

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 7**

SYSCO GRAND RAPIDS, LLC,

Respondent/Employer,

and

GENERAL TEAMSTERS UNION LOCAL
NO. 406, INTERNATIONAL BROTHERHOOD
OF TEAMSTERS,

Charging Party/Petitioner.

Case: 07-CA-146820
07-CA-148609
07-CA-149511
07-CA-152332
07-CA-155882
07-RC-147973

RESPONDENT/EMPLOYER'S MOTION TO POSTPONE/CONTINUE HEARING

On November 25, 2015, the Regional Director for Region Seven issued a Second Consolidated Complaint against Sysco Grand Rapids, LLC ("Sysco") setting February 16, 2016, as the date for the commencement of the hearing. For good and sufficient cause and the reasons set forth below, Sysco respectfully requests, through undersigned co-counsel, that the hearing be postponed/continued until the week of March 14, 2016, or to a later mutually-agreeable date:

1.

Co-counsel Mark Carter, who lives and practices in Charleston, WV, is engaged in contract negotiations in Detroit with another Teamsters local, and the current contract is scheduled to terminate on February 6, 2016. Bargaining for a contract to replace the

expiring contract has already begun. Obviously, it is not possible to predict accurately how the bargaining will progress from this point forward, but it is anticipated that the parties will engage in bargaining on multiple days per week between now and the contract expiration date. This schedule will prevent Mr. Carter from being able to expend the time on this matter necessary to prepare for the hearing if it commences on February 16 as scheduled. Also, if the parties are unable to reach an agreement on or before February 6, there is always the possibility that the contract will be extended which would extend bargaining into the week of February 8 and even into the week of the hearing. It is submitted that if the hearing date is not continued to a later date, Mr. Carter and his client will be placed under undue and unnecessary pressure to conclude the contract negotiations before the hearing date even if it is not in the client's best interest.

2.

Co-counsel William Hester lives and practices in New Orleans. There is a celebration in New Orleans the week of February 8 which is unique to New Orleans -- Carnival and Mardi Gras. Mr. Hester is a long-time member of a Carnival krewe which parades during the last weekend of Carnival. Mardi Gras Day is February 9 in 2016. Even if Mr. Carter's negotiations in Detroit are concluded by February 6, Mr. Hester will be tied up in New Orleans during the week of February 8 which would make it impossible for Mr. Carter and Mr. Hester to prepare for the hearing together during either the week of February 1, when Mr. Carter is in negotiations, or the week of February 8, when Mr. Hester is tied-up in New Orleans. Sysco has the right to select

counsel of its choice to represent its interests at the hearing, and Sysco has made the decision that Mr. Carter and Mr. Hester will jointly represent Sysco at the hearing.

3.

Sysco has never agreed to the date of February 16 as the date for the commencement of the hearing, and the hearing date was set by the Region without Sysco's agreement or approval. Mr. Carter learned of his retention as chief negotiator after e-mail correspondence with the Region designed to identify conflicts with the currently scheduled trial date.

4.

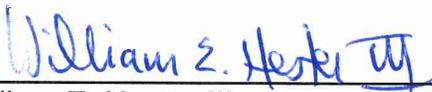
On January 7, 2015, undersigned counsel contacted Counsel for the General Counsel Steven Carlson and counsel for the Charging Party Michael Fayette by electronic mail to ascertain their position on this Motion and the requested postponement. Mr. Fayette indicated that the Charging Party opposes this Motion and any postponement. As of the filing of the Motion, Counsel for the General Counsel has not responded, so it is not known what position the General Counsel takes on this Motion.

WHEREFORE, Sysco requests that the hearing be postponed/continued until the week of March 14, 2016, or to a later mutually-agreeable date. Sysco has shown good and sufficient cause for its request for a postponement/continuance in that its counsel of

record will not be able to prepare properly if the hearing is held as scheduled. It is submitted that if the hearing is not postponed/continued, Sysco will be highly prejudiced. It is further submitted that neither the Counsel for the General Counsel nor the Charging Party has shown or can show a compelling reason for not agreeing to Sysco's legitimate and reasonable request for a postponement/continuance and that neither will be prejudiced by the granting of this Motion.

Respectfully submitted, this 8th day of January, 2016.

SYSCO GRAND RAPIDS, LLC
By Counsel



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CERTIFICATE OF SERVICE

This is to certify that on this 8th day of January, 2016, I filed a copy of the Respondent/Employer's Motion to Postpone/Continue Hearing with the Regional Director of Region Seven and with the Division of Judges using the Board's E-Filing System. I further certify that at the same time, I served a copy of the same on the Counsel for General Counsel and the Charging Party's counsel of record by electronic means as follows:

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