 21, 2012. A copy of the Order is attached hereto as Exhibit 6.

¹ In this request for an extension, Respondents asserted that Lee's Industries, Inc. is "in the initial stages of Bankruptcy and need (sic) more time due to restructuring." The Board has found that Bankruptcy proceedings do not constitute either good cause for failing to file an answer or the basis for denying the Acting General Counsel's Motion. *Dubin Paper Company*, 359 NLRB No. 25 (November 21, 2012); *OK Toilet and Towel Supply, Inc.*, 339 NLRB 1100 (2003).

6. Respondents have failed to file any answer to the Specification.

7. It is therefore submitted that Respondents have failed to comply with the Rules concerning the filing of an answer and, accordingly, the allegations of the Specification should be deemed to be admitted to be true and be so found by the Board pursuant to Section 102.56(c) of the Rules and the final paragraph starting on page 4 of the Specification.

NOW THEREFORE, the undersigned Counsel for the Acting General Counsel moves that: (1) the Compliance Specification and this proceeding be transferred to and continued before the Board; (2) the Board find the allegations of the Specification to be true; (3) the Board issue a Supplemental Decision and Order based on such findings and direct Respondents, inter alia, to pay the amounts, plus interest, set forth in the Specification; and (4) the Board grants such other and further relief as may be appropriate.

Signed at Philadelphia, Pennsylvania this 29th day of November, 2012.


MARGARITA NAVARRO-RIVERA

Counsel for the Acting General Counsel
National Labor Relations Board, Fourth Region

Phone: (215) 597-7647

Fax: (215) 597-7658

margarita.navarro-rivera@nlrb.gov

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

LEE'S INDUSTRIES, INC. AND LEE'S
HOME HEALTH SERVICES, INC. AND
LEE'S COMPANIES, INC. (SINGLE EMPLOYER)

and

Case 04-CA-036904

BERNICE BROWN

**CORRECTED COMPLIANCE SPECIFICATION AND NOTICE OF
HEARING**

The National Labor Relations Board (the Board), issued its Decision and Order on September 30, 2010 (355 NLRB No. 206), directing, Respondents Lee's Industries, Inc., Lee's Home Health Services, Inc. and Lee's Companies, Inc., their officers, agents, successors, and assigns to take certain affirmative action, including making discriminatee Bernice Brown (Brown) whole for any loss of earnings and other benefits she may have suffered as a result of Respondents' unfair labor practices in violation of Section 8 (a)(1) and (3) of the Act. On July 20, 2011, the United States Court of Appeals for the Third Circuit in Case No. 10-4690, entered its Judgment enforcing the Board's Order. A controversy having arisen as to the amount of backpay due under the Board's Order, the undersigned Regional Director for the Fourth Region of the Board, pursuant to authority conferred upon her by the Board, hereby issues this Compliance Specification and Notice of Hearing and alleges that the backpay owing to Brown is as follows:

BROWN'S BACKPAY PERIOD

1. Brown's backpay period began on February 27, 2009, when Respondents discharged her, and continued through April 29, 2011. At all material times from April 30, 2011 through February 29, 2012, Brown did not hold interim employment or engage in a reasonable search for interim employment.¹

EXHIBIT 1

¹ On February 29, 2012, Brown tendered her resignation to Respondents and waived any future right to employment.

BROWN'S GROSS BACKPAY

2. (a) Brown's gross backpay was calculated first by determining the average number of hours she worked per pay period during the 12 month period from February 24, 2008 through February 21, 2009.² Brown worked regular hours, regular weekend hours, overtime hours and overtime weekend hours.³ The calculations of the average number of regular, regular weekend, overtime and overtime weekend hours Brown worked per pay period are set forth in Exhibit 1.

(b) The average regular, regular weekend, overtime and overtime weekend hours Brown worked per pay period were respectively multiplied by her regular wage rate (\$8.44/hour), regular weekend wage rate (\$8.69/hour), overtime wage rate (\$12.66/hour) and overtime weekend wage rate (\$13.04/hour). Brown's average regular, regular weekend, overtime and overtime weekend earnings per pay period were added together to determine Brown's average earnings per pay period.

(c) Brown's average regular, regular weekend, overtime and overtime weekend earnings in the bi-weekly pay periods involved herein were divided by two to determine her weekly average regular, regular weekend, overtime and overtime weekend earnings. Her average weekly earnings in each of the four rates of pay were totaled to yield Brown's average earnings per week.

(d) The calculations described in paragraphs 2(b) and 2(c) are set forth in Exhibit 2.

(e) In order to determine Brown's quarterly gross backpay, her average weekly earnings, as described above, were multiplied by the number of weeks she would have worked in each calendar quarter. The calculations of Brown's quarterly gross backpay are set forth in Exhibit 3.

BERNICE BROWN'S INTERIM EARNINGS

3. Brown had interim earnings during her backpay period. Her interim earnings are wages she earned for the job she held during the backpay period, which it is admitted, are allocable to the calendar quarters comprising her backpay period. Brown's quarterly interim earnings are set forth in Exhibit 3.

BERNICE BROWN'S NET BACKPAY

4. (a) Brown's quarterly net backpay is the difference between her calendar quarter gross backpay and her calendar quarter interim earnings.

² Respondents use a two week pay period. The pay period ending on February 21, 2009 was her last full pay period of work.

³ All of Brown's in-service and vacation hours are classified as regular hours. All of Brown's relief hours are classified as weekend hours. All of Brown's holiday hours are classified as overtime hours.

(b) Brown's total net backpay is the sum of her quarterly net backpay.

(c) Brown's quarterly net backpay and total net backpay, which represent the amount she is due from Respondents in order to make her whole for lost wages, is set forth in Exhibit 3.

SUMMARY

5. Summarizing the facts and calculations specified herein, the obligation of Respondents to make whole Brown as required by the Board's Order and described above in paragraphs 1 through 4, will be fulfilled by payment to her of the total amount of net backpay set forth in Exhibit 3, plus interest accruing on all of the net backpay until the date of the payment.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Section 102.56 of the Board's Rules and Regulations, it must file an Answer to the Compliance Specification. The answer must be *received by this office on or before November 1, 2012, or postmarked on or before October 31, 2012.* Unless filed electronically in a pdf format, Respondent should file an original and four copies of the Answer with this office and serve a copy of the Answer on each of the other parties.

The Answer also may 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 **E-Gov**, then click on the **E-Filing** link on the pull-down menu. Click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. The responsibility for the receipt and usability of the Answer rests exclusively upon the sender. Unless notification of 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 two (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 such Answer be signed and sworn to by Respondent or by a duly authorized agent with appropriate power of attorney affixed. See Section 102.56(a). If the Answer being filed electronically is a pdf document containing the required signature, no paper copies of the Answer need to be transmitted to the Regional Office. However, if the electronic version of the Answer to the Compliance Specification 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.

As to all matters set forth in the Compliance Specification that are within the knowledge of Respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial is not sufficient. See Section 102.56(b) of the Board's Rules and Regulations, a copy of which is attached. Rather, the Answer must state the basis for any disagreement with any allegations that are within Respondent's knowledge, and the Answer must set forth in detail Respondent's position as to the applicable premises and furnish the appropriate supporting figures.

If no Answer is filed, or if the Answer is filed untimely the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Compliance Specification are true. If the Answer fails to deny allegations of the Compliance Specification in the manner required under Section 102.56(b) of the Board's Rules and Regulations, and the failure to do so is not adequately explained, the Board may find those allegations in the Compliance Specification are true and preclude Respondent from introducing any evidence controverting those allegations.

NOTICE OF HEARING

PLEASE TAKE NOTICE that at **10:00 a.m.** on **December 18, 2012**, and on consecutive days thereafter until concluded, a hearing will be conducted in a hearing room of the National Labor Relations Board, Region 4, 615 Chestnut Street, 7th Floor, Philadelphia, Pennsylvania 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 Compliance Specification. 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.

Signed at Philadelphia, Pennsylvania on this 11th day of October, 2012.

Dorothy L. Moore-Duncan
DOROTHY L. MOORE-DUNCAN
Regional Director, Fourth Region
National Labor Relations Board

Exhi (Average Hours Worked Per Pay Period)

Pay Period	Regular Hours	Weekend Regular Hours	Overtime Hours	Weekend Overtime Hours
3/8/2008	82	0	17	8
3/22/2008	80	0	9	5
4/5/2008	77	3	0	10
4/19/2008	68	7	0	0
5/3/2008	69.5	2	0	0
5/17/2008	67	0	0	0
5/31/2008	70	7.5	12.5	0
6/14/2008	76.5	3.5	0	1.5
6/28/2008	67	13	0	9
7/12/2008	56	7	0	0
7/26/2008	71	9	0	12.5
8/9/2008	67.5	12.5	0	3.5
8/23/2008	50	7	0	0
9/6/2008	62.5	7	10	0
9/20/2008	68.5	7	0	0
10/4/2008	80	0	7	9
10/18/2008	70	7	0	0
11/1/2008	61	10	0	0
11/15/2008	76.5	9.5	2.5	7
11/29/2008	78	5	5	0
12/13/2008	68.5	10	0	0
12/27/2008	58.5	0	0	0
1/10/2009	52	7	7	0
1/24/2009	33.5	7	0	0
2/7/2009	38	11	0	0
2/21/2009	26	9	0	0
Total	64.40	6.19	2.69	2.52

Exhibit Average Earnings Per Pay Period and Per V (c)

Regular Hours Per Pay Period	Regular Rate	Weekend Regular Hours Per Pay Period	Weekend Regular Rate	Overtime Hours Per Pay Period	Overtime Rate	Weekend Overtime Hours Per Pay Period	Weekend Overtime Rate	Average Earnings Per Pay Period
64.40	\$8.44	6.19	\$8.69	2.69	\$12.66	2.52	\$13.04	\$664.23
Regular Hours Per Week	Regular Rate	Weekend Regular Hours Per Week	Weekend Regular Rate	Overtime Hours Per Week	Overtime Rate	Weekend Overtime Hours Per Week	Weekend Overtime Rate	Average Earnings Per Week
32.20	\$8.44	3.10	\$8.69	1.35	\$12.66	1.26	\$13.04	\$332.12

Exhibit 3 (Backpay Calculations)

Quarter/Year	Weeks	Average Weekly Earnings	Gross Backpay	Interim Employer	Interim Earnings	Net Backpay
1st/2009	4.6	\$332.12	\$1,527.75		\$0.00	\$1,527.75
2nd/2009	13	\$332.12	\$4,317.56		\$0.00	\$4,317.56
3rd/2009	13	\$332.12	\$4,317.56		\$0.00	\$4,317.56
4th/2009	13	\$332.12	\$4,317.56		\$0.00	\$4,317.56
1st/2010	13	\$332.12	\$4,317.56	Kidz 1st Stepz	\$1,923.60	\$2,393.96
2nd/2010	13	\$332.12	\$4,317.56	Kidz 1st Stepz	\$3,697.08	\$620.48
3rd/2010	13	\$332.12	\$4,317.56	Kidz 1st Stepz	\$3,900.70	\$416.86
4th/2010	13	\$332.12	\$4,317.56	Kidz 1st Stepz	\$3,576.80	\$740.76
1st/2011	13	\$332.12	\$4,317.56	Kidz 1st Stepz	\$3,322.56	\$995.00
Total						\$19,647.49

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

LEE'S INDUSTRIES, INC. and
LEE'S HOME HEALTH SERVICES and
LEE'S COMPANIES, INC. (Single Employer)

and

Case 4-CA-36904

BERNICE BROWN, an Individual

Date of Mailing: October 11, 2012

**AFFIDAVIT OF SERVICE OF: CORRECTED COMPLIANCE SPECIFICATION AND
NOTICE OF HEARING**

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 by post-paid certified mail upon the following persons, addressed to them at the following addresses:

NINA KINARD, PRESIDENT, LEE'S INDUSTRIES, INC., LEE'S HOME HEALTH SERVICES, INC., LEE'S COMPANIES, INC., 109 CLAYTON CT, NORTH WALES, PA 19454-1828 (C. 7007 2560 0001 8594 9203)

ERIC LAMBACK, VICE PRESIDENT, LEE'S INDUSTRIES, INC., LEE'S HOME HEALTH SERVICES, INC., LEE'S COMPANIES, INC., 751 GERMANTOWN PIKE, LAFAYETTE HILL, PA 19444-1620 (C. 7007 2560 0001 8594 9210)

BRUCE M. LUDWIG, ESQUIRE, WILLIG WILLIAMS & DAVIDSON, 1845 WALNUT ST, 24TH FLOOR, PHILADELPHIA, PA 19103-4708 (C. 7007 2560 0001 8594 9227)

JOSHUA P. RUBINSKY, ESQUIRE, BRODIE & RUBINSKY, P.C., 121 S. BROAD STREET, SUITE 800, PHILADELPHIA, PA 19107 (C. 7007 2560 0001 8594 9234)

BERNICE BROWN, 1516 W ERIE AVE, PHILADELPHIA, PA 19140-4139 (C. 7007 2560 0001 8594 9241)

Subscribed and sworn to before me this

11th day of October, 2012

Designated Agent

/s/ Diane Alessandrini

NATIONAL LABOR RELATIONS BOARD

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ 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. 	A. Signature X  <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
1. Article Addressed to: ERIC LAMBACK, Vice President LEE'S INDUSTRIES, INC., LEE'S HOME HEALTH SERVICES, INC., LEE'S COMPANIES, INC., 751 GERMANTOWN PIKE LAFAYETTE HILL, PA 19444-1620	B. Received by (Printed Name) C. Date of Delivery ERIC LAMBACK 10/18/12
<i>Lee's Industries</i> <i>CA - 36904</i> <i>Corrected Comp Spec MNR</i>	D. Is delivery address different from item 1? If YES, enter delivery address below: <input checked="" type="checkbox"/> No
2. Article Number (Transfer from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
7007 2560 0001 8594 9210	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540	

EXHIBIT 2

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

LEE'S INDUSTRIES, INC. and
LEE'S HOME HEALTH SERVICES and
LEE'S COMPANIES, INC. (Single Employer)

and

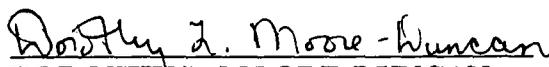
Case 04-CA-036904

BERNICE BROWN, an Individual

ORDER POSTPONING HEARING INDEFINITELY

IT IS ORDERED that the hearing in the above-captioned matter scheduled to be held on December 18, 2012, be and it hereby is, postponed indefinitely.

Signed at Philadelphia, Pennsylvania this 5th day of November, 2012.


DOROTHY L. MOORE-DUNCAN
Regional Director, Fourth Region
National Labor Relations Board



United States Government
NATIONAL LABOR RELATIONS BOARD
Region Four
615 Chestnut Street - Seventh Floor
Philadelphia, PA 19106-4404

Telephone: (215) 597-7601
Fax: (215) 597-7658
Email: Region4@NLRB.GOV

November 5, 2012

Nina Kinard, President
Lee's Industries, Inc., Lee's Home Health
Services, Inc., Lee's Companies, Inc.
109 Clayton Court
North Wales, PA 19454-1828

Eric Lamback, Vice-President
Lee's Industries, Inc., Lee's Home Health
Services, Inc., Lee's Companies, Inc.
751 Germantown Pike
Lafayette Hill, PA 19444-1620

Re: Lee's Industrieries, Inc. and Lee's
Home Health Services and Lee's
Companies, Inc. (Single Employer)
Case 4- CA-036904

Dear Ms. Kinard and Mr. Lamback:

On October 11, 2012, a Corrected Compliance Specification and Notice of Hearing issued in the above-captioned case. An Answer to the Corrected Compliance Specification was due on November 1, 2012. To date, no Answer has been received. This is to advise you that, unless an Answer is filed by November 12, 2012, a Motion for Default Judgment will be filed with the Board. I have enclosed Sections 102.20, 102.21 and 102.56 of the Board's Rules and Regulations, which set forth what you must do to file a proper Answer.

If you have any questions, I may be reached at (215) 597-7615. In my absence, you may call Margarita Navarro-Rivera at (215) 597-7647.

Very truly yours,

DANIEL E. HALEVY
Regional Attorney

Enclosure

DEH/dma

ANSWER

Sec. 102.20 *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.*—The respondent shall, within 14 days from the service of the complaint, file an answer thereto. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

Sec. 102.21 *Where to file; service upon the parties; form.*—An original and four copies of the answer shall be filed with the Regional Director issuing the complaint. Immediately upon the filing of his answer, respondent shall serve a copy thereof on the other parties. An answer of a party represented by counsel shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his answer and state his address. Except when otherwise specifically provided by rule or statute, an answer need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him that he has read the answer; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If an answer is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the action may proceed as though the answer had not been served. For a willful violation of this rule an attorney may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

Sec. 102.22 *Extension of time for filing.*—Upon his own motion or upon proper cause shown by any other party, the Regional Director issuing the complaint may by written order extend the time within which the answer shall be filed.

Sec. 102.23 *Amendment.*—The respondent may amend his answer at any time prior to the hearing. During the hearing or subsequent thereto, he may amend his answer in any case where the complaint has been amended, within such period as may be fixed by the administrative law judge or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the administrative law judge or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the administrative law judge or the Board.

NATIONAL LABOR RELATIONS BOARD

RULES AND REGULATIONS—PART 102

Sec. 102.56 *Answer to compliance specification.*

(a) *Filing and service of answer; form.*—Each respondent alleged in the specification to have compliance obligations shall, within 21 days from the service of the specification, file an original and four copies of an answer thereto with the Regional Director issuing the specification, and shall immediately serve a copy thereof on the other parties. The answer to the specification shall be in writing, the original being signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney affixed, and shall contain the mailing address of the respondent.

(b) *Contents of answer to specification.*—The answer shall specifically admit, deny, or explain each and every allegation of the specification, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. Denials shall fairly meet the substance of the allegations of the specification at issue. When a respondent intends to deny only a part of an allegation, the respondent shall specify so much of it as is true and shall deny only the remainder. As to all matters within the knowledge of the respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial shall not suffice. As to such matters, if the respondent disputes either the accuracy of the figures in the specification or the premises on which they are based, the answer shall specifically state the basis for such disagreement, setting forth in detail the respondent's position as to the applicable premises and furnishing the appropriate supporting figures.

(c) *Effect of failure to answer or to plead specifically and in detail to backpay allegations of specification.*—If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate. If the respondent files an answer to the specification but fails to deny any allegation of the specification in the manner required by paragraph (b) of this section, and the failure so to deny is not adequately explained, such allegation shall be deemed to be admitted to be true, and may be so found by the Board without the taking of evidence supporting such allegation, and the respondent shall be precluded from introducing any evidence controverting the allegation.

LEE'S INDUSTRIES, INC.

3858 Pulaski Avenue Philadelphia, PA. 19140 (215)229-1212

November 12, 2012

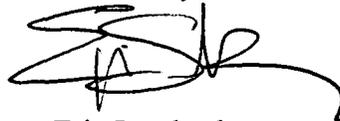
Daniel E. Halevy
NATIONAL LABOR RELATIONS BOARD
Region Four
615 Chestnut Street- Seventh Floor
Philadelphia, Pa. 19106-4404

Re: Lee's Industries, Inc. Case 4- CA-036904

Dear Mr. Halevy:

I am responding to your letter dated November 5, 2012. At this time, I would like to request an extension of time for filing as indicated in Sec. 102.22. Lee's Industries, Inc. is in the initial stages of Bankruptcy and need more time due to Restructuring. I also would like to thank you for the information given along with your letter. If I can be of Further assistance please call me on my cell at 215-680-3886.

Thankfully,

A handwritten signature in black ink, appearing to read 'Eric Lamback', with a long horizontal flourish extending to the right.

Eric Lamback
President

11/14/12

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

LEE'S INDUSTRIES, INC. and
LEE'S HOME HEALTH SERVICES and
LEE'S COMPANIES, INC. (Single Employer)

and

Case 4-CA-036904

BERNICE BROWN, an Individual

**ORDER GRANTING REQUEST FOR
EXTENSION OF TIME FOR FILING ANSWER**

Respondent, having requested an extension of time to file its Answer to the Corrected Compliance Specification and Notice of Hearing, and the request having been duly considered,

IT IS ORDERED, pursuant to Section 102.22 of the Board's Rules and Regulations, that the time for filing an Answer to the Corrected Compliance Specification in the above-captioned matter be, and it hereby is, extended to November 21, 2012.

Signed at Philadelphia, Pennsylvania this 14th day of November, 2012.

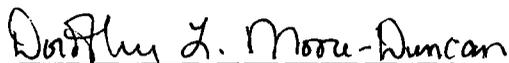

DOROTHY L. MOORE-DUNCAN
Regional Director, Fourth Region
National Labor Relations Board

EXHIBIT 6

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

LEE'S INDUSTRIES, INC. and
LEE'S HOME HEALTH SERVICES and
LEE'S COMPANIES, INC. (Single Employer)

and

BERNICE BROWN, an Individual

Case 4-CA-36904

Date of Mailing: November 14, 2012

**AFFIDAVIT OF SERVICE OF: ORDER GRANTING REQUEST FOR
EXTENSION OF TIME FOR FILING ANSWER**

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 by post-paid first class mail upon the following persons, addressed to them at the following addresses:

ERIC LAMBACK, PRESIDENT, LEE'S INDUSTRIES, INC., LEE'S HOME HEALTH SERVICES, INC., LEE'S COMPANIES, INC., 3858 PULASKI AVENUE; PHILADELPHIA, PA 19140

ERIC LAMBACK, PRESIDENT, LEE'S INDUSTRIES, INC., LEE'S HOME HEALTH SERVICES, INC., LEE'S COMPANIES, INC., 751 GERMANTOWN PIKE, LAFAYETTE HILL, PA 19444-1620

BRUCE M. LUDWIG, ESQUIRE, WILLIG WILLIAMS & DAVIDSON, 1845 WALNUT ST, 24TH FLOOR, PHILADELPHIA, PA 19103-4708

JOSHUA P. RUBINSKY, ESQUIRE, BRODIE & RUBINSKY, P.C., 121 S. BROAD STREET, SUITE 800, PHILADELPHIA, PA 19107

BERNICE BROWN, 1516 W ERIE AVE, PHILADELPHIA, PA 19140-4139

Subscribed and sworn to before me this

14th day of November, 2012

Designated Agent

/s/ Diane Alessandrini

NATIONAL LABOR RELATIONS BOARD

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