

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

In the Matter of

JC ELECTRIC LLC AND ITS ALTER EGO
JC ELECTRICAL ENTERPRISES LLC

and

Case 9-CA-076253

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL UNION
NO. 575

MEMORANDUM IN SUPPORT OF
MOTION FOR DEFAULT JUDGMENT

1. Upon a charge (a copy with proof of service is attached to Motion as Exhibit A) filed by International Brotherhood of Electrical Workers Local Union No. 575, herein called the Union, alleging that JC Electric LLC, herein called Respondent JCE, and its alter ego, JC Electrical Enterprises LLC, herein called Respondent JCEE, and herein collectively called Respondents, have been engaging in unfair labor practices as set forth and defined in the National Labor Relations Act, as amended, 29 U.S.C. 151, et seq., herein called the Act. The Acting General Counsel of the National Labor Relations Board, herein called the Board, by the undersigned pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, Series 8, as amended, issued a Complaint and Notice of Hearing (a copy with proof of service is attached to Motion as Exhibit B), on June 28, 2012^{1/}, against Respondents alleging violations of Section 8(a)(1) and (5) of the Act.

2. The complaint notified Respondents that under Sections 102.20 and 102.21 of the Board's Rules and Regulations, Respondents had an obligation to timely file an answer and that

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the answer must be received by the Regional Office on or before July 12, or postmarked on or before July 11, and if no answer is filed, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true. Respondents did not file an answer within the required time and did not request an extension of time in which to file an answer.

3. When no answer was received by July 12, Counsel for the Acting General Counsel sent a letter to Respondents on July 16, advising that unless an answer were filed by close of business on July 23, the undersigned would file with the Board a Motion for Default Judgment requesting that all allegations of the complaint be deemed admitted as true. (A copy of the letter is attached hereto as Exhibit A.) On July 23, John Carver, Owner of Respondent JCE, called Counsel for the Acting General Counsel, and made several inquiries concerning the complaint. Carver indicated he needed to speak with his attorney and would need until Wednesday July 25, before he could have an answer to the complaint. Counsel for the Acting General Counsel, through an email and a letter sent on July 24, through certified mail, told Carver that the Region would grant him an extension to file his answer until the end of the day Wednesday, but that no further extensions would be granted beyond Wednesday, July 25. (A copy of the letter is attached hereto as Exhibit B.) On July 25, Carver emailed Counsel for the Acting General Counsel indicating his attorney would be calling Counsel for the Acting General Counsel. To date, Respondents have failed to file an answer to the complaint, and Counsel for the Acting General Counsel has not received a telephone call from Carver's attorney.

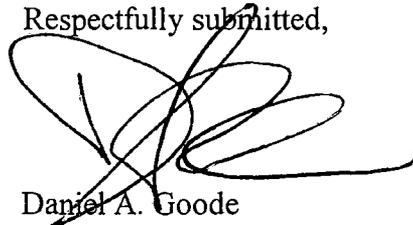
4. Inasmuch as Respondent has failed to file an answer as required by the Board's Rules and Regulations and has failed to give any reason why it has not done so, Counsel for the Acting General Counsel's Motion for Default Judgment should be granted. It is well settled that if a party charged with an unfair labor practice in a complaint fails to file an answer to the complaint

within the time and in the manner prescribed by the Board's Rules and Regulations, all allegations in the complaint are deemed to be admitted to be true and may be so found by the Board, and judgment may be rendered on the basis of the complaint alone. *Bay Recycling, Inc.*, 292 NLRB 1289 (1989); *Neal B. Scott Commodities, Inc.*, 238 NLRB 32, 33 (1978).

WHEREFORE, Counsel for the Acting General Counsel moves that all of the allegations of the complaint be deemed admitted to be true and be so found by the Board and prays for the relief sought in the Motion for Default Judgment.

Dated at Cincinnati, Ohio this 27th day of July 2012.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel A. Goode", written over the typed name.

Daniel A. Goode
Counsel for the Acting General Counsel
Region 9, National Labor Relations Board
3003 John Weld Peck Federal Building
550 Main Street
Cincinnati, Ohio 45202-3271

Attachments



United States Government

NATIONAL LABOR RELATIONS BOARD, Region 9

John Weld Peck Federal Building

550 Main Street - Room 3003

Cincinnati, Ohio 45202-3271

TELEPHONE: (513) 684-3633

FAX: (513) 684-3946

July 16, 2012

Mr. John Carver
102 Jeffrey Lane
Vanceburg, KY 41179

**RE: JC Electric, LLC And Its Alter Ego JC
Electrical Enterprises, LLC**
Case 9-CA-46193

Dear Mr. Carver:

I am Counsel for the General Counsel in the above captioned case which is scheduled for hearing on August 20, 2012. It appears that JC Electric, LLC And Its Alter Ego JC Electrical Enterprises, LLC (the Employer) has not filed an Answer to the Complaint which issued in this case on June 28, 2012. The Complaint was served upon the Employer at the above address by certified mail on June 28, 2012 and an answer was due July 12, 2012. Accordingly, this is to advise that unless Respondent's Answer is received in the Regional Office by close of business on **July 23, 2012**, I will promptly file a Motion for Default Judgment requesting that all allegations of the Complaint which are not specifically denied be deemed to be admitted to be true. Please find enclosed a copy of the Complaint and Notice of Hearing which explains the requirements for filing an Answer under Sections 102.20 and 102.21 of the Board's Rules and Regulations and the consequences for failing to file an Answer. If you need additional time to file an answer, please submit a written request to the Region prior to July 23.

In the event you have any other questions please do not hesitate to contact me at, 513-684-3678, and at daniel.goode@nlrb.gov.

Very truly yours,

Daniel A. Goode
Counsel for the General Counsel

EXHIBIT A



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TELEPHONE: (513) 684-3633

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July 24, 2012

Mr. John Carver
102 Jeffrey Lane
Vanceburg, KY 41179

**RE: JC Electric, LLC And Its Alter Ego JC
Electrical Enterprises, LLC**
Case 9-CA-46193

Dear Mr. Carver:

This letter is a duplicate of the information you received from me by email on Monday July 23rd. As I stated in my email, Wednesday, July 25th is the final day for you file your Answer. No further extensions will be granted past July 25th. It will be easiest for you to file your answer electronically, or provide it to me via email or at our fax number (513) 684-3946.

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EXHIBIT B

Goode, Daniel

From: John Carver [arcfaultone@gmail.com]
Sent: Wednesday, July 25, 2012 1:11 PM
To: Goode, Daniel
Subject: RE: Case 9-CA-46193

My attorney said he will contact you today
John,

I just wanted to send a follow-up email and more clearly state that no further extensions to file the answer will be give beyond Wednesday. Again, if you have any further questions, please do not hesitate to call me.

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Daniel,

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2. The complaint notified Respondents that under Sections 102.20 and 102.21 of the Board's Rules and Regulations, Respondents had an obligation to timely file an answer and that

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the answer must be received by the Regional Office on or before July 12, or postmarked on or before July 11, and if no answer is filed, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true. Respondents did not file an answer within the required time and did not request an extension of time in which to file an answer.

3. When no answer was received by July 12, Counsel for the Acting General Counsel sent a letter to Respondents on July 16, advising that unless an answer were filed by close of business on July 23, the undersigned would file with the Board a Motion for Default Judgment requesting that all allegations of the complaint be deemed admitted as true. (A copy of the letter is attached hereto as Exhibit A.) On July 23, John Carver, Owner of Respondent JCE, called Counsel for the Acting General Counsel, and made several inquiries concerning the complaint. Carver indicated he needed to speak with his attorney and would need until Wednesday July 25, before he could have an answer to the complaint. Counsel for the Acting General Counsel, through an email and a letter sent on July 24, through certified mail, told Carver that the Region would grant him an extension to file his answer until the end of the day Wednesday, but that no further extensions would be granted beyond Wednesday, July 25. (A copy of the letter is attached hereto as Exhibit B.) On July 25, Carver emailed Counsel for the Acting General Counsel indicating his attorney would be calling Counsel for the Acting General Counsel. To date, Respondents have failed to file an answer to the complaint, and Counsel for the Acting General Counsel has not received a telephone call from Carver's attorney.

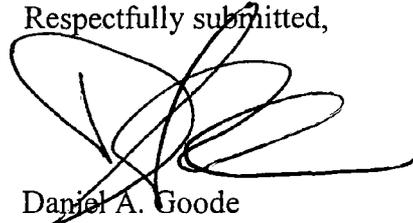
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WHEREFORE, Counsel for the Acting General Counsel moves that all of the allegations of the complaint be deemed admitted to be true and be so found by the Board and prays for the relief sought in the Motion for Default Judgment.

Dated at Cincinnati, Ohio this 27th day of July 2012.

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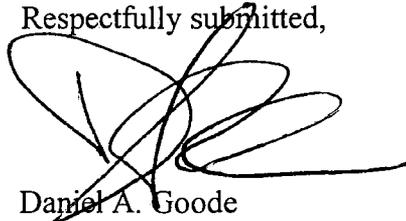
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