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Attorneys for Schuff Steel Company

**UNITED STATES OF AMERICA**
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**
**REGION 32**

| | |
|---|---|
| Shopmen's Union Local 790,<br>Union,<br>and<br>Schuff Steel Company,<br>Employer. | No. 32-RC-141750<br>**MOTION TO RESCHEDULE HEARING ON OBJECTIONS** |

Schuff Steel Company ("Schuff" or "Company"), by and through its undersigned attorneys, hereby moves the Regional Director to reschedule the hearing in this matter from April 20, 2015, to April 27, 2015, for the following reasons.

First, a position statement in another case before the Region, Case No. 32-CA-148914, is due on April 20, 2015. Preparation of that position statement and a response to the letter of the Field Attorney, dated April 6, 2015, seeking documents and other information in this mater, will conflict with and preclude the allocation of adequate time needed for preparation for the Objections hearing.

Second, a key, indispensable witness for the presentation of the Company's case is Scott (Scooter) Esmeier. Mr. Esmeier had previously made a non-refundable deposit, in excess of $4,000.00, for a week's vacation, as more fully explained in the attached Affidavit. Mr. Esmeier is specifically named in the Order Approving Withdrawal of Objections and Notice of Hearing ("Order"), at page 3. Mr. Esmeier headed the

Company's election campaign and is knowledgeable of all aspects of it. Further, and equally importantly, Mr. Esmeier would be of invaluable assistance to legal counsel before and during the hearing as the likely party representative. Due process requires the presence of this essential witness.

The undersigned has sought to learn the position of Mr. Rosenfeld, counsel for the Union, relative to this Motion, however, the undersigned was advised that Mr. Rosenfeld was not in the office. The undersigned left word on Mr. Rosenfeld's voice mail for the reason of the call.

Schuff respectfully submits that the above reasons constitute good cause for the rescheduling.

RESPECTFULLY SUBMITTED: April 14, 2015

SHERMAN & HOWARD L.L.C.

By_____
Thomas J. Kennedy
7033 East Greenway Parkway, Suite 250
Scottsdale, Arizona 85254-2080
Attorneys for Schuff Steel Company

**ORIGINAL** of the foregoing was
e-filed with the NLRB on April 14, 2015,

**COPY** of the foregoing was mailed
and e-mailed or faxed this same date to:

David A. Rosenfeld
Weinberg, Roger & Rosenfeld
1001 Marina Village Parkway
Suite 200
Alameda, CA 94501
drosenfeld@unioncounsel.net
**Counsel for Union**

George Velastegui
Regional Director

National Labor Relations Board
Region 32
1301 Clay St.
Suite 300N
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Marla McGhee

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

**REGION 32**

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|---|---|
| Shopmen's Union Local 790,<br>Union,<br>and<br>Schuff Steel Company,<br>Employer. | No. 32-RC-141750<br>**AFFIDAVIT OF SCOTT (SCOOTER) ESMEIER** |

STATE OF ARIZONA )
) ss
COUNTY OF MARICOPA )

I, SCOTT (SCOOTER) ESMEIER, being first duly sworn upon my oath, depose and state as follows:

1. I am a member of the senior management of Schuff Steel Company at all times relevant. This Affidavit is based upon my personal knowledge or belief.

2. On or about January 7, 2015, the NLRB conducted an election at the Company's Stockton, California plant. The tally of ballots reflected that 47 votes were cast for the Company, 37 votes were cast for the Union, and there were 10 challenges. I led the effort to urge eligible voters to vote for the Company and am knowledgeable as to all aspects of the Company's campaign. I have reviewed the Order Approving Withdrawal of Objections and Notice of Hearing issued by the Regional Director

("Order") in 32-RC-141750, dated on April 9, 2015, though it was not received by the Company or its attorneys until April 13, 2015. That Order sets April 20, 2015, as the date of hearing. I am a key, necessary, indispensable witness for the presentation of the Company's case at that hearing. Any presentation of the Company's case without my testimony and participation would be incomplete and to the severe prejudice of the Company's case. I am specifically mentioned at page 3 of the Order.

3. I am unavailable from April 16-22, 2015, due to a previously scheduled vacation. My wife and I made a $4,332.40 non-refundable payment on April 7, 2015. As late as April 8, 2015, in response to inquiries from our legal counsel, we were advised by the Regional Office that the report on Objections was still pending and it was not known when the report on Objections would be decided. I am not due to arrive back in Phoenix until April 22, 2015, at 10:00 p.m. I attach to this affidavit copies of the prepaid travel arrangements described above as Exhibit "A."

4. This Affidavit is made in support of the Company's Motion to Reschedule Hearing on Objections.

Further affiant sayeth naught.

SCOTT (SCOOTER) ESMEIER

Subscribed and sworn before me this 14 day of April, 2015, by Scott (Scooter) Esmeier.

Notary Public

CATHERINE S. JONES
Notary Public - Arizona
Maricopa County
My Comm. Expires Sep 30, 2016

Booking Date: **April 7, 2015**
Invoice Date: **April 7, 2015**
Costco Membership #: **111795803979**
Member Name: **Mrs. SANDRA ESMEIER**
Departure Date: **April 16, 2015**

**Reservations:** 1-888-829-0233
Monday - Friday 05:00 AM - 09:00 PM (Pacific Time)
Saturday - Sunday 06:00 AM - 05:30 PM (Pacific Time)

**Assistance While Traveling:** 1-866-317-4711
Monday - Friday 05:00 AM - 09:00 PM (Pacific Time)
Saturday - Sunday 06:00 AM - 09:00 PM (Pacific Time)

## Costco Travel Confirmation Number: C316212763

Thank you for booking with Costco Travel. Your complete vacation information is included below.

**Please review the following itinerary for accuracy and contact Costco Travel with any necessary corrections.**

Identification requirements are strictly enforced. It is the passenger's responsibility to travel with proper proof of citizenship. For the most current information, visit the web site for the U.S. Department of State at



EXHIBIT A

www.travel.state.gov. The Transportation Security Administration(TSA) requires gender, birth date and name that matches government-issued ID for each passenger to check in for flights and obtain a boarding pass.

Print Itinerary

April 16, 2015 - April 22, 2015

# Kauai: Kauai Marriott Resort on Kalapaki Beach Package

Total Package Price
**$4,332.40**

## Traveler Information

**Primary Traveler**
**Mrs. SANDRA ESMEIER**
Age at Time of Travel: 52
Female

**Traveler 2**
**Mr. SCOTT ESMEIER**
Age at Time of Travel: 53
Male

**Total Traveler(s):** 2

## Flights

**DEPARTURE FLIGHTS**

**Total Travel Time: 09 hr(s) 28 min(s)**

| | | | | | |
|---|---|---|---|---|---|
| Thursday<br>**Apr. 16, 2015** | Phoenix (PHX)<br>**08:00 AM** | → | Honolulu (HNL)<br>**11:40 AM** | 06 hr(s) 40 min(s) | Hawaiian Airlines<br>Flight 35 |

Number of Stops: 0
Class of Service: Economy (V)
Aircraft Type: 763
Airline Confirmation: JJKQCE
Seat Number: Assigned at Airport

Layover: **02 hr(s) 09 min(s)**

| | | | | | |
|---|---|---|---|---|---|
| Thursday<br>**Apr. 16, 2015** | Honolulu (HNL)<br>**01:49 PM** | → | Kauai (LIH)<br>**02:28 PM** | 39 min(s) | Hawaiian Airlines<br>Flight 173 |

Number of Stops: 0
Class of Service: Economy (Y)
Aircraft Type: 717
Airline Confirmation: JJKQCE
Seat Number: Assigned at Airport

Nonrefundable Airfare
**Number of passengers:** 2

**Status:** Confirmed

## Rental Car

### Alamo - Sport Utility Vehicle Car

4 1 1

- Car Rental: Sport Utility Vehicle Two-Door Jeep Wrangler or similar
- Transmission Type: Automatic

**Pick-up:** Apr. 16, 2015 Time: 03:28PM
Lihue Airport,
3276 Hoolimalima Pl,
Lihue, Kauai, HI 96766
Ph: 808-246-0645

**Drop-off:** Apr. 22, 2015 Time: 09:13AM

Lihue Airport,
3276 Hoolimalima Pl,
Lihue, Kauai, HI 96766
Ph: 808-246-0645

**No. of Days:** 6

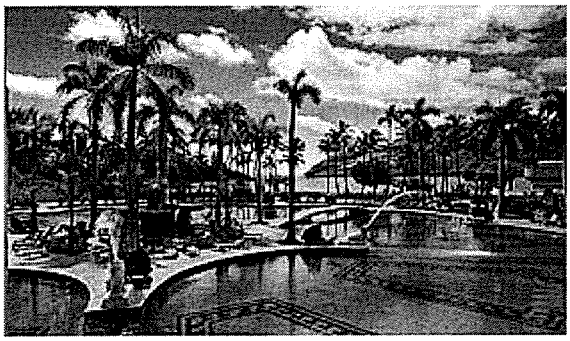
**Special Requests**

**Flight Details** -
Arrival - HA 173
Arriving at LIH on 04/16/2015 at 02:28PM
Departure - HA 346
Departing from LIH on 04/22/2015 at 11:13AM

**Status:** Pending Request

**Remarks:** Renters must be at least 21 years of age with a valid driver's license and a major credit card in their name. Renters age 21 to 24 are subject to an underage surcharge. Rental car includes unlimited mileage, taxes, service fees and one additional driver. It does not include gasoline, optional insurance charges, underage/additional driver charges, upgrades, overtime or infant seats. All vehicles are two-wheel-drive. A hotel parking fee may apply, and will be collected by the hotel upon check-out. Changes to the reservation can be made through Costco Travel until the day prior to pickup. Beginning the day of pickup and throughout your rental, changes must be made at the Alamo pickup location. Alamo will charge you directly for any additional fees that pertain to the change(s). Throughout your rental, early drop-off and/or cancellation of your car are 100% non-refundable.

## Hotels



### Kauai Marriott Resort on Kalapaki Beach
★★★★⯪

3610 Rice St.
Lihue - Kauai, HI, 96766
United States
Ph: 808-245-5050

Costco Member Rating: **4.4**/5 252 Ratings

**Check-In:** Apr. 16, 2015
**Check-Out:** Apr. 22, 2015

**Included Room Category**
**Room 1 of 1:** Pool-View Room for 6 nights (for 2 adults)
Spring/Summer Buyers Choice Promotion

**Lead Passenger:** Mrs. SANDRA ESMEIER

**Included Extras:**
- Daily buffet breakfast for two
- $100 resort credit

**Special Requests**

- Non Smoking
- 1 Bed
- Anniversary

Please be advised that your special requests have been submitted to the property. Such requests are NOT GUARANTEED, may not be applicable or available, or may incur additional charges.

**Status:** Confirmed

**Remarks:** The package price excludes a $30 mandatory daily resort fee, which is payable directly to the resort upon check-out and is subject to change by the hotel without notice. A one-night cancellation fee will apply for no-shows or if the reservation is canceled within three days prior to arrival for travel Apr. 1 - Dec. 21, 2015 and Jan. 7 - Mar. 31, 2016.

A three-night cancellation fee will apply for no-shows or if the reservation is canceled within 30 days prior to arrival for travel Dec. 22, 2015 - Jan. 6, 2016. Reservations that include any portion of a higher-penalty travel period will incur the higher penalties and restrictions. The price includes hotel taxes.

The credit will be applied to the final statement upon check-out. The credit is valid toward the Kukui's Restaurant & Bar, Aupaka Terrace, Kalapaki Grill, Toro Tei Beachfront Sushi Bar, and room service. Any unused portion of the credit is nontransferable, nonrefundable and not redeemable for cash.

## Flights

**RETURN FLIGHTS** **Total Travel Time: 07 hr(s) 47 min(s)**

| | | | | | |
|---|---|---|---|---|---|
| Wednesday<br>**Apr. 22, 2015** | Kauai (LIH)<br>**11:13 AM** | → | Honolulu (HNL)<br>**11:46 AM** | 33 min(s) | Hawaiian Airlines<br>Flight 346 |

Number of Stops:0

Class of Service: Economy (Q)

Aircraft Type: 717

Airline Confirmation:JJKQCE

Seat Number: Assigned at Airport

Layover:**01 hr(s) 14 min(s)**

| | | | | | |
|---|---|---|---|---|---|
| Wednesday<br>**Apr. 22, 2015** | Honolulu (HNL)<br>**01:00 PM** | → | Phoenix (PHX)<br>**10:00 PM** | 06 hr(s) | Hawaiian Airlines<br>Flight 36 |

Number of Stops:0

Class of Service: Economy (S)

Aircraft Type: 763

Airline Confirmation:JJKQCE

Seat Number: Assigned at Airport

Nonrefundable Airfare

**Number of passengers:** 2

**Status:** Confirmed

## Payment Details

| | |
|---|---|
| **Total Package Price** | **$4,332.40** |
| **Payment(s) Applied** | **($4,332.40)** |
| **Balance** | **$0.00** |

**Amount Paid**
**sandra a. esmeier** **$4,332.40**
VisaCard Paid on 04/07/2015
XXXXXXXXXXXX3102
07/15

Scott "scooter" Esmeier