

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5**

METRO PAINTING CORPORATION

And

Case 05-CA-36570

INTERNATIONAL UNION OF PAINTERS
AND ALLIED TRADES, AFL-CIO, CLC,
DISTRICT COUNCIL 51

JOSE ROBERTO MARQUEZ

Case 05-CA-64042

RAFAEL ANTONIO MARQUEZ

Case 05-CA-64491

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

Pursuant to Sections 102.24 and 102.50 of the National Labor Relations Board Rules and Regulations and Statement of Standard Procedures, Series 8, as amended, herein called the Rules, Counsel for the Acting General Counsel respectfully moves that the National Labor Relations Board, herein referred to as the Board: (1) transfer this case and continue the proceedings before the Board; (2) deem the allegations set forth in the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing (herein referred to as the Consolidated Complaint) issued November 30, 2011, as admitted to be true without taking evidence supporting the allegations in the Consolidated Complaint; and (3) grant Default Judgment and issue a Decision and Order herein on the basis of the following:

1. On April 20, 2011, the International Union of Painters and Allied Trades, AFL-CIO, CLC, herein referred to as the Union, filed a charge in Case 05-CA-36570 against

Metro Painting Corporation, herein referred to as Respondent, alleging violations of Section 8(a)(1) of the National Labor Relations Act, herein referred to as the Act. The charge was duly served on Respondent by mail on April 21, 2011. The first amended charge in Case 05-CA-36570 was filed by the Union on August 23, 2011, and a copy was served by mail on Respondent on August 24, 2011. A copy of the charges and the Regional Director's letters of transmittal of the charges, together with the affidavits of service, are attached as Exhibits 1, 2, 3, 4, 5, and 6 respectively.

2. On September 6, 2011, Jose Roberto Marquez, herein referred to as Charging Party J. Marquez, filed a charge in Case 05-CA-64042 against Respondent alleging violations of Sections 8(a)(1), (3) and (4) of the Act. The charge was duly served on Respondent by mail on September 8, 2011. A copy of the charge and the Regional Director's letter of transmittal of the charge, together with the affidavit of service, are attached as Exhibits 7, 8, and 9 respectively.

3. On September 13, 2011, Rafael Antonio Marquez, herein referred to as Charging Party R. Marquez, filed a charge in Case 05-CA-64491 against Respondent alleging violations of Sections 8(a)(1), (3), and (4) of the Act. The charge was duly served on Respondent by mail on September 15, 2011. A copy of the charge and the Regional Director's letter of transmittal of the charge, together with the affidavit of service,¹ are attached as Exhibits 10, 11, and 12 respectively.

4. On November 30, 2011, the Regional Director issued, by United States certified mail, an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing in Cases 5-CA-36570, 05-CA-64042, and 05-CA-64491, alleging that Respondent violated Sections 8(a) (1) (3) and (4) of the Act by interrogating employees and making an unlawful promise of benefits and

¹ The affidavit of service erroneously records the date of service as September 14, 2011. The date of service of the charge was September 15, 2011.

on or about August 16, 2011, at a project in or around Herndon, Virginia, through owner Vasilios Kavarligos, by interrogating employees about their union activities, and by terminating the employment of Charging Party J. Marquez and Charging Party R. Marquez on or about the same date. Copies of the Consolidated Complaint, and the affidavit of service, together with information showing delivery status are attached as Exhibits 13, 14 and 15, respectively.

5. The Consolidated Complaint states, in pertinent part, that, pursuant to Sections 102.20 and 102.21 of the Board's Rules, Respondent shall file an Answer to said Consolidated Complaint in the Baltimore Regional Office by close of business on December 14, 2011, and that, absent such action, all of the allegations in the Consolidated Complaint shall be deemed to be true and shall be so found by the Board. Respondent has not filed an Answer to the Consolidated Complaint within the time period required, and has given no satisfactory reason for its failure to do so.

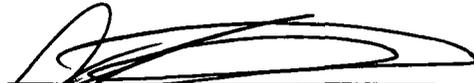
6. By letter dated December 28, 2011, sent by certified United States Mail, Respondent was advised by the Acting Regional Attorney that, absent the filing of an Answer to said Consolidated Complaint in the Baltimore Regional Office by close of business on January 6, 2011, a Motion for Default Judgment would be filed. To date, no Answer has been filed, and Respondent has given no satisfactory reason for its failure to do so. Copies of the December 28, 2011, letter to Respondent and confirmation of delivery are attached as Exhibits 16 and 17, respectively.

WHEREFORE, counsel for the Acting General Counsel respectfully requests, in accordance with Sections 102.24 and 102.50 of the Board's Rules, that the Board deem all matters alleged in the Consolidated Complaint to be true, and that they be so found, and that a

Decision and Order be issued containing findings of fact, conclusions of law, and an appropriate remedy for the violations stated therein.

Dated at Washington, District of Columbia, this 13th day of January 2012.

Respectfully submitted,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, positioned above a horizontal line.

Anastasia Hermosillo
Counsel for the Acting General Counsel

INDEX OF ATTACHMENTS

Exhibit 1	Charge in Case 05-CA-36570, filed April 20, 2011
Exhibit 2	Regional Director's letter of transmittal of the Charge in Case 05-CA-36570
Exhibit 3	Affidavit of service in Case 05-CA-36570, dated April 21, 2011
Exhibit 4	First Amended Charge in Case 05-CA-36570, filed August 23, 2011
Exhibit 5	Regional Director's letter of transmittal of the First Amended Charge
Exhibit 6	Affidavit of service of First Amended Charge in Case 05-CA-36570, dated August 24, 2011
Exhibit 7	Charge in Case 05-CA-64042, filed September 6, 2011
Exhibit 8	Regional Director's letter of transmittal of the Charge in Case 05-CA-64042
Exhibit 9	Affidavit of service in Case 05-CA-64042, dated September 8, 2011
Exhibit 10	Charge in Case 05-CA-64491, filed in September 13, 2011
Exhibit 11	Regional Director's letter of transmittal of the Charge in Case 05-CA-64491
Exhibit 12	Affidavit of service in Case 05-CA-64491, dated September 14, 2011
Exhibit 13	Order Consolidating Cases, Consolidated Complaint and Notice of Hearing in Cases 05-CA-36570, 05-CA-64042, and 05-CA-64491, dated November 30, 2011
Exhibit 14	Affidavit of service in Cases 05-CA-36570, 05-CA-64042, and 05-CA-64491, dated November 30, 2011
Exhibit 15	Confirmation of delivery of Order Consolidated Cases, Consolidated Complaint and Notice of Hearing in Cases 05-CA-36570, 05-CA-64042, and 05-CA-64491

- Exhibit 16 Acting Regional Attorney's letter, dated December 28,
2011
- Exhibit 17 Confirmation of delivery of Acting Regional Attorney's
letter

CERTIFICATE OF SERVICE

This is to certify that on this 13th day of January 2012, a copy of Motion to Transfer Case to the Board and For Default Judgment has been served on the following individuals by email, where available, and by mail, after being notified by telephone:

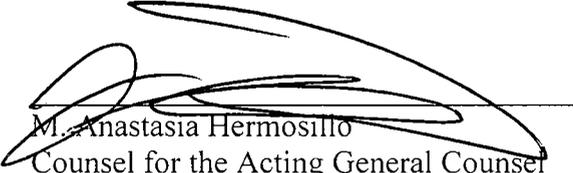
Mr. Michael J. Chamowitz, Esq.
Law Offices of Michael J. Chamowitz
118 North Alfred Street
Alexandria, VA 22314-3011
Mchamowitz@chamlaw.com

Mr. Vasilios Kavarligos
Metro Painting Corporation
1638 Wrightson Drive
McLean, VA 221101-5145
Vk@metropaintingcorp.com

Mr. Sandro Baiza
International Union of Painters and
Allied Trades, AFL-CIO, District Council 51
4700 Boston Way
Lanham, MD 20706-4311
SBiaza@verizon.net

Mr. Jose Roberto Marquez
Apartment 203
519 Four Mile Road
Alexandria, VA 22305-2035

Mr. Rafael Antonio Marquez
Apartment 203
519 Four Mile Road
Alexandria, VA 22305-2035
Rathaandcarolila@homemade.com

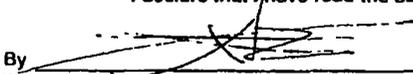

M. Anastasia Hermosillo
Counsel for the Acting General Counsel
National Labor Relations Board, Region 5 WRO
1099 14th Street, NW Suite 6310
Washington, DC 20570
Baltimore, MD 21202

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 5-CA-36570	Date Filed 4/20/2011

INSTRUCTIONS:

File an original together with four copies and a copy for each additional charged party named in item 1 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 Metro Painting Corporation	b. Number of workers employed 16	
c. Address (street, city, state, ZIP code) 1638 Wrightson Drive McLean, VA 22101	d. Employer Representative Vasilios Kavarligos, Owner	c. Phone: 703-941-4193 FAX: 703-941-2042
f. Type of Establishment (factory, mine, wholesaler, etc.) Paint company	g. Identify principal product or service Paint and drywall	
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) (1) 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)		
<p>Since on or about April 2, 2011, the above-named Employer, by its officers, agents and supervisors, by intimidation, threats of unspecified reprisals, interrogation, promises of benefits, surveillance and by other acts and conduct, has interfered with, restrained and coerced its employees in the exercise of the rights guaranteed in Section 7 of the Act.</p>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) International Union of Painters and Allied Trades, AFL-CIO, CLC, District Council 51		
4a. Address (street and number, city, state, and ZIP code) 4700 Boston Way Lanham, MD 20706	4b. Phone: 301-918-0182 ext. 109 FAX: 301-918-3177	
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 Union of Painters and Allied Trades, AFL-CIO, CLC		
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 of representative or person making charge) /s/ Sandro Baiza	Organizer (title if any)	
4700 Boston Way Lanham, MD 20706 (Address)	Phone: 240-508-9834 FAX: 301-918-3177 (Telephone Nos)	4-20-11 (date)

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



United States Government
NATIONAL LABOR RELATIONS BOARD

Region 5

103 South Gay Street, 8th Floor
Baltimore, MD 21202-4061

Telephone: (410) 962-2822

Facsimile: (410) 962-2198

April 21, 2011

Michael A. Viccora, Esq.
Seyfarth Shaw LLP
975 F Street, NW
Washington, DC 20004

Re: Case 5-CA-36570

Dear Mr. Viccora:

The enclosed charge has been filed with this Office. A copy of Form NLRB-4541 pertaining to our investigation and voluntary adjustment procedures is attached.

For information pertaining to this case, please contact Board agent Shelly C. Skinner, (202)208-3041, Shelly.Skinner@nlrb.gov. When the Board agent solicits relevant evidence from you or your counsel, I strongly urge you or your counsel to promptly present to the Board agent any and all evidence relevant to the investigation. Please state the case name and number on all correspondence, and include your e-mail address. Please see the attached document, "Communications with Regional Offices by E-mail," regarding the Agency's policy as to communicating with this office by e-mail.

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.

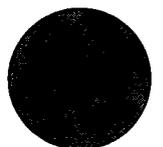
A refusal to cooperate fully during the investigation may cause a case to be litigated unnecessarily. Full and complete cooperation includes, where relevant, timely providing all material witnesses under your control to a Board agent so that witnesses' statements can be reduced to affidavit form, and providing all relevant documentary evidence requested by the 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.

Please be advised that we cannot accept any limitations on the use of any evidence or position statements that are provided to the Agency. Any position letter will be treated as binding upon the party submitting it, and may be introduced at any hearing as evidence of party position. A claim of confidentiality cannot be honored except provided by Exemption 4 of the Freedom of Information Act, 5 U.S.C. Sec. 552(b)(4), and all material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge.

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. We may be required by the Freedom of

EXHIBIT

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April 21, 2011

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.

Enclosed for the Employer is a form requesting commerce data, which should be completed, signed by an employer representative and returned in the enclosed envelope addressed to my attention.

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. If you choose to have a representative appear on your behalf, please fill out and return the enclosed Form NLRB-4701. Please note that Form NLRB-4701 may be executed by your designated representative. The National Labor Relations Board will provide assistance to parties with limited English proficiency. If parties are in need of assistance due to their English proficiency, they should advise this Office as promptly as possible.¹

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.

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

Very truly yours,

/S/ WAYNE R. GOLD

Wayne R. Gold
Regional Director

Enclosures

cc: Mr. Vasilios Kavarligos, Owner
Metro Painting Corporation
1638 Wrightson Drive
McLean, VA 22101

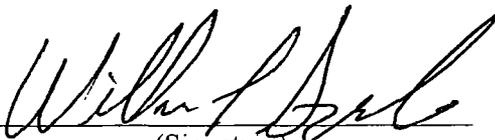
¹ The National Labor Relations Board will provide assistance to individuals with limited English. If you or anyone involved in this case is in need of assistance due to their limited English, please advise this Office as soon as possible.

La Junta Nacional de Relaciones de Trabajo proveera asistencia a personas con ingles limitado. Si uno necesita asistencia debido a su ingles limitado, debe avisar a esta Oficina tan pronto posible.

Re: Metro Painting Corporation
Case 5-CA-36570

April 21, 2011

I CERTIFY THAT I served the above-referenced charge on April 21, 2011, by postpaid regular mail on the addresses named together with a transmittal letter of which this is a true copy.



(Signature)

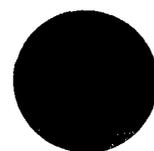
Subscribed and sworn to before me on April 21, 2011.



(Designated Agent)

EXHIBIT

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FORM NLRB-501 (8-07)

FORM EXEMPT UNDER 44 U.S.C. 3512

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

DO NOT WRITE IN THIS SPACE	
Case 05-CA-36570	Date Filed 08/23/11

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

File an original together with four copies and a copy for each additional charged party named in item 1 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 Metro Painting Corporation	b. Number of workers employed 16
c. Address (street, city, state, ZIP code) 1638 Wrightson Drive McLean, VA 22101	d. Employer Representative Vasilios Kavarligos, Owner
e. Telephone No. 703-941-4193 FAX No. 703-941-2042	f. Type of Establishment (factory, mine, wholesaler, etc.) Paint company
g. Identify principal product or service paint and drywall	
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 (1A) subsections () of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these 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)	
Since on or about March 1, 2011, the above-named Employer, by its officers, agents and supervisors, has interrogated and promised benefits to its employees, thereby interfering with, restraining and coercing its 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 Union of Painters and Allied Trades, AFL-CIO, CLC, District Council 51	
4a. Address (street and number, city, state and ZIP code) 4700 Boston Way Lanham, MD 20706	4b. Telephone No. 301-918-0182, ext.109 FAX No. 301-918-3177
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 Union of Painters and Allied Trades, AFL-CIO, CLC	
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 of representative or person making charge) /s/ Sandra Saiza	Organizer (Print type name and title or office, if any) 8-23-11
4700 Boston Way Lanham, MD 20706 (Address)	Telephone No. 240-508-9834 FAX No. 301-918-3177 (Telephone Nos.)

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

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TOTAL P.03



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
103 S. GAY STREET - 8TH FLOOR
BALTIMORE, MD 21202-4061

Agency Website: www.nlrb.gov
Telephone: (410)962-2822
Fax: (410)962-2198

August 24, 2011

VASILIOS KAVARLIGOS
METRO PAINTING CORPORATION
1638 WRIGHTSON DR
MC LEAN, VA 22101-5145

Re: Metro Painting Corporation
Case 05-CA-036570

Dear Mr. KAVARLIGOS:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney SHELLY C. SKINNER whose telephone number is (202) 208-3041. The mailing address is 1099 14TH ST NW STE 6314, WASHINGTON, DC 20005-3419. If the agent is not available, you may contact Supervisory Field Attorney LINDA CROVELLA whose telephone number is (202) 208-3040.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

/s/ Wayne R. Gold

WAYNE R. GOLD
Regional Director

Enclosure: Copy of first amended charge

cc: MICHAEL A VICCOR, ESQ.
SEYFARTH SHAW LLP
975 F ST NW
WASHINGTON, DC 20004-1454

EXHIBIT

5

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

METRO PAINTING CORPORATION

Charged Party

and

**INTERNATIONAL UNION OF PAINTERS AND
ALLIED TRADES, AFL-CIO, CLC, DISTRICT
COUNCIL 51**

Charging Party

Case 05-CA-036570

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on August 24, 2011 August 24, 2011, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

VASILIOS KAVARLIGOS
Metro Painting Corporation
1638 WRIGHTSON DR
MC LEAN, VA 22101-5145

MICHAEL A VICCORO, ESQ.
SEYFARTH SHAW LLP
975 F ST NW
WASHINGTON, DC 20004-1454

August 24, 2011

Date

Terri Fitts, Designated Agent of NLRB

Name

/s/ Terri Fitts

Signature

EXHIBIT

6

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 05-CA-64042	Date Filed 09/06/11

INSTRUCTIONS:

File an original together with four copies and a copy for each additional charged party named in item 1 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 Metro Painting Corporation	b. Number of workers employed 16
c. Address (street, city, state, ZIP code) 1638 Wrightson Drive, McLean, VA 22101	d. Employer Representative Vasilios Kavariogios
	e. Phone: (703) 941-4193 FAX: (703) 941-2042
f. Type of Establishment (factory, mine, wholesaler, etc.) Paint Company	g. Identify principal product or service Paint and Drywall JRM
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) <u>(1)(3)(4)</u> 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)	
<p>Since on or about August 16, 2011, the above-named Employer, by its officers, agents, and supervisors, by interrogating employees and other acts and conduct interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed in Section 7 of the Act.</p> <p>Since on or about August 16, 2011, the above-named Employer, by its officers, agents, and supervisors, terminated the employment of Jose Roberto Marquez, and at all times since such date said Employer had refused and does now refuse to reinstate him because of his activities on behalf of the International Union of Painters and Allied Trades, AFL-CIO, CLC, District Council 51, his participation in the investigation of case 5-CA-36570, and his protected concerted activities.</p>	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Jose Roberto Marquez	
4a. Address (street and number, city, state, and ZIP code) 519 Fort Mile Rd, Apt. 203, Alexandria, VA 22304 05 JRM	4b. Phone: (571) 243-4688 FAX:
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 <u>JOSE ROBERTO MARQUEZ</u> (signature of representative or person making charge) /s/ Jose Roberto Marquez	Individual (title if any)
519 Fort Mile Rd, Apt. 203, Alexandria, VA 22304 05 (Address) JRM	Phone: (571) 243-4688 FAX: 8 26 2011 (Telephone Nos.) (date)

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

PRIVACY ACT STATEMENT

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IO:M 8/18/2011

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EXHIBIT

3



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
103 S GAY ST
8TH FLOOR
BALTIMORE, MD 21202-7500

Agency Website: www.nlrb.gov
Telephone: (410)962-2822
Fax: (410)962-2198

September 8, 2011

VASILIOS KAVARLIOGOS
METRO PAINTING CORPORATION
1638 WRIGHTSON DR
MC LEAN, VA 22101-5145

Re: Metro Painting Corporation
Case 05-CA-064042

Dear Mr. KAVARLIOGOS:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner NATHAN M. SEIDMAN whose telephone number is (202)208-3053. The mailing address is 1099 14 ST NW SUITE 6300, WASHINGTON, DC 20570-0001. If NATHAN M. SEIDMAN is not available, you may contact Resident Officer MARK B. KALARIS whose telephone number is (202) 208-3076.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.**

EXHIBIT

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Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Wayne R. Gold

WAYNE R. GOLD
Regional Director

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

METRO PAINTING CORPORATION
Charged Party
and
JOSE ROBERTO MARQUEZ
Charging Party

Case 05-CA-064042

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 8, 2011, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

VASILIOS KAVARLIOGOS

METRO PAINTING CORPORATION
1638 WRIGHTSON DR
MC LEAN, VA 22101-5145

September 8, 2011

Date

Terri Fitts, Designated Agent of NLRB

Name

/s/ Terri Fitts

Signature

EXHIBIT


FORM NLRB-601
(11-07)

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 5-CA-64491	Date Filed 9/13/2011

INSTRUCTIONS:

File an original together with four copies and a copy for each additional charged party named in item 1 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 Metro Painting Corporation	b. Number of workers employed 16
c. Address (street, city, state, ZIP code) 1638 Wrightson Drive, McLean, VA 22101	d. Employer Representative Vasilios Kavarlogos
	e. Phone: (703) 941-4193 FAX: (703) 0941-2042
f. Type of Establishment (factory, mine, wholesaler etc.) Paint Company	g. Identify principal product or service Paint and Drywall R M
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) <u>(1)(3)(4)</u> 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)	
<p>Since on or about August 16, 2011, the above-named Employer, by its officers, agents, and supervisors, by interrogating employees and other acts and conduct interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed in Section 7 of the Act.</p> <p>Since on or about August 16, 2011, the above-named Employer, by its officers, agents, and supervisors, terminated the employment of Rafael Marquez, and at all times since such date said Employer had refused and does now refuse to reinstate him because of his activities on behalf of the International Union of Painters and Allied Trades, AFL-CIO, CLC, District Council 51, his participation in the investigation of case 5-CA-36570, and his protected concerted activities.</p>	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Rafael Marquez Rm	
4a. Address (street and number, city, state, and ZIP code) 519 Fort Mile Rd, Apt. 203, Alexandria, VA 22305	4b. Phone: (571) 243-4688 FAX:
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 <u><i>Rafael Marquez</i></u> (signature of representative or person making charge) is/ Individual Rafael Marquez (title if any)	Phone: (571) 243-4688 FAX: <u>9106111</u> (Telephone Nos.) (date)
519 Fort Mile Rd, Apt. 203, Alexandria, VA 22350 (Address)	

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.

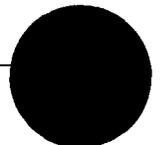
10:AM 8/24/2011

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1-407164274

EXHIBIT

10





UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
103 S GAY ST
8TH FLOOR
BALTIMORE, MD 21202-7500

Agency Website: www.nlr.gov
Telephone: (410)962-2822
Fax: (410)962-2198

September 15, 2011

VASILIOS KAVARLLOGOS
METRO PAINTING CORPORATION
1638 WRIGHTSON DR
MC LEAN, VA 22101-5145

Re: METRO PAINTING CORPORATION
Case 05-CA-064491

Dear Mr. Kavarllogos:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner NATHAN M. SEIDMAN whose telephone number is (202)208-3053. The mailing address is 1099 14 ST NW SUITE 6300, WASHINGTON, DC 20570-0001. If NATHAN M. SEIDMAN is not available, you may contact Resident Officer MARK B. KALARIS whose telephone number is (202) 208-3076.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.**

EXHIBIT

11

Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

September 15, 2011

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/WAYNE R. GOLD

WAYNE R. GOLD
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

METRO PAINTING CORPORATION

Charged Party

and

RAFAEL MARQUEZ

Charging Party

Case 05-CA-064491

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 14, 2011, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

VASILIOS KAVARLLOGOS
METRO PAINTING CORPORATION
1638 WRIGHTSON DR
MC LEAN, VA 22101-5145

September 14, 2011

Date

DONI GRAHAM,
Designated Agent of NLRB

Name

/S/ DONI GRAHAM

Signature

EXHIBIT

12

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5**

METRO PAINTING CORPORATION

and

Case 05-CA-036570

INTERNATIONAL UNION OF PAINTERS
AND ALLIED TRADES, AFL-CIO, CLC,
DISTRICT COUNCIL 51

JOSE ROBERTO MARQUEZ

Case 5-CA-64042

RAFAEL ANTONIO MARQUEZ

Case 5-CA-64491

**ORDER CONSOLIDATING CASES, CONSOLIDATED
COMPLAINT AND NOTICE OF HEARING**

Upon a charge filed in Case 5-CA-36570, on April 20, 2011, by International Union of Painters and Allied Trades, AFL-CIO, CLC, District Council 51, herein called the Union, a Complaint and Notice of Hearing issued on August 31, 2011, against Metro Painting Corporation, herein called Respondent; and Jose Roberto Marquez, an individual, herein Charging Party J. Marquez, has charged in Case 5-CA-64042, and Rafael Antonio Marquez, an individual, herein R. Marquez, has charged in Case 5-CA-64491, that Respondent has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. § 151, et seq., herein called the Act. Based thereon, and in order to avoid unnecessary costs or delay, the Acting General Counsel, by the undersigned, pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, ORDERS that these cases are consolidated.

These cases having been consolidated, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, issues this Order Consolidating Cases, Consolidated Complaint and Notice of Hearing and alleges as follows:

1. (a) The original charge in Case 5-CA-36570, was filed by the Union on April 20, 2011, and a copy was served by mail on Respondent on April 21, 2011.

EXHIBIT

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(b) The first amended charge in Case 5-CA-36570, was filed by the Union on August 23, 2011, and a copy was served by mail on Respondent on August 24, 2011.

(c) The charge in Case 5-CA-64042, was filed by Charging Party J. Marquez on September 6, 2011, and a copy was served by mail on Respondent on September 8, 2011.

(d) The charge in Case 5-CA-64491, was filed by Charging Party R. Marquez on September 13, 2011, and a copy was served by mail on Respondent on September 14, 2011.

2. (a) At all material times, Respondent, a Virginia corporation with its principal office and place of business in Alexandria, Virginia, has been engaged in the business of providing commercial, industrial, and residential painting services in the Washington, DC metropolitan area.

(b) During the past twelve months, a representative period, Respondent, in conducting its business operations described above in paragraph 2(a), performed services valued in excess of \$50,000 in states other than the State of Virginia.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

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

4. At all material times, Vasilios Kavarligos, Respondent's owner, 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.

5. In or around March or April 2011, the exact date being currently unknown to the undersigned, Respondent, through the owner, Vasilios Kavarligos, at a residential painting project in Maryland, interrogated employees about their union activities.

6. In or around March or April 2011, the exact date being currently unknown to the undersigned, Respondent, through owner Vasilios Kavarligos, in the shop of a Washington, DC high school jobsite, interrogated an employee about his union activities.

7. In or around March or April 2011, the exact date being currently unknown to the undersigned, Respondent, through owner Vasilios Kavarligos, in the shop of a Washington, DC high school jobsite, interrogated employees about their union activities.

8. On or about April 20, 2011, on the street outside a Washington, DC high school jobsite, through owner Vasilios Kavarligos, made an unlawful promise of benefit by telling employees they would get health insurance, if they voted "no" for the Union.

9. On or about August 16, 2011, at a project in or around Herndon, Virginia, through owner Vasilios Kavarligos, interrogated employees about their union activities.

10. On or about August 16, 2011, Respondent discharged its employees Jose Roberto Marquez and Rafael Antonio Marquez.

11. Respondent engaged in the conduct described above in paragraph 10, because the named employees of Respondent formed, joined, or assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

12. Respondent engaged in the conduct described above in paragraph 10, because Jose Roberto Marquez, the father of Rafael Antonio Marquez, gave testimony to the Board in the form of an affidavit.

13. By the conduct described above in paragraphs 5 through 9, 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 Section 8(a)(1) of the Act.

14. By the conduct described above in paragraphs 10 and 11, Respondent has been discriminating in regard to the hire or tenure, or terms or conditions of employment, of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

15. By the conduct described above in paragraphs 10 and 12, Respondent has been discriminating against employees for filing charges or giving testimony under the Act in violation of Section 8(a)(1) and (4) of the Act.

16. The unfair labor practices of Respondent described above affect 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 December 14, 2011, or postmarked on or before December 13, 2011.** Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office.

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.nlr.gov>, click on **E-Gov tab**, select **E-Filing** and then follow the detailed instructions. 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 Sections 102.21. If an 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 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 continue to 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 a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE that commencing at 10:00 a.m., E.S.T., on the 25th day of January 2012, in the Hearing Room 5600 East, 1099 14th Street, NW, Washington, DC,, 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 Baltimore, Maryland this 30th day of November 2011.

(SEAL)

WAYNE R. GOLD

Wayne R. Gold, Regional Director
National Labor Relations Board, Region 5
103 South Gay Street, 8th Floor
Baltimore, Maryland 21202

Attachments

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

METRO PAINTING CORPORATION

and

INTERNATIONAL UNION OF PAINTERS
AND ALLIED TRADES, AFL-CIO, CLC,
DISTRICT COUNCIL 51

JOSE ROBERTO MARQUEZ

RAFAEL ANTONIO MARQUEZ

Cases 5-CA-36570
5-CA-64042
5-CA-64491

DATE OF MAILING November 30, 2011

**AFFIDAVIT OF SERVICE OF Order Consolidating Cases, Consolidated
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:

7010 0780 0000 3605 8278

MICHAEL A. VICCOR, ESQ.
SEYFARTH, SHAW LLP
975 F STREET, NW
WASHINGTON, DC 20004-1454

MR. VASILIOS KAVARLIGOS
METRO PAINTING CORPORATION
1638 WRIGHTSON DRIVE
MCLEAN, VA 22101-5145

MR. SANDRO BAIZA
INT'L. UNION OF PAINTERS & ALLIED
TRADES, AFL-CIO, CLC, DISTRICT
COUNCIL 51
4700 BOSTON WAY
LANHAM, MD 20706-4311

MR. JOSE ROBERTO MARZUEZ
APARTMENT 203
519 FOUR MILE ROAD
ALEXANDRIA, VA 22305-2035

MR. RAFAEL ANTONIO MARZUEZ
APARTMENT 203
519 FOUR MILE ROAD
ALEXANDRIA, VA 22305-2035

<p>Signed in Baltimore, Maryland this 30th day of November 2011</p>	<p>DESIGNATED AGENT /s/ <i>Monica Graves</i> NATIONAL LABOR RELATIONS BOARD</p>
--	---

EXHIBIT
14

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7019078000036058278		Delivered	December 03, 2011, 10:03 am	ALEXANDRIA, VA 22312	Certified Mail
		Notice Left	December 02, 2011, 10:47 am	ALEXANDRIA, VA 22312	
		Depart USPS Sort Facility	December 01, 2011	DULLES, VA 20101	
		Processed through USPS Sort Facility	December 01, 2011, 3:54 pm	DULLES, VA 20101	

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EXHIBIT
15



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 5
103 South Gay Street, 8th Floor
Baltimore, MD 21202-4061

December 28, 2011

MICHAEL J. CHAMOWITZ, ESQ.
LAW OFFICES OF MICHAEL J. CHAMOWITZ
118 NORTH ALFRED STREET
ALEXANDRIA, VA 22314-3011

Re: Metro Painting Corporation
Cases 5-CA-36570, 5-CA-64042,
5-CA-64491

Dear Mr. Chamowitz:

As you are aware from the Consolidated Complaint in the above-captioned case, and pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, a Respondent in a case before the National Labor Relations Board shall file with the Regional Director an original and four (4) copies of an answer to the Consolidated Complaint within fourteen (14) days from the service thereof. Respondent's Answer was due in this office by close of business on December 14, 2011. The Consolidated Complaint also notified you that Respondent shall serve a copy of its answer on each of the other parties.

To date, this office has not received an Answer from Respondent. Please be advised that if an Answer is not received in this office by close of business on Friday, January 6, 2012, this office will file a Motion for Default Judgment pursuant to Sections 102.23(a), (b) and 102.50 of the Board's Rules and Regulations, asking the Board to find the allegations in the Consolidated Complaint to be admitted as true. Enclosed is a courtesy copy of the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, previously served on Respondent.

If you have any questions or wish to discuss this matter further, please do not hesitate to call me at (410) 962-2909.

Very truly yours,

Paula S. Sawyer
Acting Regional Attorney

Enclosure

Certified Mail No. 7010 0780 0000 3626 3795

Cc: See Page Two

EXHIBIT

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Re: Cases 5-CA-36570 et al.

- 2 -

December 28, 2011

MR. SANDRO BAIZA
INT'L. UNION OF PAINTERS & ALLIED
TRADES, AFL-CIO, CLC, DISTRICT
COUNCIL 51
4700 BOSTON WAY
LANHAM, MD 20706-4311

MR. JOSE ROBERTO MARZUEZ
APARTMENT 203
519 FOUR MILE ROAD
ALEXANDRIA, VA 22305-2035

MR. RAFAEL ANTONIO MARZUEZ
APARTMENT 203
519 FOUR MILE ROAD
ALEXANDRIA, VA 22305-2035

2015

1

2015

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DATE & TIME

LOCATION

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