

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

In the Matter of

IRON HORSE ENTERTAINMENT GROUP,  
INC, A SINGLE EMPLOYER

and

INTERNATIONAL ALLIANCE OF  
THEATRICAL STAGE EMPLOYEES,  
MOVING PICTURE TECHNICIANS,  
ARTISTS AND ALLIED CRAFTS OF THE  
UNITED STATES, ITS TERRITORIES AND  
CANADA, AFL-CIO, IATSE

Case Nos.: 01-CA-068152

01-CA-078034

Date: September 18, 2012

**RESPONDENT'S MOTION TO DISMISS THE CONSOLIDATED COMPLAINT**

NOW COMES the Respondent, Iron Horse Entertainment Group, Inc., by and through undersigned counsel, and hereby moves to dismiss the Consolidated Complaint alleging that the Respondent has been failing and refusing to bargain collectively and in good faith with the Charging Party in violation of 8(a)(1) and 8(a)(5) of the Act for the following reasons:

1. The remedy for an employer's refusal to bargain in violation of section 8(a)(5) is a Board order to cease and desist from refusing to bargain and, upon request, to bargain collectively. Here, such an order would have no effect, as the Respondent has been bargaining in good faith with the Charging Party and has made significant progress with respect to reaching agreement, including tentatively agreeing to several articles of a labor agreement. Thus, the charges are moot, and the matter should be dismissed.

2. A key goal of the National Labor Relations Act is encouraging parties to resolve labor disputes by reaching collective bargaining agreements rather than resorting to the Board's processes. Hospital Perea Unidad, 356 NLRB No. 150 (2011). In that vein, the Board should dismiss the instant action in an effort to preserve the bargaining process that has been ongoing between the parties and has resulted in significant progress with respect to reaching agreement.

As further grounds for its Motion, the Respondent relies on the attached Memorandum in Support of Respondent's Motion to Dismiss.

WHEREFORE, the Respondent requests that its Motion to Dismiss be ALLOWED.

Respectfully submitted,

ION HORSE ENTERTAINMENT  
GROUP, INC.,

By its attorneys

/s/ Meghan B. Sullivan

Meghan B. Sullivan, Esq.  
SULLIVAN, HAYES & QUINN, LLC  
Attorneys for the Respondent  
One Monarch Place – Suite 1200  
Springfield, MA 01144-1200  
Telephone: (413) 736-4538  
Facsimile: (413) 731-8206  
E-mail: Meghan.Sullivan@sullivanandhayes.com