UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

NORTHERN ILLINOIS TELECOM, INC.

and **CASE 13-CA-46394**

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 134

MOTION TO TRANSFER PROCEEDINGS TO THE BOARD AND MOTION FOR DEFAULT JUDGMENT

Now comes Sylvia L. Taylor, Counsel for the General Counsel of the National Labor Relations Board, pursuant to Section 102.50 of the Board's Rules and Regulations, Series 8, as amended, who files this Motion to Transfer Proceedings to the Board and Motion for Default Judgment. These Motions are made upon the assertion that the General Counsel is entitled to judgment pursuant to Section 102.20 of the Board's Rules and Regulations, inasmuch as Respondent has failed to file an Answer to the Complaint and Notice of Hearing within the time required thereby. *Windward Roofing and Construction Co., Inc.*, 333 NLRB No.76 (2001); *U.S. Telefactors Corporation,* 293 NLRB 567 (1989).

In support of these motions, Counsel for the General Counsel respectfully submits the following:

1. Pursuant to an unfair labor practice charge filed on November 2, 2010, and an amended unfair labor practice charge filed on December 29, 2010, by International Brotherhood of Electrical Workers, Local 134, ("the Union") in Case 13-CA-46394, the Regional Director for Region 13 issued a Complaint and Notice of Hearing on January 12, 2011. A copy of this unfair labor practice charge and the Affidavit of Service for the charge are attached as Exhibits 1 and 2, respectively. The first amended charge and Affidavit of Service are attached as Exhibits 3 and 4, respectively. A copy of the Complaint and Notice of Hearing and an Affidavit of Service for the Complaint are attached as Exhibits 5 and 6, respectively.

2. Pursuant to the Board's Rules and Regulations, the Complaint described in paragraph (1) above advised Respondent that if Respondent failed to file an Answer to the Complaint by January 26, 2011, within 14 days of service thereof, as required under Section 102.20 of the Board's Rules and

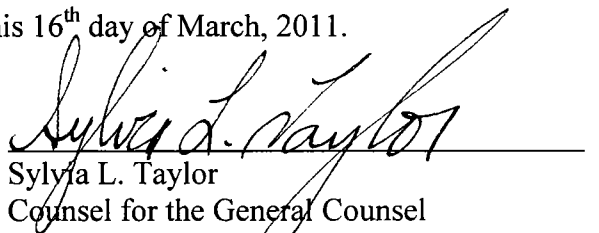
Regulations, all allegations in the Complaint would be deemed to be admitted true and that a Motion for Default Judgment would be filed immediately with the Board.

3. On February 23, 2011, Respondent was sent a letter by certified and regular mail, return receipt requested to Respondent's three known addresses, from Sylvia L. Taylor, an attorney for Region 13, stating that Respondent had failed to file an Answer to the outstanding Complaint within the time specifications required under the Board's Rules and Regulations, and that if Respondent's Answer was not filed by close of business on March 2, 2011, a Motion for Default Judgment would be filed immediately with the Board ("last chance letter"). A copy of the last chance letter is attached as Exhibit 7. Copies of the three certified mail receipts time stamped by the United Sates Postal Service on February 23, 2011, are attached as Exhibit 8, 9 and 10, respectively.

4. Since delivery of the Complaint and Notice of Hearing and the last chance letter, Respondent has filed no Answer and none is anticipated. Based on the foregoing, it is clear that no hearing in this matter is necessary and it is appropriate for the Board to issue a Decision and Order without further proceedings.

WHEREFORE, Counsel for the General Counsel respectfully moves that the Board grant the Motion to Transfer Proceedings to the Board and Motion for Default Judgment, finding all of the allegations in the Complaint to be true and issue an appropriate Remedial Order.

Dated at Chicago, Illinois, this 16th day of March, 2011.



Sylvia L. Taylor
Counsel for the General Counsel
National Labor Relations Board
Region 13
209 South LaSalle Street, Suite 900
Chicago, IL 60604

Attachments

INTERNET
FORM NLRB-501
(2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C 3512

DO NOT WRITE IN THIS SPACE	
Case 13-CA-46394	Date Filed 11/2/10

INSTRUCTIONS:
File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer
Northern Illinois Telecom, Incorporated

b. Tel No. (847) 670-4656

c. Cell No.

f. Fax No.

d. Address *(Street, city, state, and ZIP code)*
3204 OWL DR., ROLLING MEADOWS 60008

e. Employer Representative
Paul Coy, President

g. e-Mail
nitelecom1@gmail.com

h. Number of workers employed
3 - 6

i. Type of Establishment *(factory, mine, wholesaler, etc.)*
Communications Contractor

j. Identify principal product or service
Installation of Communications Equipment

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and *(list subsections)* (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge *(set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)*
See Attachment

3. Full name of party filing charge *(if labor organization, give full name, including local name and number)*
International Brotherhood of Electrical Workers, Local 134

4a. Address *(Street and number, city, state, and ZIP code)*
600 W. Washington Blvd.
Chicago, Illinois 60661

4b. Tel. No. (312) 474-4161

4c. Cell No. (312) 914-1141

4d. Fax No. (312) 454-1528

4e. e-Mail
dkenevan@local134.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit *(to be filled in when charge is filed by a labor organization)* International Brotherhood of Electrical Workers

6. DECLARATION
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By [signature] *(signature of representative or person making charge)*
Daniel Kenevan Business Representative *(Print/type name and title or office, if any)*

Address 600 W. Washington Blvd., Chicago, Illinois 60661
Nov. 1, 2010 *(date)*

Tel. No. (312) 474-4161
Office, if any, Cell No. (312) 914-1141
Fax No. (312) 454-1528
e-Mail dkenevan@local134.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Exhibit 1

IBEW LOCAL 134 Charge Against Employer
2. Basis of the Charge

Since September 2008 through May 4, 2010, Michael Gielarowski worked for NITEL/Paul Coy as an electrician. During his employment, Gielarowski was required to sign certain employment contracts containing restrictive covenants that attempted to restrict Gielarowski from working for other contractors after his employment with NITEL ceased. On May 4, 2010, NITEL terminated Gielarowski because he cooperated with IBEW LOCAL 134 in connection with IBEW LOCAL 134's area standards dispute against NITEL and because Gielarowski had provided testimony to NLRB Region 13 in connection with an unfair labor practice charge filed by IBEW LOCAL 134 against NITEL.

After his termination from NITEL, Gielarowski became a member of IBEW LOCAL 134, and obtained employment as an apprentice with Titan Electric, an IBEW LOCAL 134 signatory contractor. On June 14, 2010, NITEL's president, Paul Coy, sent a letter to IBEW LOCAL 134, threatening to enforce the restrictive covenants in Gielarowski's employment contracts against any IBEW LOCAL 134 signatory contractor. On August 31, 2010, Paul Coy sent an additional letter to Titan Electric, threatening legal action against Titan for employing Gielarowski. This conduct by NITEL and Coy interfered with, restrained and coerced Gielarowski and other current and former NITEL employees in the exercise of their rights granted under Section 7 of the NLRA to become a member of a labor organization and to seek and obtain employment under agreements collectively bargained by the labor organizations.

United States Government
NATIONAL LABOR RELATIONS BOARD
Region 13
209 South LaSalle Street – 9th Floor
Chicago, Illinois 60604
Telephone (312) 353-7570 Fax (312) 886-1341

November 2, 2010

Mr. Paul Coy, President
Northern Illinois Telecom, Inc.
3204 Owl Drive
Rolling Meadows, IL 60008

Re Northern Illinois Telecom, Incorporated
Case 13-CA-46394

Board Agent Kate Gianopulos
Telephone (312)353-4162
E-Mail Kate.Gianopulos@nlrb.gov
Supervisor - Daniel Nelson

Dear Mr. Coy:

This is to inform you that a charge, a true copy of which is enclosed, was filed in the above-entitled matter. Also enclosed is a statement (Form NLRB-4541) briefly setting forth our investigation and voluntary adjustment procedures.

I would appreciate receiving from you by November 16, 2010, a full and complete written account of the facts and a statement of your position with respect to the allegations of the charge. Also, please complete and return one copy of the enclosed questionnaire regarding commerce information (Form NLRB-5081). Please be aware that a failure to provide this information promptly may result in the issuance of an investigative subpoena for this information without prior notice.

The case has been assigned to the above-listed Board agent. When the Board agent solicits relevant evidence from you or your counsel, I request and strongly urge you or your counsel to promptly present to the Board agent any and all evidence relevant to the investigation. It is my view that a refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily. Full and complete cooperation includes, where relevant, timely providing all material witnesses under your control to a Board agent so that witnesses' statements can be reduced to affidavit form, and providing all relevant documentary evidence requested by the

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency is moving toward a fully electronic records system. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-Filing system on its website: http://www.nlrb.gov (See Attachment to this letter for instructions). Of course, the Agency will continue to accept timely filed paper documents.

Exhibit 2

Board agent. The submission of a position letter or memorandum, or the submission of affidavits not taken by a Board agent, does not constitute full and complete cooperation. Further, please be advised that we cannot accept any limitations on the use of any evidence or position statements that are provided to the Agency. Thus, any claim of confidentiality cannot be honored except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. In this regard, we are required by the Federal Records Act to keep copies of documents used in furtherance of our investigation for some period of years after a case closes. Further, we may be required by the Freedom of Information Act to disclose such records upon request, absent some applicable exemption such as those that protect confidential financial information or personal privacy interests (e.g., Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4)). Accordingly, we will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the foregoing laws, regulations, and policies. Please state the case name and number on all correspondence.

If you or witnesses that you wish to present during the investigation have limited English proficiency, you may request translation assistance. Any such request should be made to the assigned Board agent as early in the investigation as possible.

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceeding before the National Labor Relations Board and the courts. In the event that you choose to have a representative appear on your behalf, please have your representative complete Form NLRB-4701, "Notice of Appearance," and forward it promptly to this office.

Please be advised that, under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

The office of the National Labor Relations Board is located on property of the United States government. Accordingly, visitors to the NLRB office are required to exhibit appropriate behavior. In particular, Federal law prohibits visitors to the NLRB office from carrying firearms or other dangerous weapons; any violation is subject to a fine and/or imprisonment for a period of up to five years. 41 CFR § 102.74.440. Prohibited weapons include but are not limited to guns and any gun parts or accessories; ammunition; and knives or other razor blades. Federal law also prohibits visitors to the NRLB office from exhibiting disorderly conduct or loitering where the conduct disrupts the work of NLRB employees or prevents members of the public from receiving NLRB services. 41 CFR § 102.74-390. Finally, federal law prohibits visitors to the NLRB office from creating any hazard on property to persons or things, and stealing any property of the United States government. 41 CFR §102.74.380. In the event a person violates these or other applicable provisions, he or she will be removed from the Chicago Regional Office; may be banned from visiting the Regional office in the future; and the NLRB or law enforcement agencies may pursue any and all of the other applicable penalties as provided by Federal law.

Customer service standards concerning the processing of unfair labor practice cases have been published by the Agency and are available from the Agency's website at www.nlrb.gov. Your cooperation in this matter is invited so that all facts of the case may be considered.

Sincerely,

Joseph A. Barker
Regional Director

dg
Enclosures

I CERTIFY THAT I served the above-referenced charge on November 2, 2010, by postpaid regular first class mail on the addresses named together with a transmittal letter of which this is a true copy.

Denise Gatsoudis
(Signature)

Subscribed and sworn to before me on November 2, 2010.

Roberta Davis
(Designated Agent)

FORM NLRB-501
(11-94)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE	
Case 13-CA-46394	Date Filed 12/29/10

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Northern Illinois Telecom, Incorporated		b. Number of Workers Employed 3-6
c. Address *(street, city, State, ZIP, Code)* 3204 Owl Drive Rolling Meadows, IL 60008	d. Employer Representative President Paul Coy	e. Telephone No. 847-670-4656 Fax No.
f. Type of Establishment *(factory, mine, wholesaler, etc.)* Communications Contractor	g. Identify Principal Product or Service Installation of Communications Equipment	

h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of Section 8(a), subsections (1) and *(list subsections)* (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.

2. Basis of the Charge *(set forth a clear and concise statement of the facts constituting the alleged unfair labor practices.)*

On or about May 4, 2010, the above-named Employer, by its agents and representatives, violated Section 8(a)(3) of the Act when it discharged Michael Gielarowski for engaging in protected concerted activity by cooperating with IBEW, Local 134's area standards investigation

On or about May 4, 2010, the above-named Employer, by its agents and representatives, violated Section 8(a)(1) of the Act when it unlawfully interpreted its Non-Compete and Confidentiality Contract and threatened to sue Michael Gielarowski for disclosing information related to his terms and conditions of employment to IBEW, Local 134.

On or about June 14, 2010, the above-named Employer, by its agents and representatives, violated Section 8(a)(1) of the Act when it sent a letter to IBEW, Local 134 threatening to enforce the restrictive covenants in Michael Gielarowski's employment contracts against any IBEW, Local 134 signatory contractor.

On or about August 31, 2010, the above-named Employer, by its agents and representatives, violated Section 8(a)(1) of the Act when it interfered with Gielarowski's employment relationship with Titan Electric, his current employer, by threatening to sue the Company for violating the Non-Compete and Confidentiality Contract that Gielarowski signed while working for NITEL.

By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.

3. Full name of party filing charge *(if labor organization, give full name, including local name and number)*
International Brotherhood of Electrical Workers, Local 134

4a. Address *(street and number, city, State, and ZIP Code)* 600 West WashingtonBoulevard Chicago, IL 60661	4b. Telephone No. 312-474-4161 Fax No.

5. Full name of national or international labor organization of which it is an affiliate or constituent unit *(to be filled in when charge is filed by a labor organization)*

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Paul S. Dey — Attorney
(Signature of representative or person making charge) *(Title, if any)*

Address 180 N. Wacker Dr, Chicago, Ill. 60606 — Fax No. (312) 946-9811 — (312) 946-1800 *(Telephone No.)* — 12/29/10 *Date*

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

Exhibit 3

United States Government
NATIONAL LABOR RELATIONS BOARD
Region 13
209 South LaSalle Street – 9th Floor
Chicago, Illinois 60604
Telephone (312) 353-7570 Fax (312) 886-1341

December 29, 2010

Mr. Paul Coy, President
Northern Illinois Telecom, Inc.
3204 Owl Drive
Rolling Meadows, IL 60008

Re Northern Illinois Telecom, Incorporated
Case 13-CA-46394

Board Agent Kate Gianopulos
Telephone (312)353-4162
Email address Kate.Gianopulos@nlrb.gov

Dear Mr. Coy:

This is to inform you that a first amended charge, a copy of which is enclosed, has been filed in the above captioned matter. If you have not yet done so, you are requested to submit promptly a complete written statement of your position in respect to the allegations set forth in the charge and the amendment(s).

All communications and submissions should be made to the Board Agent assigned to this case at the telephone number listed above.

Sincerely,

Joseph A. Barker
Regional Director

Enclosures
dg
cc: Ed Graham, Esq.
K & L Gates LLP
70 West Madison Street
Suite 3100
Chicago, IL 60602-4207

James Thomas, Esq
K & L Gates LLP
70 West Madison Street
Suite 3100
Chicago, IL 60602-4207

Exhibit 4

III

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

IV

At all material times Paul Coy, an owner of Respondent, 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.

V

(a) On about May 4, 2010, Respondent, by Paul Coy, threatened to take legal action against Michael Gielarowski.

(b) On about June 14, 2010, Respondent, by Paul Coy, interfered with Michael Gielarowski's employment opportunities by threatening the Union that it would take legal action against the Union's signatory contractors if they employed Michael Gielarowski.

(c) On about August 31, 2010, Respondent, by Paul Coy, interefered with Michael Gielarowski's employment relationship with Titan Electric by threatening to sue the company if it continued to employ Michael Gielarowski.

(d) Respondent engaged in the conduct described above in paragraphs VI(a)-(c) because the named employee of Respondent assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

VI

(a) On about May 4, 2010, Respondent Paul Coy discharged its employee, Michael Gielarowski.

(b) Respondent engaged in the conduct described above in paragraph VI(a) because the named employee of Respondent assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

VII

By the conduct described above in paragraph V, 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 Sections 8(a)(1) and affecting commerce within the meaning of Section 2(6) and (7) of the Act.

VIII

By the conduct described above in paragraph VI, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of Michael Gielarowski, thereby discouraging membership in a labor organization in violation of Sections 8(a)(1) and (3) and affecting commerce within the meaning of Section 2(6) and (7) of the Act.

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 January 26, 2011, or postmarked on or before January 25, 2011.** 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.

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.nlrb.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 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 **the 11th day of April, 2011, at 11:00 a.m. at 209 South LaSalle Street, Chicago, Illinois**, 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 Chicago, Illinois, this 12th day of January, 2011.

Joseph A. Barker, Regional Director
National Labor Relations Board
Region 13
209 South LaSalle Street, 9th Floor
Chicago, IL 60604

Attachments
H:\R13COM\13 C Cases\13-CA-046394\Complaint\CPT 13-CA-46394 Final Draft of Complaint (Approved by RD).doc January 12, 2011

FORM NLRB-4338
(6-90)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE

Case: 13-CA-46394

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 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 immediateley preceding the date of hearing.

Mr. Paul Coy, President
Northern Illinois Telecom, Inc.
3204 Owl Drive
Rolling Meadows, IL 60008

Mr. Daniel Kenevan, Bus. Rep.
IBEW Local 134
600 W.Washington Blvd.
Chicago, IL 60661

Mr. J. Michael Tecson, Esq.
Hogan, Marren Ltd.
180 N. Wacker Drive, Suite 600
Chicago, IL 60606

Mr. Patrick Deady, Esq. and
Michael Tecson, Esq.
IBEW, Local Union No. 134 c/o
Hogan Marren, Ltd.
180 N. Wacker Drive, Suite 600
Chicago, IL 60606

Paul Coy
1786 W. Clover Drive
Inverness, IL 60067

Paul Coy
1624 E. Greenwood Drive
Mt. Prospect, IL 60056

SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD BEFORE THE NATIONAL LABOR RELATIONS BOARD IN UNFAIR LABOR PRACTICE PROCEEDINGS PURSUANT TO SECTION 10 OF THE NATIONAL LABOR RELATIONS ACT

The hearing will be conducted by an administrative law judge of the National Labor Relations Board who will preside at the hearing as an independent, impartial finder of the facts and applicable law whose decision in due time will be served on the parties. The offices of the administrative law judges are located in Washington, DC; San Francisco, California; New York, N.Y.; and Atlanta, Georgia.

At the date, hour, and place for which the hearing is set, the administrative law judge, upon the joint request of the parties, will conduct a "prehearing" conference, prior to or shortly after the opening of the hearing, to ensure that the issues are sharp and clearcut; or the administrative law judge may independently conduct such a conference. The administrative law judge will preside at such conference, but may, if the occasion arises, permit the parties to engage in private discussions. The conference will not necessarily be recorded, but it may well be that the labors of the conference will be evinced in the ultimate record, for example, in the form of statements of position, stipulations, and concessions. Except under unusual circumstances, the administrative law judge conducting the prehearing conference will be the one who will conduct the hearing; and it is expected that the formal hearing will commence or be resumed immediately upon completion of the prehearing conference. No prejudice will result to any party unwilling to participate in or make stipulations or concessions during any prehearing conference.

(This is not to be construed as preventing the parties from meeting earlier for similar purposes. To the contrary, the parties are encouraged to meet prior to the time set for hearing in an effort to narrow the issues.)

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance.

An official reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the administrative law judge for approval.

All matter that is spoken in the hearing room while the hearing is in session will be recorded by the official reporter unless the administrative law judge specifically directs off-the-record discussion. In the event that any party wishes to make off-the-record statements, a request to go off the record should be directed to the administrative law judge and not to the official reporter.

Statements of reasons in support of motions and objections should be specific and concise. The administrative law judge will allow an automatic exception to all adverse rulings and, upon appropriate order, an objection and exception will be permitted to stand to an entire line of questioning.

All exhibits offered in evidence shall be in duplicate. Copies of exhibits should be supplied to the administrative law judge and other parties at the time the exhibits are offered in evidence. If a copy of any exhibit is not available at the time the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the administrative law judge before the close of hearing. In the event such copy is not submitted, and the filing has not been waived by the administrative law judge, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

Any party shall be entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. In the absence of a request, the administrative law judge may ask for oral argument if, at the close of the hearing, it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

(OVER)

In the discretion of the administrative law judge, any party may, on request made before the close of the hearing, file a brief or proposed findings and conclusions, or both, with the administrative law judge who will fix the time for such filing. Any such filing submitted shall be double-spaced on 8½ by 11 inch paper.

Attention of the parties is called to the following requirements laid down in Section 102.42 of the Board's Rules and Regulations, with respect to the procedure to be followed before the proceeding is transferred to the Board:

No request for an extension of time within which to submit briefs or proposed findings to the administrative law judge will be considered unless received by the Chief Administrative Law Judge in Washington, DC (or, in cases under the branch offices in San Francisco, California; New York, New York; and Atlanta, Georgia, the Associate Chief Administrative Law Judge) at least 3 days prior to the expiration of time fixed for the submission of such documents. Notice of request for such extension of time must be served simultaneously on all other parties, and proof of such service furnished to the Chief Administrative Law Judge or the Associate Chief Administrative Law Judge, as the case may be. A quicker response is assured if the moving party secures the positions of the other parties and includes such in the request. All briefs or proposed findings filed with the administrative law judge must be submitted in triplicate, and may be printed or otherwise legibly duplicated with service on the other parties.

In due course the administrative law judge will prepare and file with the Board a decision in this proceeding, and will cause a copy thereof to be served on each of the parties. Upon filing of this decision, the Board will enter an order transferring this case to itself, and will serve copies of that order, setting forth the date of such transfer, on all parties. At that point, the administrative law judge's official connection with the case will cease.

The procedure to be followed before the Board from that point forward, with respect to the filing of exceptions to the administrative law judge's decision, the submission of supporting briefs, requests for oral argument before the Board, and related matters, is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be served on the parties together with the order transferring the case to the Board.

Adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations. If adjustment appears possible, the administrative law judge may suggest discussions between the parties or, on request, will afford reasonable opportunity during the hearing for such discussions.

FORM NLRB-877
(4-84)

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

NORTHERN ILLINOIS TELECOM, INC. **and** **INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 134**	**CASE NO. 13-CA-46394** **DATE OF MAILING January 12, 2011**

AFFIDAVIT OF SERVICE OF **COMPLAINT 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(s) by post-paid certified mail upon the following persons, addressed to them at the following addresses:

Mr. Paul Coy, President
Northern Illinois Telecom, Inc.
3204 Owl Drive
Rolling Meadows, IL 60008

Paul Coy
1786 W. Clover Drive
Inverness, IL 60067

Mr. Daniel Kenevan, Bus. Rep.
IBEW Local 134
600 W. Washington Blvd.
Chicago, IL 60661

Rec'd 01/14/11

Paul Coy
1624 E. Greenwood Drive
Mt. Prospect, IL 60056

Mr. J. Michael Tecson, Esq.
Hogan, Marren Ltd.
180 N. Wacker Drive, Suite 600
Chicago, IL 60606

Rec'd 01/14/11

Mr. Patrick Deady, Esq. and
Michael Tecson, Esq.
IBEW, Local Union No. 134 c/o
Hogan Marren, Ltd.
180 N. Wacker Drive, Suite 600
Chicago, IL 60606

Rec'd 01/14/11

Subscribed and sworn to before me this 12th day of January, 2011.	**DESIGNATED AGENT** **/s/ Denise Gatsoudis** NATIONAL LABOR RELATIONS BOARD

Exhibit 6

United States Government
NATIONAL LABOR RELATIONS BOARD
Region 13
209 S. LaSalle, Suite 900
Chicago, Illinois 60604

Sylvia L. Taylor

Telephone: (312) 353-7617
Fax: (312) 886-1341

February 23, 2011

Certified and Regular Mail:
Mr. Paul Coy, President
Northern Illinois Telecom, Inc.
3204 Owl Drive
Rolling Meadows, IL 60008

Re: Northern Illinois Telecom, Inc.
13-CA-46394-1

Dear Mr. Coy:

A Complaint and Notice of Hearing issued in the above referenced case on January 12, 2011. You were given a deadline of January 26, 2011 to file your Answer. Our records reflect that no Answer has been filed in accord with the Board's Rules and Regulations. If an Answer is not filed by the close of business **March 2, 2011**, the General Counsel will file a motion for summary judgment with the Board. If you have any questions please call me at (312) 353-7617.

Sincerely,

Sylvia L. Taylor
Counsel for the General Counsel

cc:

Paul Coy
1786 W. Clover Drive
Inverness, IL 60067

Paul Coy
1624 E. Greenwood Drive
Mt. Prospect, IL 60056

Exhibit 7

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Sent To Paul Coy
Street, Apt. No.; or PO Box No. 1624 E. Greenwood Dr.
City, State, ZIP+4 Mt. Prospect, IL 60056

PS Form 3800, August 2006 See Reverse for Instructions

Exhibit 9

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Street, Apt. No.; or PO Box No.

City, State, ZIP+4

Paul Coy
1786 W. Clover Drive
Inverness, IL 60067

PS Form 3800, August 2006 See Reverse for Instructions

Exhibit 10

CERTIFICATE OF SERVICE

The undersigned Counsel for the General Counsel hereby that the foregoing Motion To Transfer Proceedings To The Board And Motion For Default Judgment has been served this 16th day of March, 2011, on the following parties in the manner indicated below.

CERTIFIED MAIL

Northern Illinois Telecom, Inc.
3204 Owl Drive
Rolling Meadows, IL 60008
Attn: Paul Coy, President

IBEW Local 134
600 West Washington Blvd.
Chicago, IL 60661
Attn: Daniel Kenevan, Bus. Rep.

Hogan, Marren Ltd.
180 North Wacker Drive
Suite 600
Chicago, IL 60606
Attn: J. Michael Tecson, Esq.

International Brotherhood of Electrical
Workers, Local Union No. 134 c/o
180 North Wacker Drive
Suite 600
Chicago, IL 60606
Attn: J. Michael Tecson, Esq.

REGULAR FIRST CLASS MAIL

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

Counsel for the General Counsel
National Labor Relations Board
Region 13

RECEIVED

2011 MAR 23 AM 10: 46

NLRB
ORDER SECTION