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July 8, 2015

VIA NLRB E-FILING

Mr. Gary Shinnors
Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570-0001

Re: Case No. 29-CA-142690
County Agency, Inc. and United Food and Commercial Workers, Local 2013
Response to Motion to Transfer Case to the Board and for Default Judgment

Dear Mr. Shinnors:

This office represents County Agency, Inc. (hereinafter “County Agency”) in the above referenced matter. This letter is submitted pursuant to the Notice to Show Cause from the National Labor Relations Board (the “Board”), dated June 24, 2015, directing County Agency to show cause, in writing, as to why the General Counsel’s Motion to Transfer Case to the Board and for Default Judgment (the “Motion”) should not be granted. It is respectfully submitted that the draconian relief requested by the General Counsel should not be granted. Instead, the Board should direct the Regional Director to reinstate the Informal Settlement Agreement, or to hold a hearing on the allegations in the initial complaint.

County Agency has never sought to actively defy the Board or the dictates of the National Labor Relations Act (the “Act”). The allegations in the initial complaint in this matter were totally baseless and promptly denied by County Agency. Indeed, the Informal Settlement Agreement at issue in this matter explicitly provides that County Agency “does not admit that it has violated the National Labor Relations Act.” *See Ex. C to Motion.*

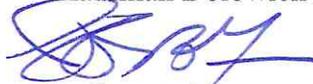
Given County Agency’s consistent denials of wrongdoing under the Act, it is respectfully submitted that the relief requested by the General Counsel is wholly inappropriate, notwithstanding the language of the Informal Settlement Agreement. Indeed, while County Agency acknowledges that it has yet to provide the requested information to the Union or to post the notices from the Board, it steadfastly denies any claim that it has failed or refused to bargain in good faith with the Union. However, should it grant the General Counsel’s motion, the Board will be reaching a contrary determination without even providing County Agency with an opportunity to present its own version of the alleged facts in this matter.

Ultimately, in the interests of maintaining a collegial relationship with the Union, County Agency wishes to have the opportunity to comply with the terms of the Informal Settlement Agreement. However, given that the General Counsel has withdrawn same, County Agency is now effectively trapped in a situation where it must wait for an order from the Board, and then (presumably) a judgment from the United States Court of Appeals, before providing any information or documents to the Union. Indeed, there is no suggestion or indication from General Counsel at this juncture that compliance may be achieved without wasting the Board or Court of Appeals' time determining the underlying motion.

Accordingly, County Agency respectfully requests that, rather than proceeding forward with a determination of this counterproductive motion, the Board instead direct the Regional Director to reinstate the Informal Settlement Agreement, with the caveat that County Agency wholly comply with its terms within thirty (30) days of such reinstatement. Such an order will clearly achieve all relevant concerns in this action by providing the Union with the information it allegedly needs and ensuring that the parties may continue negotiating towards a successor collective bargaining agreement without the cloud of Board litigation hanging over the proceedings.

We thank the Board for its time and consideration.

Respectfully submitted,
Kaufman Dolowich & Voluck LLP



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cc: Jamie D. Cosloy
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STATEMENT OF SERVICE

I hereby certify and declare under penalty of perjury, under the laws of the United States of America and the State of New York, that a copy of the RESPONSE TO MOTION TO TRANSFER CASE TO THE BOARD AND FOR DEFAULT JUDGMENT was served today, July 8, 2015, on the following parties or persons by the method indicated.

Gary Shinnars
Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570
Via NLRB E-Filing

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