

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

ALLWAYS EAST TRANSPORTATION, INC.

**Cases 03-CA-128669
03-CA-133846**

and

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL 445**

**RESPONDENT'S REPLY TO GENERAL COUNSEL'S RESPONSE TO
RESPONDENT'S OPPOSITION**

Respondent submits this document in response to General Counsel's Response to Respondent's Opposition in further Opposition to General Counsel's motion for an extension of time to file exceptions and briefs supporting exceptions on General Counsel's motion to exceed page limitations and in further support of Respondent's cross-motion seeking an extension of time to file its answering brief to General Counsel's exceptions. Respondent believes that it is necessary to submit this document in that Counsel for the General Counsel, John Grunert, again misrepresents to the Court and fails to address issues which clearly evidence his bad faith and attempts to deceive the Board in order to accomplish what he was time barred from accomplishing.

In counsel for General Counsel's original motion for an extension of time to file exceptions, he states that the extension of time is necessary due to a "an unforeseen situation in which counsel for the General Counsel was required to prepare for and appear before the U.S. District Court for the Southern District of New York on short notice in an unrelated Section 10(j) proceeding". However, in General Counsel's response to Respondent's Opposition, dated December 10, 2015, he now for some unknown reason, mentions an additional matter which was scheduled for trial on November 18, 2015 and was resolved on that date. There is no explanation as to why that settlement, nearly six days after the issuance of the decision at issue in the above matter, had any effect on his alleged inability to prepare his exceptions on time. The matter that counsel for General Counsel finally identifies in his December 10, 2015 response as the reason why his request was "necessitated" was Wingate of Dutchess. However, a review of the docket report from that matter, annexed hereto as Exhibit "A" clearly indicates that there was no "short notice" as

to that appearance. The docket report clearly indicates that the December 2, 2015 conference to which he refers was scheduled on November 24, 2015. It is far from “short notice”. Further, the conference he referred to was a “status conference” wherein no papers were due from counsel for General Counsel, but rather only an appearance to discuss a briefing schedule. That is far from an “unforeseen situation” that would necessitate an 11-day extension of time.

All of the above further supports Respondent’s position, as set forth in Respondent’s opposition papers, that Counsel for General Counsel misrepresented to the Board the real reason why he needed an extension of time to file exceptions. That became evident the day he received the Board’s Order granting him an extension of time – he needed it because he was time barred from requesting to exceed the page limitations. It is incredible that the Board should or would tolerate this type of misconduct by an attorney.

In reviewing General Counsel’s Response to Respondent’s Opposition, dated December 10, 2015, it further supports the fact that Counsel for General Counsel is being disingenuous. On one hand, he states that he had insufficient time to address exceptions, but yet is certain that he needs additional pages in which to set forth all of his exceptions.

Counsel for Respondent, in good faith, in what counsel believed is a legitimate request for an extension of time to file exceptions, contacted Counsel for the General Counsel upon receiving his motion in order to work out an amicable briefing schedule, including consenting to his extension. Counsel for General Counsel stalled and delayed doing so and would not agree to the extension Respondent’s sought. Further, at no time during that conversation did counsel for General Counsel advise counsel for Respondent that he would also be making a motion seeking to exceed the page limitation.

Of major significance is that nowhere in counsel for General Counsel’s briefs and response does he deny that, as previously set forth by counsel for Respondent, the initial motion seeking an extension of time to file exceptions was indeed made in order to then have enough time to make a motion to exceed the page limitation. Further, it should be noted that in General Counsel’s most recent response, while discussing

Respondent's request for an extension of time, Counsel for General Counsel does not object to the February 12, 2016 extension date requested to submit answering briefs by the Respondent.

Therefore, for the reasons previously set forth in counsel for Respondent's previous papers and for the reasons set forth above, General Counsel's motion to exceed page limitations should be denied and the Respondent's Cross-Motion for an Extension to File their Answering Brief should be granted to February 12, 2016.

Dated: Lake Success, New York
December 10, 2015

Respectfully submitted,

/s/ _____
Ira D. Wincott
Jonathan E. Sturm
Counsel for Respondent Allways East
Transportation Inc.
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Exhibit “A”

ECF

**U.S. District Court
Southern District of New York (White Plains)
CIVIL DOCKET FOR CASE #: 7:15-cv-03982-VB**

Ley v. Wingate of Dutchess, Inc.
Assigned to: Judge Vincent L. Briccetti
Cause: 29:160j Labor: Petition for Inj - Relief from Unfair
Labor Practice

Date Filed: 05/22/2015
Jury Demand: None
Nature of Suit: 720 Labor: Labor/Mgt.
Relations
Jurisdiction: U.S. Government Plaintiff

Petitioner

Rhoda P. Ley
*Regional Director of the Third Region
of the National Labor Relations Board
for and on behalf of the National Labor
Relations Board*

represented by **Charles Michael Guzak**
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V.

Respondent

Wingate of Dutchess, Inc.

represented by **Eve I. Klein**
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Amicus

**1199 SEIU United Health Care
 Workers East Union**

represented by **Amelia Kristin Tuminaro**
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LEAD ATTORNEY
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| Date Filed | # | Docket Text |
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| 12/07/2015 | <u>46</u> | MEMO ENDORSEMENT on re: <u>45</u> Letter filed by Wingate of Dutchess, Inc. MEMO ENDORSEMENT: Respondent's request for a modification of the briefing schedule set forth in the Court's order of December 2, 2015 (Doc. 444), or, in the alternative, for a sur-reply, is DENIED. The Court did not allow the Union to submit a 50-page brief. The Union may submit a brief of no more than 25 pages, in accordance with Section 2.C of the Court's Individual Practices. However, the Court encourages the Union to be succinct as possible. (Signed by Judge Vincent L. Briccetti on 12/7/2015) (rj) (Entered: 12/07/2015) |
| 12/04/2015 | <u>45</u> | LETTER addressed to Judge Vincent L. Briccetti from Eve I. Klein dated 12/4/2015 re: Dec. 3, 2015 Order re: Filing Deadlines. Document filed by Wingate of Dutchess, Inc..(Klein, Eve) (Entered: 12/04/2015) |
| 12/02/2015 | | Set/Reset Deadlines: Amended Pleadings due by 12/16/2015. Brief due by 2/5/2016. (rj) (Entered: 12/03/2015) |
| 12/02/2015 | <u>44</u> | ORDER denying as moot <u>12</u> Letter Motion for Extension of Time; denying as moot <u>26</u> Motion for Preliminary Injunction. For the reasons stated on the record at a conference held today, it is hereby ORDERED: 1. By December 16, 2015, petitioner shall file an amended petition, a brief not to exceed 50 pages, and |

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| | | whatever evidence petitioner wants the Court to consider in deciding whether to grant the relief requested in the amended petition. 2. Respondent's answer to the amended petition, a brief not to exceed 50 pages, and respondent's evidence are due January 15, 2016. 3. Petitioner's reply is due January 29, 2016. 4. The Union's amicus curiae brief is due February 5, 2016. 5. In light of the foregoing, petitioner's motion to have the petition decided on the basis of affidavits and documentary evidence (Doc. #26) and respondent's letter-motion for an extension of time to answer the petition (Doc. #12) are DENIED as moot. The Clerk is instructed to terminate the motion and letter-motion. (Signed by Judge Vincent L. Briccetti on 12/2/2015) (rj) (Entered: 12/03/2015) |
| 12/02/2015 | | Minute Entry for proceedings held before Judge Vincent L. Briccetti: Status Conference held on 12/2/2015. (Court Reporter Sue Ghorayeb) Order to follow. (dh) (Entered: 12/02/2015) |
| 11/24/2015 | 43 | ORDER granting <u>40</u> Letter Motion for Extension of Time to File Response/Reply: The Court has carefully reviewed (1) respondent's letter-motion requesting an extension of time to file its opposition to the petition, and a conference to discuss how to proceed in light of the ALJ's recent decision; (2) petitioner's letter in response; and (3) respondent's reply letter. The Court believes a conference to discuss how to proceed is necessary. Accordingly, all counsel are directed to attend an in-person conference on 12/2/2015 at 2:15 p.m. Respondent's time to file its opposition is stayed pending the conference. (HEREBY ORDERED by Judge Vincent L. Briccetti)(Text Only Order) (Briccetti, Vincent) (Entered: 11/24/2015) |
| 11/23/2015 | <u>42</u> | LETTER REPLY to Response to Motion addressed to Judge Vincent L. Briccetti from Eve I. Klein dated 11/23/15 re: <u>40</u> LETTER MOTION for Extension of Time to File Response/Reply as to <u>1</u> Petition (Other) <i>and for Court Conference</i> addressed to Judge Vincent L. Briccetti from Eve I. Klein dated November 19, 2015. . Document filed by Wingate of Dutchess, Inc.. (Klein, Eve) (Entered: 11/23/2015) |
| 11/23/2015 | <u>41</u> | LETTER RESPONSE to Motion addressed to Judge Vincent L. Briccetti from John Grunert dated November 23, 2015 re: <u>40</u> LETTER MOTION for Extension of Time to File Response/Reply as to <u>1</u> Petition (Other) <i>and for Court Conference</i> addressed to Judge Vincent L. Briccetti from Eve I. Klein dated November 19, 2015. <i>Opposition to Letter Motion</i> . Document filed by Rhoda P. Ley. (Grunert, John) (Entered: 11/23/2015) |
| 11/19/2015 | <u>40</u> | LETTER MOTION for Extension of Time to File Response/Reply as to <u>1</u> Petition (Other) <i>and for Court Conference</i> addressed to Judge Vincent L. Briccetti from Eve I. Klein dated November 19, 2015. Document filed by Wingate of Dutchess, Inc..(Klein, Eve) (Entered: 11/19/2015) |
| 11/17/2015 | <u>39</u> | NOTICE of Issuance of Administrative Law Judge's Decision. Document filed by Rhoda P. Ley. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Certificate of Service) (Guzak, Charles) (Entered: 11/17/2015) |
| 10/30/2015 | <u>38</u> | MEMO ENDORSEMENT on <u>37</u> JOINT LETTER addressed to Judge Vincent L. Briccetti from John Grunert dated October 30, 2015 re: Joint Status Report. ENDORSEMENT: Counsel shall submit a further joint status report by |

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| | | 12/30/2015, or when the ALJ issues a decision, whichever is earlier. So Ordered. (Signed by Judge Vincent L. Briccetti on 10/30/2015) (Inl) (Entered: 10/30/2015) |
| 10/30/2015 | <u>37</u> | JOINT LETTER addressed to Judge Vincent L. Briccetti from John Grunert dated October 30, 2015 re: Joint Status Report. Document filed by Rhoda P. Ley.(Grunert, John) (Entered: 10/30/2015) |
| 08/31/2015 | <u>36</u> | MEMO ENDORSEMENT on re: <u>35</u> Letter filed by Rhoda P. Ley. ENDORSEMENT: Counsel are directed to submit a further report by 10/30/15, or when the ALT issues a decision, whichever is earlier. (Status Report due by 10/30/2015.) (Signed by Judge Vincent L. Briccetti on 8/31/2015) (rj) (Entered: 08/31/2015) |
| 08/31/2015 | <u>35</u> | LETTER addressed to Judge Vincent L. Briccetti from John Grunert dated August 31, 2015 re: Joint Status Report. Document filed by Rhoda P. Ley. (Grunert, John) (Entered: 08/31/2015) |
| 06/30/2015 | <u>34</u> | MEMO ENDORSEMENT on <u>33</u> LETTER addressed to Judge Vincent L. Briccetti from John Grunert dated June 30, 2015 re: Joint Letter from Parties. ENDORSEMENT: Parties are directed to submit further status report by 8/31/15, or when ALJ issues a decision, whichever comes first. So Ordered. (Signed by Judge Vincent L. Briccetti on 6/30/2015) (Inl) (Entered: 06/30/2015) |
| 06/30/2015 | <u>33</u> | LETTER addressed to Judge Vincent L. Briccetti from John Grunert dated June 30, 2015 re: Joint Letter from Parties. Document filed by Rhoda P. Ley. (Grunert, John) (Entered: 06/30/2015) |
| 06/10/2015 | <u>32</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a conference proceeding held on 5/29/2015 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 06/10/2015) |
| 06/10/2015 | <u>31</u> | TRANSCRIPT of Proceedings re: conference held on 5/29/2015 before Judge Vincent L. Briccetti. Court Reporter/Transcriber: Albert Gorn, 914-390-4222. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/6/2015. Redacted Transcript Deadline set for 7/16/2015. Release of Transcript Restriction set for 9/11/2015.(McGuirk, Kelly) (Entered: 06/10/2015) |
| 06/01/2015 | <u>30</u> | ORDER: For the reasons stated on the record at a conference held on May 29, 2015, the Court declines at this time to grant the injunctive relief requested in the petition. However, the petition remains pending. By July 1, 2015, counsel are directed to submit a joint letter advising the Court on the status of the administrative proceeding pending before the National Labor Relations Board. Respondent's opposition to the petition is due two weeks after the administrative law judge renders a decision in the pending administrative |

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| | | proceeding. Petitioner's reply and the Union's amicus curiae brief are due two weeks after respondent's opposition. The hearing scheduled for June 5, 2015, is adjourned without date. (Signed by Judge Vincent L. Briccetti on 6/1/2015) (rj) (Entered: 06/01/2015) |
| 05/29/2015 | | Minute Entry for proceedings held before Judge Vincent L. Briccetti: Status Conference held on 5/29/2015. (Court Reporter Albi Gorn) Order to follow.(dh) (Entered: 05/29/2015) |
| 05/29/2015 | <u>29</u> | NOTICE OF APPEARANCE by Amelia Kristin Tuminaro on behalf of 1199 SEIU United Health Care Workers East Union. (Tuminaro, Amelia) (Entered: 05/29/2015) |
| 05/28/2015 | <u>28</u> | MEMORANDUM OF LAW in Support re: <u>26</u> MOTION for Preliminary Injunction <i>To Be Determined on Basis of Affidavits. Memo of Law in Support of Motion to Determine on Basis of Affidavits.</i> Document filed by Rhoda P. Ley. (Grunert, John) (Entered: 05/28/2015) |
| 05/28/2015 | <u>27</u> | DECLARATION of John Grunert in Support re: <u>26</u> MOTION for Preliminary Injunction <i>To Be Determined on Basis of Affidavits..</i> Document filed by Rhoda P. Ley. (Grunert, John) (Entered: 05/28/2015) |
| 05/28/2015 | <u>26</u> | MOTION for Preliminary Injunction <i>To Be Determined on Basis of Affidavits.</i> Document filed by Rhoda P. Ley.(Grunert, John) (Entered: 05/28/2015) |
| 05/28/2015 | <u>25</u> | NOTICE OF APPEARANCE by Christina Joy F. Grese on behalf of Wingate of Dutchess, Inc.. (Grese, Christina) (Entered: 05/28/2015) |
| 05/28/2015 | <u>24</u> | ORDER granting <u>17</u> Motion to File Amicus Brief. IT IS on this 28th day of May 2015, ORDERED that 1199 SEIU's Motion for Leave to Appear as Amicus Curiae[Docket Entry No. 17] be and it hereby is GRANTED; and it is further ORDERED that 1199 SEIU shall file any papers in support of the petition by TBD and its counsel may participate in the conference scheduled for May 29, 2015 and any hearings or oral argument scheduled thereafter. (Signed by Judge Vincent L. Briccetti on 5/28/2015) (rj) (Entered: 05/28/2015) |
| 05/28/2015 | | ***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney John Joseph Grunert to RE-FILE Document <u>8</u> MOTION for Order to Show Cause to Determine on Basis of Affidavits. ERROR(S): Supporting Documents are filed separately, each receiving their own document #. (db) (Entered: 05/28/2015) |
| 05/28/2015 | <u>23</u> | CERTIFICATE OF SERVICE of Notice of Motion for Leave to Appear As <i>Amicus Curiae</i> , Proposed Order, Certificate of Amelia K. Tuminaro In Support of Motion For Leave To Appear As <i>Amicus Curiae</i> , and Memorandum In Support Of Motion For Leave To Appear As <i>Amicus Curiae</i> served on Wingate of Dutchess and Rhonda P. Ley on 5/27/2015. Service was made by electronic mail. Document filed by 1199 SEIU United Health Care Workers East Union. (Tuminaro, Amelia) (Entered: 05/28/2015) |
| 05/28/2015 | <u>22</u> | MEMORANDUM OF LAW in Support re: <u>17</u> MOTION to File Amicus Brief. . Document filed by 1199 SEIU United Health Care Workers East Union. (Tuminaro, Amelia) (Entered: 05/28/2015) |

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| 05/28/2015 | <u>21</u> | AFFIDAVIT of Amelia K. Tuminaro in Support re: <u>17</u> MOTION to File Amicus Brief .. Document filed by 1199 SEIU United Health Care Workers East Union. (Tuminaro, Amelia) (Entered: 05/28/2015) |
| 05/28/2015 | <u>20</u> | FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU (SEE <u>22</u> Memorandum) - AFFIDAVIT in Support re: <u>17</u> MOTION to File Amicus Brief .. Document filed by 1199 SEIU United Health Care Workers East Union. (Tuminaro, Amelia) Modified on 5/29/2015 (db). (Entered: 05/28/2015) |
| 05/28/2015 | | ***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney Amelia Kristin Tuminaro to RE-FILE Document <u>18</u> Memorandum of Law in Support of Motion. ERROR(S): Supporting documents must be filed separately, each receiving their own document number. Affidavit in Support of Motion is found under the event list Replies, Opposition and Supporting Documents. (Idi) (Entered: 05/28/2015) |
| 05/27/2015 | <u>19</u> | LETTER addressed to Judge Vincent L. Briccetti from Amelia K. Tuminaro dated May 27, 2015 re: Courtesy copies of Motion to Appear as Amicus. Document filed by 1199 SEIU United Health Care Workers East Union. (Tuminaro, Amelia) (Entered: 05/27/2015) |
| 05/27/2015 | <u>18</u> | FILING ERROR - DEFICIENT DOCKET ENTRY - MEMORANDUM OF LAW in Support re: <u>17</u> MOTION to File Amicus Brief . . Document filed by 1199 SEIU United Health Care Workers East Union. (Attachments: # <u>1</u> Affidavit Certificate of Amelia K. Tuminaro, # <u>2</u> Text of Proposed Order, # <u>3</u> Certificate of Service)(Tuminaro, Amelia) Modified on 5/28/2015 (Idi). (Entered: 05/27/2015) |
| 05/27/2015 | <u>17</u> | MOTION to File Amicus Brief . Document filed by 1199 SEIU United Health Care Workers East Union.(Tuminaro, Amelia) (Entered: 05/27/2015) |
| 05/27/2015 | <u>16</u> | ORDER:The Court having reviewed the petition for an injunction under Section 10(j) of the National Labor Relations Act and the exhibits in support thereof (Docs. #1); the declaration in support of the petition and the affidavits and documentary evidence submitted therewith (Doc. #6); the motion to adjudicate the petition on the basis of affidavits and documentary evidence and the papers in support thereof (Doc. #8); and respondent's letter-motion of May 27, 2015 (Doc. #12), it is hereby ORDERED: 1. The Court will hold a conference on May 29, 2015, at 2:15 p.m.. which counsel for petitioner, counsel for respondent, and a principal from respondent are directed to attend. 2. Respondent's time to answer the petition is stayed pending the May 29 conference. 3. At the May 29 conference: (a) Petitioner must be prepared to address whether there is any evidence that any of the conduct described in paragraphs (1)(a) through (1)(v) of the petition's "wherefore" clause (pp. 11-13) has occurred after the November 2014 representation election: (b) Respondent must be prepared to address whether it would agree not to engage in such conduct pending the resolution of the underlying administrative proceeding before the NLRB; and (c) Petitioner should also be prepared to explain why the Court should take the extraordinary step of issuing the affirmative order described in paragraphs 2(a) through (2)(g) of the petitions "wherefore" clause |

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| | | (pp. 13-14) prior to the resolution of the underlying administrative proceeding before the NLRB.(Status Conference set for 5/29/2015 at 02:15 PM before Judge Vincent L. Briccetti.) (Signed by Judge Vincent L. Briccetti on 5/27/2015) (rj) (Entered: 05/27/2015) |
| 05/27/2015 | <u>15</u> | CERTIFICATE OF SERVICE of Petition for Injunction and Supporting Documents served on Wingate of Dutchess, Inc. on May 26, 2015. Service was made by Mail. Document filed by Rhoda P. Ley. (Grunert, John) (Entered: 05/27/2015) |
| 05/27/2015 | <u>14</u> | LETTER RESPONSE to Motion addressed to Judge Vincent L. Briccetti from John Grunert dated May 27, 2015 re: <u>12</u> LETTER MOTION for Extension of Time <i>to Appear and to file answer</i> addressed to Judge Vincent L. Briccetti from Eve I. Klein dated May 27, 2015. . Document filed by Rhoda P. Ley. (Grunert, John) (Entered: 05/27/2015) |
| 05/27/2015 | <u>13</u> | MEMORANDUM OF LAW in Support re: <u>7</u> LETTER MOTION for Leave to File Excess Pages <i>to Memorandum of Law</i> addressed to Judge Vincent L. Briccetti from John Grunert dated May 26, 2015. . Document filed by Rhoda P. Ley. (Grunert, John) (Entered: 05/27/2015) |
| 05/27/2015 | <u>12</u> | LETTER MOTION for Extension of Time <i>to Appear and to file answer</i> addressed to Judge Vincent L. Briccetti from Eve I. Klein dated May 27, 2015. Document filed by Wingate of Dutchess, Inc.. (Attachments: # <u>1</u> Exhibit A - Email)(Klein, Eve) (Entered: 05/27/2015) |
| 05/26/2015 | <u>11</u> | NOTICE OF APPEARANCE by Eve I. Klein on behalf of Wingate of Dutchess, Inc.. (Klein, Eve) (Entered: 05/26/2015) |
| 05/26/2015 | <u>10</u> | NOTICE OF APPEARANCE by Eric William Ruden on behalf of Wingate of Dutchess, Inc.. (Ruden, Eric) (Entered: 05/26/2015) |
| 05/26/2015 | <u>9</u> | ORDER granting <u>7</u> Letter Motion for Leave to File Excess Pages: Plaintiff may file a memorandum of law not to exceed 48 pages. (HEREBY ORDERED by Judge Vincent L. Briccetti)(Text Only Order) (Briccetti, Vincent) (Entered: 05/26/2015) |
| 05/26/2015 | <u>8</u> | FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Order to Show Cause <i>to Determine on Basis of Affidavits</i> . Document filed by Rhoda P. Ley. (Attachments: # <u>1</u> Declaration in Support of Motion to Determine on Basis of Affidavits, # <u>2</u> Memo in Support of Motion to Determine on Basis of Affidavits)(Grunert, John) Modified on 5/28/2015 (db). (Entered: 05/26/2015) |
| 05/26/2015 | <u>7</u> | LETTER MOTION for Leave to File Excess Pages <i>to Memorandum of Law</i> addressed to Judge Vincent L. Briccetti from John Grunert dated May 26, 2015. Document filed by Rhoda P. Ley.(Grunert, John) (Entered: 05/26/2015) |
| 05/26/2015 | <u>5</u> | NOTICE OF APPEARANCE by Charles Michael Guzak on behalf of Rhoda P. Ley. (Guzak, Charles) (Entered: 05/26/2015) |
| 05/22/2015 | <u>6</u> | SEALED DOCUMENT placed in vault.(rj) (Entered: 05/26/2015) |
| 05/22/2015 | <u>4</u> | PROTECTIVE ORDER:(a) General Protections. Protected Documents designated under this Order shall not be used or disclosed by the parties. |

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| | | counsel for the parties or any other persons identified in par.2(b) for any purpose whatsoever other than in camera with this litigation. (b) Limited Third-Party Disclosures. The parties and counsel for the parties shall not disclose or permit the disclosure of Protected Documents to any third person or entity except as set forth in subparagraphs (1)- (3). Subject to these requirements, the following categories of persons may be allowed to review Protected Documents: (1) Counsel. Counsel for the parties and employees and agents of counsel who have responsibility for the preparation and trial of the action; (2) Parties. Parties to this Order; (3) Court Reporters and Recorders. Court reporters and recorders engaged for depositions as set forth in this order. (Signed by Judge Cathy Seibel on 5/22/2015) (rj) (Entered: 05/26/2015) |
| 05/22/2015 | <u>3</u> | ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION:IT IS ORDERED that Respondent file an answer to the allegations of said petition with the Clerk of this Court, and serve a copy thereof upon Petitioner at her office located at National Labor Relations Board, Third Region, Niagara Center Building, Suite 630, 130 South Elmwood Avenue, Buffalo, New York, 14202, on or before the 29th day of May 2015; at 5 pm, and; IT IS FURTHER ORDERED that Respondent appear on the 5th day of June, 2015, at 11:00 am; and, or as soon thereafter as counsel may be heard, and then and there show cause, if any there be, why, pending the final disposition of the matters involved herein before the National Labor Relations Board, a preliminary injunction should not issue, enjoining and restraining Respondent, its representatives, agents, servants, employees, attorneys, and all individuals acting in concert or participation with them, as prayed in the aforesaid petition. IT IS FURTHER ORDERED that service of a copy of this Order, together with a copy of the petition and exhibits upon which it is issued, subject to the protective order, be forthwith made upon Respondent by overnight mail or in any manner provided in Rule 4(c) of the Federal Rules of Civil Procedure for the United States District Court, and that proof of such service be filed herein. filed by Rhoda P. Ley. Show Cause Hearing set for 6/5/2015 at 11:00 AM before Judge Vincent L. Briccetti. (Signed by Judge Cathy Seibel on 5/22/2015) (rj) (Entered: 05/26/2015) |
| 05/22/2015 | | Magistrate Judge Judith C. McCarthy is so designated. (rj) (Entered: 05/26/2015) |
| 05/22/2015 | | Case Designated ECF. (rj) (Entered: 05/26/2015) |
| 05/22/2015 | <u>2</u> | CIVIL COVER SHEET filed. (rj) (Entered: 05/26/2015) |
| 05/22/2015 | <u>1</u> | PETITION FOR INJUNCTION UNDER SECTION 10(j) OF THE NATIONAL LABOR RELATIONS, ACT, AS AMENDED. (Receipt Number No Fee Required).Document filed by Rhoda P. Ley.(rj) (Entered: 05/26/2015) |

STATEMENT OF SERVICE

I hereby certify that on December 10, 2015, I electronically filed Allways East Transportation, Inc.'s **RESPONDENT' REPLY TO GENERAL COUNSEL'S RESPONSE TO RESPONDENT'S OPPOSITION** in Cases 03-CA- 128669, et. al. to the Executive Secretary of the National Labor Relations Board using the NLRB E-Filing System, and I hereby certify that I provided copies of the same document via email to John Grunert, Counsel for The General Counsel of the National Labor Relations Board, and Daniel E. Clifton, Counsel for International Brotherhood of Teamsters, Local 445.

DATED at Lake Success, New York, this 10th day of December, 2015.

Respectfully submitted,

/s/

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