

EXHIBIT A

INTERNET
FORM NLRB-501
(2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 08-CA-164368	Date Filed 11-18-15

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Nuverra Enviromental Solutions, Inc.	b. Tel. No. (330) 654-2500
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 4317 State Route 225 Diamond, Ohio 44412	e. Employer Representative Ron Simpson Sr.
	g. e-Mail
	h. Number of workers employed 26
i. Type of Establishment (factory, mine, wholesaler, etc.) Fracking site	j. Identify principal product or service gas and oil
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections), 8(3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) The employer has threatened drivers with their jobs if they vote Teamsters, has threatened to close the facility if the Union comes in, has interrogated drivers about their support for the Union, is spying on the drivers, asked drivers to identify the leaders of the organizing drive, and threatened to replace the drivers unless the drivers stop their attempts to organize. The Teamsters Local #348 is requesting a 10j for this organizing drive.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Teamsters Local #348	
4a. Address (Street and number, city, state, and ZIP code) 272 W. Market St. Akron, Ohio 44303	4b. Tel. No. (330) 434-3424
	4c. Cell No. (330) 807-4103
	4d. Fax No. (330) 434-3335
	4e. e-Mail waynetrivelli@sbcglobal.net
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) International Brotherhood of Teamsters	
6. DECLARATION	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By <u>Wayne Trivelli</u> (signature of representative or person making charge)	Wayne Trivelli Business Representative (Print/type name and title or office, if any)
Address <u>272 W. Market St., Akron, Ohio 44303</u>	
11-16-15 (date)	
Tel. No. (330) 807-4103	
Office, if any, Cell No.	
Fax No.	
e-Mail	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT B

Form NLRB - 501 (2-08)

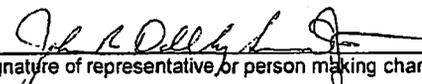
UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
08-CA-164368	12/8/15

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer NUVERRA ENVIRONMENTAL SOLUTIONS, INC.		b. Tel. No. (330)654-2500
		c. Cell No.
d. Address (street, city, state ZIP code) 4317 State Route 225, Diamond, OH 44412-8749	e. Employer Representative Ron Simpson Sr. Yard Manager	f. Fax No. (330)654-2502
		g. e-Mail
		h. Dispute Location (City and State) Diamond, OH
i. Type of Establishment (factory, nursing home, hotel) Fracking site	j. Principal Product or Service gas and oil	k. Number of workers at dispute location 26
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1), (3) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about November 7, 2015, it, through its officers, agents, and representatives, has interfered with, restrained, and coerced, and is interfering with, restraining, and coercing employees of Nuverra Environmental Solutions, Inc., in the exercise of their rights to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all such activities, which rights are guaranteed in Section 7 of the said Act. See Attachment		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) TEAMSTERS LOCAL UNION #348		
4a. Address (street and number, city, state, and ZIP code) 272 W Market St, Akron, OH 44303-2100		4b. Tel. No. (330)434-3424
		4c. Cell No. (330)807-4103
		4d. Fax No. (330)434-3335
		4e. e-Mail waynetrivelli@sbcglobal.net
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) International Brotherhood of Teamsters		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (937) 461-5310
By:  (signature of representative or person making charge)		Office, if any, Cell No.
John R. Doll Print Name and Title		Fax No. (937) 461-7219
Address: Doll, Jansen & Ford, 111 W. First St. Suite 1100, Dayton, OH 45402-1156		e-Mail jdoll@djflawfirm.com

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

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Attachment in 08-CA-164368

1. Since about November 7, 2015 and several days thereafter, the Employer by Supervisor Greg Woakes interrogated employees concerning employees' protected concerted activities and/or union activities on behalf of a labor organization and/or specifically Teamsters Local 348.
2. Since about November 8, 2015 through November 18, 2015, the Employer, by Supervisor Scott Donaldson engaged in surveillance and unlawfully interrogated employees concerning employees' protected concerted activities and/or union activities on behalf of a labor organization and/or specifically Teamsters Local 348.
3. On or about November 9, 2015, the Employer, by Manager Ron Simpson Sr. coercively told an employee that: (1) the union will never organize the Employer's facility; (2) the employees who started the union will be terminated; and (3) the Employer will close and re-open under a different name.
4. On or about November 10, 2015, the Employer, by Manager Ron Simpson Sr. threatened to stop supplying employees with gloves because of their protected concerted activities and/or union activities on behalf of a labor organization and/or Teamsters Local 348.
5. On or about November 10, 2015, the Employer, by Scott Donaldson issued Marvin Cunningham a verbal warning regarding a driving violation that occurred in October 2015; and refused to provide Cunningham with his safety bonus on or about November 25, 2015, because of employees' protected concerted activities and/or union activities on behalf of a labor organization and/or Teamsters Local 348.
6. On or about November 13, 2015, the Employer, by Ron Simpson refused Charles Eakins the opportunity to work on Saturday, November 14, 2015, and refused to provide him with his safety bonus on November 25, 2015, because employees engaged in protected concerted activities and/or union activities on behalf of a labor organization and/or Teamsters Local 348.
7. On or about November 14, 2015, the Employer, by Scott Donaldson issued Kevin Lewis a written warning because employees engaged in protected concerted activities and/or union activities on behalf of a labor organization and/or Teamsters Local 348.
8. On or about November 17, 2015, the Employer caused Kim Rydborn to resign and/or terminated him because employees engaged in protected concerted activities and/or union activities on behalf of a labor organization and/or Teamsters Local 348.
9. Since about November 18, 2015, the Employer, by Ron Simpson Sr. has stopped allowing day shift employees to start their shift prior to 5:45 a.m., and stopped allowing night shift employees to start their shift prior to 5:45 p.m. because employees engaged in protected concerted activities and/or union activities on behalf of Teamsters Local 348.
10. On or about November 18, 2015, the Employer, by Scott Donaldson threatened and physically assaulted an employee because employees engaged in protected concerted activities and/or union activities on behalf of Teamsters Local 348.
11. On or about November 23, 2015, the Employer by, Ron Simpson Sr. issued Denzil Deuley a written reprimand because employees engaged in protected concerted activities and/or union activities on behalf of Teamsters Local 348.
12. On or about December 1, 2015 through December 3, 2015, the Employer by Human Resource Representatives and an outside consultant, solicited employee grievances and made implied promises to correct problems during mandatory meetings held at the Employer's facility.
13. On or about December 4, 2015, the Employer reduced the work hours of employees Kevin Lewis, Joe Anderson, Mark Huff, Chuck Martin, and Marvin Cunningham because employees engaged in protected concerted activities and/or union activities on behalf of Teamsters Local 348.

Teamsters Local Union #348 request 10(j) relief because the above-allegations occurred during the union's organizing campaign.

EXHIBIT C

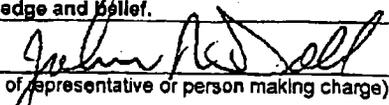
Form NLRB - 501 (2-08)

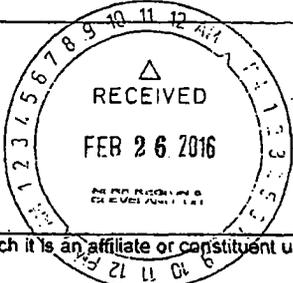
UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
08-CA-164368	2/26/16

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer NUVERRA ENVIRONMENTAL SOLUTIONS, INC.		b. Tel. No. (330)654-2500
		c. Cell No.
d. Address (street, city, state ZIP code) 4317 State Route 225, Diamond, OH 44412-8749	e. Employer Representative Ron Simpson Sr. Yard Manager	f. Fax No. (330)654-2502
		g. e-Mail
		h. Dispute Location (City and State) Diamond, OH
i. Type of Establishment (factory, nursing home, hotel) Fracking site	j. Principal Product or Service gas and oil	k. Number of workers at dispute location 26
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about November 7, 2015, it, through its officers, agents, and representatives, has interfered with, restrained, and coerced, and is interfering with, restraining, and coercing employees of Nuverra Environmental Solutions, Inc., in the exercise of their rights to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all such activities, which rights are guaranteed in Section 7 of the said Act. See Attachment		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) TEAMSTERS LOCAL UNION #348		
4a. Address (street and number, city, state, and ZIP code) 272 W Market St, Akron, OH 44303-2100		4b. Tel. No. (330) 434-3424
		4c. Cell No. (330) 807-4103
		4d. Fax No. (330) 434-3335
		4e. e-Mail waynetrivelli@sbcglobal.net
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) International Brotherhood of Teamsters		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (937) 461-5310
By: 	John R. Doll. Print Name and Title	Office, if any, Cell No.
(signature of representative of person making charge)	Date: 2/26/16	Fax No. (937) 461-7219
Address: Doll, Jansen & Ford, 111 W. First St., Dayton, Ohio 45402-1156		e-Mail jdoll@djflawfirm.com



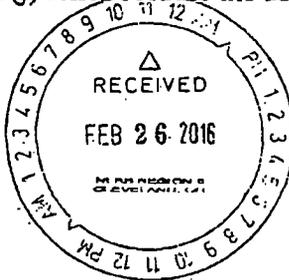
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

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Attachment in 08-CA-164368

1. Since about November 7, 2015 and several days thereafter, the Employer by Supervisor Greg Woak, threatened an employee with an unspecified reprisal, created an impression of surveillance, and interrogated employees concerning employees' protected concerted activities and/or union activities on behalf of a labor organization and/or specifically Teamsters Local 348.
2. Since about November 8, 2015 through November 18, 2015, the Employer, by Supervisor Scott Donaldson made statements of futility, engaged in surveillance, threatened employees with job loss and facility closure, and unlawfully interrogated employees concerning employees' protected concerted activities and/or union activities on behalf of a labor organization and/or specifically Teamsters Local 348.
3. On or about November 9, 2015, the Employer, by Manager Ron Simpson Sr. coercively told an employee that: (1) the union will never organize the Employer's facility; (2) the employees who started the union will be terminated; and (3) the Employer will close and re-open under a different name.
4. On or about November 10, 2015, the Employer, by Manager Ron Simpson Sr. threatened to stop supplying employees with gloves because of their protected concerted activities and/or union activities on behalf of a labor organization and/or Teamsters Local 348.
5. On or about November 12, 2015, the Employer, by Supervisor Scott Donaldson issued Marvin Cunningham a verbal warning regarding a driving violation that occurred on about October 12, 2015 because of employees' protected concerted activities and/or union activities on behalf of a labor organization and/or Teamsters Local 348.
6. On or about November 9, 2015, the Employer, by Supervisor Scott Donaldson issued Kevin Lewis a written warning because employees engaged in protected concerted activities and/or union activities on behalf of a labor organization and/or Teamsters Local 348.
7. Since about November 18, 2015, the Employer, by Manager Ron Simpson Sr. stopped allowing day shift employees to start their shift prior to 5:45 a.m., and stopped allowing night shift employees to start their shift prior to 5:45 p.m. because employees engaged in protected concerted activities and/or union activities on behalf of Teamsters Local 348.
8. On or about November 18, 2015, the Employer, by Supervisor Scott Donaldson made threats to physically assault an employee because employees engaged in protected concerted activities and/or union activities on behalf of Teamsters Local 348.
9. On or about November 23, 2015, the Employer by, Manager Ron Simpson Sr. issued Denzil Deuley a written reprimand because employees engaged in protected concerted activities and/or union activities on behalf of Teamsters Local 348.

Teamsters Local Union #348 request 10(j) relief because the above-allegations occurred during the union's organizing campaign.



John Deed
2/26/16

EXHIBIT D

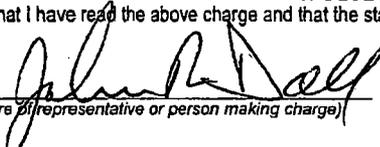
INTERNET
FORM NLRB-501
(2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
08-CA-167649	1/14/16

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer NUVERRA ENVIRONMENTAL SOLUTIONS	b. Tel. No. 330-654-2500
	c. Cell No.
	f. Fax No. 330-654-2502
d. Address (Street, city, state, and ZIP code) 4317 State Route 225 Diamond, OH 44412-8749	e. Employer Representative Ron Simpson, Sr., Yard Manager
	g. e-Mail
	h. Number of workers employed 26
i. Type of Establishment (factory, mine, wholesaler, etc.) Fracking site	j. Identify principal product or service gas and oil
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) <u>(3) and (5)</u> of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about December 15, 2015, the Employer, through its officers, agents, and representatives, has interfered with, restrained, and coerced, and is interfering with, restraining, and coercing employees of Nuverra Environmental Solutions, Inc., in the exercise of their rights to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all such activities, which rights are guaranteed in Section 7 of the said Act. See Attachment	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) TEAMSTERS LOCAL UNION #348	
4a. Address (Street and number, city, state, and ZIP code) 272 W. Market St. Akron, OH 44303-2100	4b. Tel. No. 330-434-3424
	4c. Cell No. 330-807-4103
	4d. Fax No. 330-434-3335
	4e. e-Mail waynetrivelli@sbcglobal.net
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) International Brotherhood of Teamsters	
6. DECLARATION	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By  John R. Doll (signature of representative or person making charge) (Print/type name and title or office, if any)	Tel. No. 937-461-5310
	Office, if any, Cell No.
	Fax No. 937-461-7219
	e-Mail jdoll@djflawfirm.com
Address Doll, Jansen & Ford, 111 W. First St., Dayton, OH 45402-1156 <u>1/14/16</u> (date)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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On or about December 15, 2015, during an employee meeting, Human Resource Representative Tracey Barnabi informed employee Bill Porter that he would receive a sign on bonus for employment and subsequently provided him with the sign on bonus, in order to discourage employees from engaging in union and protected concerted activities on behalf of Teamsters Local Union #348.

On or about December 19, 2015, at approximately 5:30 a.m., Manager Ron Simpson Sr. coercively told truck drivers that: (1) employees who voted for the union will be terminated; (2) employees who perform work at the Employer's Masontown, Virginia facility will be eventually allowed to perform work at the Southwest energy sites, which was work previously performed by truck drivers at the Diamond, Ohio facility; and (3) told drivers that they were no longer permitted to perform work at the Norwich, Ohio site, and has thereafter precluded them from working at the Norwich, Ohio site because employees engaged in union and protected concerted activities, including voting for Teamsters Local Union #348 as their bargaining representative on December 18, 2015.

On or about December 21, 2015, and continuously thereafter, the Employer has limited Denzil Deuley's interaction with other employees by precluding him from performing work and/or going to the Hickman Path location in Triadelphia, West Virginia and instead requiring him to work at the Chesapeake location in Pennsylvania because of his union and protected concerted activities on behalf of Teamsters Local Union #348.

On or about December 23, 2015, the Employer re-assigned Brian Russelo's truck to a non-driver employee, Well Tender Bruce Ryder because of his union and protected concerted activities on behalf of Teamsters Local Union #348.

EXHIBIT E

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
08-CA-167649	1/26/16

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

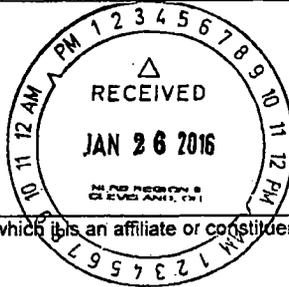
a. Name of Employer NUVERRA ENVIRONMENTAL SOLUTIONS, INC.		b. Tel. No. (330)654-2500
		c. Cell No.
d. Address (street, city, state ZIP code) 4317 State Route 225, Diamond, OH 44412-8749	e. Employer Representative Ron Simpson Sr.	f. Fax No. (330)654-2502
		g. e-Mail
		h. Dispute Location (City and State) Diamond, OH
i. Type of Establishment (factory, nursing home, hotel) Fracking site	j. Principal Product or Service Gas & Oil	k. Number of workers at dispute location 26
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1), (3), (4) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
SEE ATTACHMENT		

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

TEAMSTERS LOCAL 348 AWW INTERNATIONAL BROTHERHOOD OF TEAMSTERS

4a. Address (street and number, city, state, and ZIP code)

272 W Market St, Akron, OH 44303-2132



4b. Tel. No.

(330)434-3424

4c. Cell No.

4d. Fax No.

(330)434-3335

4e. e-Mail

5. Full name of national or international labor organization of which this is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.

(937) 461-5310

Office, if any, Cell No.

By: *John R. Doll*
(signature of representative or person making charge)

John R. Doll

Print Name and Title

Fax No.

(937) 461-7219

Address Doll, Jansen & Ford, 111 W. First St., Suite
1100, Dayton, OH 45402

Date: 1/26/16

e-Mail

jdoll@djflawfirm.com

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Since on or about December 15, 2015, the Employer through its officers, agents, and representatives, has interfered with, restrained and coerced, and is interfering with, restraining, and coercing employees of Nuverra Environmental Solutions, Inc., in the exercise of their rights self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all such activities, which rights are guaranteed in Section 7 of the said Act.

On or about December 15, 2015, during an employee meeting, Human Resource Representative Tracey Barnabi informed employee Bill Porter that he would receive a sign on bonus for employment and subsequently provided him with the sign on bonus, in order to discourage employees from engaging in union and protected concerted activities on behalf of Teamsters Local Union #348.

On or about December 19, 2015, at approximately 5:30 a.m. Manager Ron Simpson Sr., coercively told truck drivers that: (1) employees who voted for the union will be terminated; (2) employees who perform work at the Employer's Masontown, Virginia facility will be eventually allowed to perform work at the Southwest energy sites, which was work previously performed by truck drivers at the Diamond, Ohio facility; and (3) truck drivers were told that they were no longer permitted to perform work at the Norwich, Ohio site and has thereafter precluded them from working at the Norwich, Ohio site because employees engaged in union and protected concerted activities, including voting for Teamsters Local Union #348 as their bargaining representative on December 18, 2015.

On or about December 19, 2015, the Employer through Ron Simpson Sr. discontinued the practice of drivers being assigned the same truck to perform their work.

On or about December 23, 2015, the Employer re-assigned Brian Russelo's truck to a non-driver employee, Well Tender Bruce Ryder because of his union and protected concerted activities on behalf of Teamsters Local Union #348.

On or about January 6, 2016 and continuously thereafter, the Employer has limited Denzil Deuley's interaction with other employees by precluding him from performing work and/or going to the Hickman Pad location in Triadelphia, West Virginia, and instead requiring him to work at the Chesapeake location in Pennsylvania because of his union and protected concerted activities on behalf of Teamsters Local #348.

On or about January 20, 2016, the Employer suspended Denzil Deuley and on or about January 21, 2016 terminated Denzil Deuley because of his protected and/or concerted union activities on behalf of Teamsters Local Union #348 and because he provided evidence/testimony in NLRB charges 08-CA-164447 and 08-CA-167649.

Section 10(j) Relief is requested.

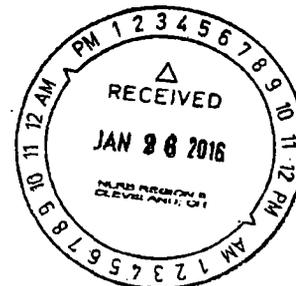


EXHIBIT F

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
08-CA-167649	5/26/16

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

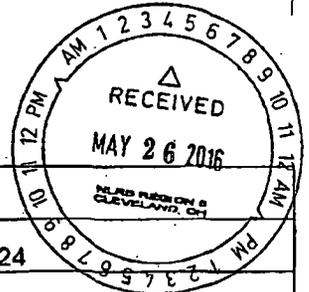
1: EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

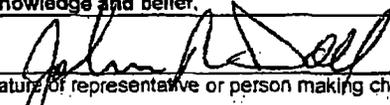
a. Name of Employer NUVERRA ENVIRONMENTAL SOLUTIONS, INC.		b. Tel. No. (330)654-2500
		c. Cell No.
d. Address (street, city, state ZIP code) 4317 State Route 225, Diamond, OH 44412-8749	e. Employer Representative Ron Simpson Sr.	f. Fax No. (330)654-2502
		g. e-Mail
		h. Dispute Location (City and State) Diamond, OH
i. Type of Establishment (factory, nursing home, hotel) Fracking site	j. Principal Product or Service Gas & Oil	k. Number of workers at dispute location 26

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1), (3) and (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

SEE ATTACHMENT



3. Full name of party filing charge (if labor organization, give full name, including local name and number) TEAMSTERS LOCAL 348 A/W INTERNATIONAL BROTHERHOOD OF TEAMSTERS	
4a. Address (street and number, city, state, and ZIP code) 272 W Market St, Akron, OH 44303-2132	4b. Tel. No. (330)434-3424
	4c. Cell No.
	4d. Fax No. (330)434-3335
	4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No. (937)461-5310
By:  (signature of representative or person making charge)	Office, if any, Cell No.
John R. Doll, Esq. Print Name and Title	Fax No. (937)461-7219
Address: Doll, Jansen & Ford, 111 W. First St., Suite 1100, Dayton, OH 45402	e-Mail jdoll@djlawfirm.com
Date:	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Since on or about December 3, 2015, the Employer through its officers, agents, and representatives, has interfered with, restrained and coerced, and is interfering with, restraining, and coercing employees of Nuverra Environmental Solutions, Inc., in the exercise of their rights to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all such activities, which rights are guaranteed in Section 7 of the said Act.

On or about December 3, 2015, during a mandatory meeting, the Employer, by its outside consultant and human resource representative solicited employee grievances and made implied promises to correct problems.

On or about December 19, 2015, Manager Ron Simpson Sr., coercively told truck drivers that they were no longer permitted to perform work at the Norwich, Ohio site, AND PRECLUDED THEM FROM DOING SO. CS PER CS DW

On or about December 19, 2015, the Employer through Ron Simpson Sr. discontinued its practice of assigning the same work truck to Timothy Polley, Brian Russelo, and Denzil Deuley because they engaged in union and protected concerted activities on behalf of Teamsters Local Union #348.

On or about January 20, 2016, the Employer suspended Denzil Deuley; and on or about January 21, 2016 terminated Denzil Deuley because of his protected and/or concerted union activities on behalf of Teamsters Local Union #348 and because he provided evidence/testimony in NLRB charges 08-CA-164368 and 08-CA-167649.

Section 10(j) Relief is requested.

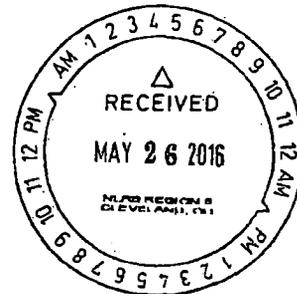


EXHIBIT G

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8

NUVERRA ENVIRONMENTAL SOLUTIONS, INC.

and

Case 8-CA-164368

TEAMSTERS LOCAL UNION NO. 348

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Teamsters Local Union No. 348 (the Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. §151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Nuverra Environmental Solutions, Inc. (the Respondent) has violated the Act as described below.

1. (A) The charge in Case No. 08-CA-164368 was filed by the Union on November 18, 2015, and a copy was served by regular mail on Respondent on November 18, 2015.

(B) The first amended charge in Case No. 08-CA-164368 was filed by the Union on December 8, 2015, and a copy was served by regular mail on Respondent on December 14, 2015.

(C) The second amended charge in Case No. 08-CA-164368 was filed by the Union on February 26, 2016, and a copy was served by regular mail on Respondent on February 26, 2016.

2. (A) At all material times Respondent, a Delaware corporation with a place of business located at 4317 State Route 225, Diamond, Ohio (Respondent's facility), has been engaged in providing oil and gas services.

(B) Annually, Respondent in conducting its business operations described above in Paragraph 2(A) performs services valued in excess of \$50,000 in States other than the State of Ohio.

3. At all material times, the Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

4. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Ron Simpson Sr.	--	Field Operations Manager
Scott Donaldson	--	Field Operations Supervisor
Greg Woak	--	Supervisor

6. Respondent, by Greg Woak:

(A) On or about November 7, 2015, at a well disposal site located in West Virginia, away from Respondent's facility, interrogated an employee about the union and the union activities and sympathies of other employees.

(B) On or about November 7, 2015, at a well disposal site located in West Virginia, away from Respondent's facility, created an impression that employees' union and concerted activities were under surveillance.

(C) About November 11, 2015, at Respondent's facility, created an impression that employees' union and/or concerted activities were under surveillance.

(D) About November 11, 2015, at Respondent's facility, threatened unspecified reprisals against employees engaged in union and/or concerted activities.

7. Respondent, by Scott Donaldson:

(A) About November 8, 2015, at a well disposal site located away from Respondent's facility, interrogated an employee about the Union, the employee's union and/or protected activities and the union and/or concerted activities of other employees.

(B) About November 8, 2015, at a well disposal site located away from Respondent's facility, coercively informed an employee that employees will never be represented by the Union.

(C) About November 8, 2015, at a well disposal site located away from Respondent's facility, threatened employees with job loss and replacement if employees selected the Union as their bargaining representative.

(D) About November 8, 2015, at a well disposal site located away from Respondent's facility, created an impression that employees' union and/or other concerted activities were under surveillance.

(E) About November 8, 2015, at Respondent's facility, interrogated an employee about the Union.

(F) About November 8, 2015, at Respondent's facility threatened an employee with job loss and plant closure if employees selected the Union as their bargaining representative.

(G) About mid to late November 2015, the exact date being unknown, at well disposal sites located away from Respondent's facility, engaged in surveillance of employees' union and/or concerted activities.

(H) About November 18, 2015, in the truck parking lot of Respondent's facility, threatened an employee with physical assault.

8. Respondent, by Ron Simpson, Sr.

(A) About November 9, 2015, at Respondent's facility, threatened an employee with job loss and plant closure if employees selected the Union as their bargaining representative.

(B) About November 9, 2015, at Respondent's facility coercively informed an employee that the Union will never represent its employees.

(C) About November 9, 2015, at Respondent's facility, threatened that if employees selected the Union, the Respondent would close its doors and reopen under a different name.

(D) About November 12, 2015, at Respondent's facility, threatened to stop providing employees with work gloves because employees engaged in union and/or concerted activities.

9. About November 19, 2015, Respondent implemented and enforced a rule no longer permitting employees to begin their shifts early.

10. (A) About November 12, 2015, Respondent issued a documented verbal warning to its employee Marvin Cunningham.

(B) About November 14, 2015, Respondent issued a written warning to its employee Kevin Lewis.

(C) About November 24, 2015, Respondent issued a written warning to its employee Denzil Deuley.

(D) Respondent engaged in the conduct described above in paragraphs 9, 10(A), 10(B), and 10(C) because the named employees of the Respondent joined and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

11. By the conduct described above in paragraphs 6, 7, 8 and 9 and their subparagraphs, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

12. By the conduct described above in paragraphs 9 and 10 and their subparagraphs, Respondent has been discriminating in regard to the tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

13. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

As part of the remedy for the unfair labor practices alleged above in paragraphs 6 through 10 and their subparagraphs, the General Counsel seeks an Order requiring that at a meeting or meetings scheduled to ensure the widest possible attendance, Respondent's representative Ron Simpson Sr. to read the notice to employees on work time in the presence of a Board Agent.

Alternatively, the General Counsel seeks an Order requiring that Respondent promptly have a Board Agent read the notice to employees during work time in the presence of Respondent's supervisors and agents identified above in paragraph 5.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before April 13, 2016, or postmarked on or before April 12, 2016**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer

containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on the 13th day of June 2016, at 1:00 p.m., in a hearing room of the National Labor Relations Board, 1695 AJC Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Cleveland, Ohio this 30th day of March 2016.

/s/ Allen Binstock

ALLEN BINSTOCK
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 08
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 08-CA-164368

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

RON SIMPSON, SR.
NUVERRA ENVIRONMENTAL
SOLUTIONS, INC.
4317 STATE ROUTE 225
DIAMOND, OH 44412-8749

DANIEL B. PASTERNAK, ESQ.
SQUIRE PATTON BOGGS (US) LLP
1 E WASHINGTON ST STE 2700
PHOENIX, AZ 85004-2556

WAYNE TRIVELLI, BUS. REP.
TEAMSTERS LOCAL UNION #348
272 W MARKET ST
AKRON, OH 44303-2100

D. LEWIS CLARK, JR., ESQ.
SQUIRE PATTON BOGGS (US) LLP
1 E WASHINGTON ST STE 2700
PHOENIX, AZ 85004-2556

JOHN DOLL, ESQ.
DOLL, JANSEN & FORD
111 WEST FIRST STREET, SUITE 1100
DAYTON, OH 45402

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.

- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.
- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8

NUVERRA ENVIRONMENTAL SOLUTIONS, INC.

and

Case 8-CA-164368

TEAMSTERS LOCAL UNION NO. 348

AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **March 30, 2016**, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

RON SIMPSON, SR.
NUVERRA ENVIRONMENTAL
SOLUTIONS, INC.
4317 STATE ROUTE 225
DIAMOND, OH 44412-8749

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

WAYNE TRIVELLI, BUS. REP.
TEAMSTERS LOCAL UNION #348
272 W MARKET ST
AKRON, OH 44303-2100

CERTIFIED MAIL

DANIEL B. PASTERNAK, ESQ.
SQUIRE PATTON BOGGS (US) LLP
1 E WASHINGTON ST STE 2700
PHOENIX, AZ 85004-2556

REGULAR MAIL

D. LEWIS CLARK, JR., ESQ.
SQUIRE PATTON BOGGS (US) LLP
1 E WASHINGTON ST STE 2700
PHOENIX, AZ 85004-2556

REGULAR MAIL

JOHN DOLL, ESQ.
DOLL, JANSEN & FORD
111 WEST FIRST STREET, SUITE 1100
DAYTON, OH 45402

REGULAR MAIL

March 30, 2016

Sharon Zilinkas
Designated Agent of NLRB

Date

Name

/s/ Sharon Zilinkas

Signature

EXHIBIT H

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8

NUVERRA ENVIRONMENTAL SOLUTIONS, INC.

and

CASES 08-CA-164368
08-CA-167649

TEAMSTERS LOCAL UNION NO. 348

**ORDER CONSOLIDATING CASES,
CONSOLIDATED COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT Case No. 08-CA-164368 filed by Teamsters Local Union No. 348 (the Union) against Nuverra Environmental Solutions, Inc. (the Respondent), in which a Complaint and Notice of Hearing issued on March 30, 2016, is consolidated with Case No. 08-CA-167649 filed by the Union against the Respondent.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. §151 et seq., and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

1. (A) The charge in Case No. 08-CA-164368 was filed by the Union on November 18, 2015, and a copy was served by regular mail on Respondent on November 18, 2015.

(B) The first amended charge in Case No. 08-CA-164368 was filed by the Union on December 8, 2015, and a copy was served by regular mail on Respondent on December 14, 2015.

(C) The second amended charge in Case No. 08-CA-164368 was filed by the Union on February 26, 2016, and a copy was served by regular mail on Respondent on February 26, 2016.

2. (A) The charge in Case No. 08-CA-167649 was filed by the Union on January 14, 2016, and a copy was served by regular mail on Respondent on January 15, 2016.

(B) The first amended charge in Case No. 08-CA-167649 was filed by the Union on January 26, 2016, and a copy was served by regular mail on Respondent on January 27, 2016.

(C) The second amended charge in Case No. 08-CA-167649 was filed by the Union on May 26, 2016, and a copy was served by regular mail on Respondent on May 27, 2016.

3. (A) At all material times Respondent, a Delaware corporation with a place of business located at 4317 State Route 225, Diamond, Ohio (Respondent's facility), has been engaged in providing oil and gas services.

(B) Annually, Respondent in conducting its business operations described above in Paragraph 3(A) performs services valued in excess of \$50,000 in States other than the State of Ohio.

4. At all material times, the Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

5. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

6. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Ron Simpson Sr.	--	Field Operations Manager
Scott Donaldson	--	Field Operations Supervisor
Greg Woak	--	Supervisor
Angie Engstrom	--	Human Resource Representative

7. At all material times, Tom Herlevi held the position of Respondent's Labor Consultant and has been an agent of the Respondent within the meaning of Section 2(13) of the Act.

8. Respondent, by Greg Woak:

(A) On or about November 7, 2015, at a well disposal site located in West Virginia, away from Respondent's facility, interrogated an employee about the union and the union activities and sympathies of other employees.

(B) On or about November 7, 2015, at a well disposal site located in West Virginia, away from Respondent's facility, created an impression that employees' union and concerted activities were under surveillance.

(C) About November 11, 2015, at Respondent's facility, created an impression that employees' union and/or concerted activities were under surveillance.

(D) About November 11, 2015, at Respondent's facility, threatened unspecified reprisals against employees engaged in union and/or concerted activities.

9. Respondent, by Scott Donaldson:

(A) About November 8, 2015, at a well disposal site located away from Respondent's facility, interrogated an employee about the Union, the employee's union and/or protected activities and the union and/or concerted activities of other employees.

(B) About November 8, 2015, at a well disposal site located away from Respondent's facility, coercively informed an employee that employees will never be represented by the Union.

(C) About November 8, 2015, at a well disposal site located away from Respondent's facility, threatened employees with job loss and replacement if employees selected the Union as their bargaining representative.

(D) About November 8, 2015, at a well disposal site located away from Respondent's facility, created an impression that employees' union and/or other concerted activities were under surveillance.

(E) About November 8, 2015, at Respondent's facility, interrogated an employee about the Union.

(F) About November 8, 2015, at Respondent's facility threatened an employee with job loss and plant closure if employees selected the Union as their bargaining representative.

(G) About mid to late November 2015, the exact date being unknown, at well disposal sites located away from Respondent's facility, engaged in surveillance of employees' union and/or concerted activities.

(H) About November 18, 2015, in the truck parking lot of Respondent's facility, threatened an employee with physical assault.

10. Respondent, by Ron Simpson, Sr.

(A) About November 9, 2015, at Respondent's facility, threatened an employee with job loss and plant closure if employees selected the Union as their bargaining representative.

(B) About November 9, 2015, at Respondent's facility coercively informed an employee that the Union will never represent its employees.

(C) About November 9, 2015, at Respondent's facility, threatened that if employees selected the Union, the Respondent would close its doors and reopen under a different name.

(D) About November 12, 2015, at Respondent's facility, threatened to stop providing employees with work gloves because employees engaged in union and/or concerted activities.

11. About December 3, 2015, Respondent by Tom Herlevi and Angie Engstrom, at Respondent's facility, solicited employee complaints and grievances, promised its employees increased benefits and improved terms and conditions of employment if they refrained from selecting the Union as their bargaining representative.

12. Since about December 19, 2015, Respondent, by Ron Simpson Sr., at Respondent's facility, implemented and maintained a policy prohibiting employees from disposing wastewater at Respondent's Norwich, Ohio facility to discourage its employees from forming, joining and/or assisting the Union or engaging in other concerted activities.

13. (A) About November 19, 2015, Respondent implemented and enforced a rule no longer permitting employees to begin their shifts early.

(B) About November 12, 2015, Respondent issued a documented verbal warning to its employee Marvin Cunningham.

(C) About November 14, 2015, Respondent issued a written warning to its employee Kevin Lewis.

(D) About November 24, 2015, Respondent issued a written warning to its employee Denzil Deuley.

(E) About December 19, 2015, Respondent discontinued its practice of assigning the same work truck to Timothy Polley, Brian Russelo and Denzil Deuley.

(F) Respondent engaged in the conduct described above in paragraphs 13(A) through 13(E) because employees and the named employees of the Respondent joined and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

14. By the conduct described above in paragraphs 8, 9, 10, 11, and 12 and their subparagraphs, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

15. By the conduct described above in paragraphs 13 and its subparagraphs, Respondent has been discriminating in regard to the tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

16. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

As part of the remedy for the unfair labor practices alleged above in paragraphs 8 through 13 and their subparagraphs, the General Counsel seeks an Order requiring that at a meeting or meetings scheduled to ensure the widest possible attendance, Respondent's representative Ron Simpson Sr. to read the notice to employees on work time in the presence of a Board Agent.

Alternatively, the General Counsel seeks an Order requiring that Respondent promptly have a Board Agent read the notice to employees during work time in the presence of Respondent's supervisors and agents identified above in paragraphs 6 and 7.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before July 13, 2016, or postmarked on or before July 12, 2016.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer

containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on the 19th day of September 2016, at 1:00 p.m., in a hearing room of the National Labor Relations Board, 1695 AJC Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Cleveland, Ohio this 29th day of June 2016.

/s/ Allen Binstock

ALLEN BINSTOCK
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 08
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Cases 08-CA-164368 and 08-CA-167649

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

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SOLUTIONS, INC.
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Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.
- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.