



United States Government

**NATIONAL LABOR RELATIONS BOARD**

Office of the Executive Secretary

1099 14<sup>th</sup> Street NW, Suite 11600

Washington, DC 20570

June 10, 2015

Re: Ridgewood Health Care Center, Inc. and  
Ridgewood Health Services, Inc., a single employer  
Cases 10-CA-113669 and 10-CA-136190

Richard Rouco, Esq.  
Quinn Connor Weaver  
Davies & Rouco  
Two 20<sup>th</sup> Street North, Suite 930  
Birmingham, AL 35203

Dear Mr. Rouco:

This acknowledges the May 23, 2015 receipt in the Executive Secretary's Office of the Charging Party's electronically-filed Answering Brief to the Respondent's Exceptions in this case. Specifically, the Answering Brief was filed at 12:04:52 a.m. on May 23. The due date for the filing of the Charging Party's Answering Brief was May 22, 2015. If e-filed, the brief was due by 11:59 p.m. Eastern Daylight Time on May 22. Thus, the brief was untimely filed and, at this point, will not be forwarded to the Board for consideration.

Subsequently, at 12:40 a.m. on May 23, you filed a request for an extension of time to file the Answering Brief. This request essentially asked for a 5-minute extension of time and therefore for the Board to accept the untimely-filed Answering Brief. The request stated that "The late filing was largely attributed the (sic) counsel's illness earlier in the week," which assertedly caused counsel to be out of the office on May 18 and 19. The request stated that "Due to these missed days of work and other commitments, counsel was unable to complete and file his answering brief prior to 11:59 p.m. EDT May 22, 2015."

Pursuant to Section 102.111(c) of the Board's Rules and Regulations, a party may request that the Board accept a late filing pursuant to excusable neglect. The extension of time request that you filed at 12:40 a.m. on May 23 does not suffice as an excusable neglect motion under Section 102.111(c). If you decide to ask the Board to accept the Charging Party's untimely-filed Answering Brief, you should file a motion

pursuant to Section 102.111(c), which requires that: “The specific facts relied on to support the motion shall be set forth in affidavit form and sworn to by individuals with personal knowledge of the facts.” In this connection, the Board in *Elevator Constructors Local 2 (Unitec Elevator Services)*, 337 NLRB 426 (2002) held that “the signature of an attorney on the motion will not be treated as a substitute for the required affidavit.”

The motion and the affidavit must be served on all the other parties and you must submit to the Board a written statement with the names of the parties served and the date and manner of service. Should you desire to file the motion and affidavit, please do so by close of business **June 19, 2015**.

Very truly yours,

Henry S. Breiteneicher  
Associate Executive Secretary

cc: Parties