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BD-G 2408

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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DAVID E. LEACH III,		:
Regional Director of Region 22		:
Of the National Labor Relations Board		:
For and on behalf of the		:
National Labor Relations Board,		:
		:
Petitioner,		:
		:
v.		:
		:
		:
ACTION CARS ON 9, LLC D/B/A		:
ACTION CHEVROLET OF FREEHOLD		:
		:
		:
		:
Respondent		:
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Civil No. 15-

**DECLARATION OF NLRB REGIONAL DIRECTOR LEACH**

DAVID E. LEACH III, declares under penalty of perjury that the following verification of the Petition filed in this matter and explanation of the necessity for emergent relief as requested in the Petition is true and correct:

1. I am the Regional Director for Region 22 of the National Labor Relations Board (herein the Board).

2. I have read the foregoing Petition and exhibits appended thereto and know the contents thereof. The statements herein made upon personal knowledge are true and those made upon information and belief I believe to be true.

3. Pursuant to Rule 65.1 of the United States District Court for the District of New Jersey, and 28 U.S.C. SEC. 1657, this proceeding was brought on by application for Order to Show Cause, rather than Notice of Motion, for the following reasons:

(a) I have reasonable cause to believe that the activities of Respondent Action Cars on 9, LLC d/b/a Action Chevrolet of Freehold described in the petition and exhibits appended thereto, occurring in connection with the business operations of other employers or persons engaged in commerce or in an industry affecting commerce, have a close, intimate and substantial relation to trade, traffic and commerce among the several states and tend to and do lead to labor disputes, burdening and obstructing the full flow of commerce, and it may fairly be anticipated that, unless enjoined, Respondent will continue the acts and

conduct alleged in the Petition, or similar or like acts and conduct.

(b) Section 10(j) of the National Labor Relations Act, 28 U.S.C. SEC. 160(J), (herein the Act), reflects the Congressional recognition that legal procedures are sometimes necessarily prolonged and time consuming. In that Section, therefore, Congress gave the Board power upon issuance of a Complaint, to petition any District Court of the United States for appropriate injunctive relief deemed "just and proper." The legislative history of the Act shows that Congress intended such power to be exercised by the court in aid of the "prompt elimination of the obstructions to the free flow of commerce" pending the disposition of matters before the Board. S. REP. No. 105, 80TH CONG., 1ST SESS. PP. 8, 27 (1947).

4. Accordingly, I respectfully submit that the Congressional mandate referred to above indicates that the most expeditious procedures available should be utilized in proceedings of this nature and that, therefore, good and sufficient reason exists within the meaning of Civil Rule 65.1 to bring this matter on by Order to Show Cause, rather than by Notice of Motion. Further, this action for an injunction under the Act seeks to restrain conduct, which is currently obstructing interstate commerce and will continue to do so unless enjoined. Therefore, good cause exists within the meaning of 28 U.S. C. SEC. 1657 to

expedite consideration of this case by allowing it to be heard upon an Order to Show Cause rather than upon a Notice of Motion.

Dated at Newark, New Jersey dated this 9th day of July, 2015.



David E. Leach III  
Regional Director  
National Labor Relations Board  
Region 22  
20 Washington Place, 5th Floor  
Newark, New Jersey 07102

Subscribed and Sworn to before  
me this 9<sup>th</sup> day of July, 2015

  
Notary Public of New Jersey  
My Commission expires 4/15/20

**RAQUEL P. WILKINSON**  
**NOTARY PUBLIC OF NEW JERSEY**  
**My Commission Expires 4/15/2020**