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MANDATORY
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9 UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11

12 BRIAN D. GEE, Acting Regional
13 Director of Region 31 of the National
14 Labor Relations Board, for and on
15 behalf of the NATIONAL LABOR
RELATIONS BOARD,

16 Petitioner,

17 v.

18 CHARTER COMMUNICATIONS,
19 LLC,

20 Respondent.
21

} Case No. 2:16-CV-03276-GW-RAOx

} DECLARATION OF NAYLA WREN
} IN SUPPORT OF PETITIONER'S
} OPPOSITION TO EX PARTE
} APPLICATION TO CONTINUE
} HEARING ON PETITIONER'S
} MOTION RE: PETITION FOR
} TEMPORARY INJUNCTION FROM
} JUNE 13, 2016 TO JUNE 30, 2016

} Date: June 13, 2016

} Time: 8:30 a.m.

} Courtroom: 10

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23
24 I, Nayla Wren, declare as follows:

25 1. I am a Field Attorney employed by the National Labor Relations Board,
26 herein the Board, in the Board's Region 31 Regional Office, located in Los Angeles,
27 California.
28

1 2. This declaration is in support of the Petitioner's Opposition to
2 Respondent's Ex-Parte Application to Continue Hearing on Petitioner's Motion re:
3 Petition for Temporary Injunction from June 13, 2016 to June 30, 2016, herein the
4 Opposition, and the supporting exhibits attached thereto as Exhibits 1 through 7 as
5 described below. The assertions contained in the Opposition are true and correct to
6 the best of my knowledge and belief.

7 3. The instant matter arises as a result of the investigation of six unfair
8 labor practice charges in Cases 31-CA-150248, 31-CA-155081, 31-CA-159811, 31-
9 CA-159812, 31-CA-159815, and 31-CA-161408, herein the Charges. The
10 International Brotherhood of Electrical Workers, Local 639, herein the Union, filed
11 the Charges as follows:

12 (a) The Union filed the charge in Case 31-CA-150248 on April 14,
13 2015, and amended the charge on May 12, June 3, July 1, and September 28, 2015,
14 alleging that Respondent violated Section 8(a)(1) of the Act. See Dkt. 1, Exhibit 1 to
15 Petition, pp. 15-19.

16 (b) The Union filed the charge in Case 31-CA-155081 on June 29,
17 2015, and amended the charge on August 13 and September 28, 2015, alleging that
18 Respondent violated Section 8(a)(1) and (5) of the Act. See Dkt. 1, Exhibit 1 to
19 Petition, pp. 20-22.

20 (c) The Union filed the charge in Case 31-CA-159811 on September
21 10, 2015, alleging that Respondent violated Section 8(a)(1) and (5) of the Act. See
22 Dkt. 1, Exhibit 1 to Petition, p. 23.

23 (d) The Union filed the charge in Case 31-CA-159812 on September
24 10, 2015, and amended the charge on September 14, 2015, alleging that Respondent
25 violated Section 8(a)(1) of the Act. See Dkt. 1, Exhibit 1 to Petition, pp. 24-25.

26 (e) The Union filed the charge in Case 31-CA-159815 on September
27 10, 2015, and amended the charge on September 14, 2015, alleging that Respondent
28 violated Section 8(a)(1) of the Act. See Dkt. 1, Exhibit 1 to Petition, pp. 26-27.

1 (f) The Union filed the charge in Case 31-CA-161408 on October 5,
2 2015, and amended the charge on November 17, 2015, alleging that Respondent
3 violated Section 8(a)(1) and (5) of the Act . See Dkt. 1, Exhibit 1 to Petition, pp. 28-
4 29.

5 4. On July 13, 2015, as part of the Board’s investigation of the charge in
6 Case 31-CA-150248, Region 31 of the Board – through the investigating Board
7 agent Field Attorney Michelle Scannell, herein Field Attorney Scannell – sent an
8 email to Respondent’s counsel, Henry Farber, requesting that Respondent present
9 evidence indicative of whether Respondent withdrew recognition of the Union based
10 on a valid, untainted loss of majority support at the time of the withdrawal. A copy
11 of the July 13, 2015 email to Respondent’s counsel is attached to the Opposition as
12 Exhibit 1.

13 5. On July 16, 2015, Respondent sent Field Attorney Scannell an email
14 regarding the withdrawal of recognition, and attached supporting documentary
15 evidence which included a list of persons employed by the Respondent in the
16 bargaining unit on June 25, 2015, and a copy of the decertification petition. A copy
17 of the July 16, 2015 email to Field Attorney Scannell is attached to the Opposition as
18 Exhibit 2.

19 6. On July 27, 2015, Field Attorney Scannell sent a letter to Respondent’s
20 counsel requesting evidence related to the charges in Cases 31-CA-150248 and 31-
21 CA-155081. In addition, this letter included a request for Respondent’s position
22 regarding Section 10(j) relief. A copy of the July 27, 2016 letter to Respondent is
23 attached to the Opposition as Exhibit 3.

24 7. On August 17, 2015, Respondent sent Field Attorney Scannell a
25 position statement regarding charges 31-CA-150248 and 31-CA-155081. The
26 position statement was 17 pages long and contained 37 pages of attached exhibits.
27 The position statement also included a section responding to Field Attorney
28 Scannell’s request for Respondent’s position regarding the applicability of Section

1 10(j) relief. A copy of the August 17, 2015 position statement, with attachments, is
2 attached to the Opposition as Exhibit 4.

3 8. On August 24, 2015, Field Attorney Scannell sent Respondent a letter
4 requesting additional evidence related to the charge in Case 31-CA-155081. In this
5 letter, Field Attorney Scannell again requested Respondent's position regarding the
6 applicability of Section 10(j) relief. A copy of the August 24, 2015 letter to
7 Respondent is attached to the Opposition as Exhibit 5.

8 9. On November 4, 2015, Field Attorney Scannell sent an email to
9 Respondent requesting Respondent's position regarding the applicability of Section
10 10(j) relief. A copy of the November 4, 2015 email to Respondent is attached to the
11 Opposition as Exhibit 6.

12 10. On November 10, 2015, Respondent sent Field Attorney Scannell a
13 letter relaying Respondent's position on the applicability of Section 10(j) relief. A
14 copy of the November 10, 2015 letter to Field Attorney Scannell is attached to the
15 Opposition as Exhibit 7.

16 11. Between July 13, 2015, when the investigation of the Charges began,
17 and January 29, 2015, when the investigation concluded, Field Attorney Scannell
18 sent four letters and ten emails to Respondent requesting evidence and legal
19 arguments. During this same period, Respondent provided Field Attorney Scannell
20 with a total of four position statements and ten emails or letters which included
21 evidence, Respondent's positions, legal arguments, and documentary evidence.

22 12. On January 29, 2016, after investigating the Charges, the Petitioner
23 issued an Order Consolidating Cases, Consolidated Complaint and Notice of
24 Hearing setting a trial date of April 4, 2016 to litigate the unfair labor practices in
25 the Charges. Dkt. 1, Exhibit 2 to Petition, pp. 30-40.

26 13. On February 12, 2016 the Respondent submitted its Answer. Dkt. 1,
27 Exhibit 2 to Petition, pp 41-50.

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