



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

August 16, 2012

Lester A. Heltzer, Executive Secretary e-filed
National Labor Relations Board
1099 14th Street, N.W.
Washington, DC 20570

Re: Crystal Soda Water Company
 Case 04-CA-038046

Dear Executive Secretary Heltzer:

Enclosed please find an original and copy of Counsel for the Acting General Counsel's **SUPPLEMENT TO MOTION FOR DEFAULT OR FOR SUMMARY JUDGMENT** in the above-referenced case.

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

Very truly yours,

Margarita Navarro-Rivera
Counsel for the Acting General Counsel

cc:

Louis Kahanowicz, Crystal Soda Water Company, P.O. Box 406, Scranton, PA 18501-0406

Patrick Casey, Esquire, prc@elliottgreenleaf.com

DF/LW

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

CRYSTAL SODA WATER COMPANY,
INC.

and

Case 04-CA-039046

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL 229

**SUPPLEMENT TO MOTION FOR DEFAULT OR FOR SUMMARY
JUDGMENT**

Counsel for the Acting General Counsel hereby moves the Board to grant the instant Motion for Summary Judgment for the following reasons:

1. On April 15, 2012, the undersigned filed a Motion for Default Judgment in this matter. Paragraphs 3 and 4 of the Motion stated that Respondent had failed to file an Answer to the Compliance Specification involved herein, a failure that led to a separate correspondence to Respondent advising that a Motion for Default Judgment would be filed if no Answer was received by August 14, 2012.

2. In fact, Respondent's President *had* responded to the Compliance Specification by letter dated July 18, 2012. Its Answer is attached hereto as Appendix A. In his letter, Respondent's President stated that Respondent "does not challenge the figures presented" and that Respondent does not have the funds to satisfy the amounts owed as alleged in the Compliance Specification.

3. Based on the foregoing, it is respectfully submitted that Respondent has, in effect, admitted the allegations contained in the Compliance Specification, and that it

is appropriate for the Board to grant Summary Judgment, rather than Default Judgment, as originally requested. Accordingly, the undersigned moves that: (1) the Compliance Specification and this proceeding be transferred to and continued before the Board; (2) the Board find the allegations of the Specification to be true; (3) the Board issue a Supplemental Decision and Order based on such findings and direct Respondent, inter alia, to pay the amounts, plus interest, specified in the Specification; and (4) the Board grant such other and further relief as may be appropriate.

Signed at Philadelphia, Pennsylvania this 16th day of August, 2012.



MARGARITA NAVARRO-RIVERA

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

(215) 597-7647

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Crystal Soda Water Company

EXECUTIVE OFFICES
P.O. BOX 406
~~425 FRANKLIN AVENUE~~
SCRANTON, PA 18501-0406
(570) 347-5661
~~1-800-235-9055 (PA ONLY)~~
~~FAX (570) 347-9788~~

PRODUCTION FACILITY
~~180 W. POPLAR STREET~~
SCRANTON, PA 18509

7/18/2012

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 4
615 CHESTNUT STREET – 7TH FLOOR
PHILADELPHIA, PA 19106-4404

RE: CASE CA-038046

TO WHOM IT MAY CONCERN:

PLEASE BE ADVISED THAT THE CRYSTAL SODA WATER COMPANY DOES NOT CHALLENGE THE FIGURES PRESENTED WITHIN THE COMPLIANCE SPECIFICATIONS AND NOTICE OF HEARING RECEIVED ON OR ABOUT JULY 2, 2012 AND MAILED FROM PHILADELPHIA ON JUNE 29, 2012.

THE COMPANY DOES NOT HAVE SUFFICIENT FUNDS TO SATISFY THIS COMPLAINT AS THE MAJORITY OF ITS REMAINING FUNDS WERE USED TO SATISFY AN IRS LIEN.

CURRENT FUNDS ARE LESS THAN \$1000 AND HARDLY WORTHY OF A SETTLEMENT OFFER.

APPENDIX A



FOUNDED 1907

Crystal Soda Water Company

EXECUTIVE OFFICES
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PRODUCTION FACILITY
100 W. POPLAR STREET
SCRANTON, PA 18609

YOURS TRULY,

CRYSTAL SODA WATER CO.


LOUIS KAHANOWITZ, PRESIDENT

CC: RICHARD BISHOP, ESQ

PATRICK CASEY, ESQ

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 229