

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

**THOMAS J. MOYLE, JR., INC.  
D/B/A MOYLE CONSTRUCTION**

**And**

**Case 18-CA-165458**

**TROY A. HAAPALA, an Individual**

**COUNSEL FOR GENERAL COUNSEL'S MOTION TO INCLUDE RESPONDENT'S  
ANSWER IN THE FORMAL PAPERS AND INCLUDE MISSING PAGE TO GC  
EXHIBIT 4**

1. Counsel for General Counsel moves that the Answer to Complaint filed by Respondent on April 12, 2016 be included in the formal papers (G.C. Exhibit 1). This document was inadvertently omitted from the formal documents, which were admitted into evidence as G.C. Exhibit 1. Respondent's Answer to Complaint dated April 12, 2016 is attached to this motion as Exhibit A.
2. Counsel for General Counsel further moves that the second page of G.C. Exhibit 4, printed from Respondent's website, be admitted for completeness. This document appears only as a one page document in the transcript, though the print off from the website is actually two pages long, as reflected in the attachment to this motion as Exhibit B. The admission of solely the first page into the record was an inadvertent error. Counsel for General Counsel had intended on introducing a two-sided document, as reflected in the attachment. Counsel for

General Counsel respectfully requests that G.C. Exhibit 4 be amended to include the full two-page document, as reflected in Exhibit B.

3. Counsel for General Counsel has consulted with Respondent counsel as to its position on both of the above motions. Respondent has no objection to either motion.
4. Counsel for General Counsel has consulted with Charging Party counsel as to its position on both of the above motions. Charging Party has no objection to either motion.

Dated this 29th day of July, 2016.



Renée M. Medved  
Counsel for General Counsel  
National Labor Relations Board  
Region 18 – Sub-Region 30  
310 W. Wisconsin, Suite 450W  
Milwaukee, Wisconsin 53211

**AFFIDAVIT OF SERVICE**

**I hereby certify that copies COUNSEL FOR GENERAL COUNSEL'S MOTION TO INCLUDE RESPONDENT'S ANSWER IN THE FORMAL PAPERS AND INCLUDE MISSING PAGE TO GC EXHIBIT 4** have been filed electronically and sent via electronic and regular mail on July 29, 2016 to the following parties of record:

Served Via E-Filing

Division of Judges-Washington D.C. Office  
1015 Half Street SE  
Washington, DC 20570-000

E-Mail and Regular Mail

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Renée M. Medved, Counsel for General Counsel  
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**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**  
**REGION 18 – SUBREGION 30**

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**THOMAS J. MOYLE, JR., INC.**  
**D/B/A MOYLE CONSTRUCTION**

**And**

**Case 18-CA-15458**

**TROY A. HAAPALA, an Individual**  
-----:

**RESPONDENT'S ANSWER TO COMPLAINT**

Pursuant to Sections 102.20 and 102.21 of the National Labor Relations Board's Rules and Regulations, Thomas J. Moyle, Jr., Inc. d/b/a Moyle Construction ("Respondent"), by its counsel, JACKSON LEWIS P.C., submits this Answer to the Complaint in the above-referenced cases. Respondent hereby:

1. Admits the allegations set forth in Paragraph 1(a) of the Complaint.
2. Admits the allegations set forth in Paragraph 1(b).
3. Admits the allegations set forth in Paragraph 1(c).
4. Admits the allegations set forth in Paragraph 2(a).
5. Admits the allegations set forth in Paragraph 2(b).
6. Admits the allegations set forth in Paragraph 2(c).
7. Lacks sufficient knowledge to either admit or deny the allegations set forth in Paragraph 3.

8. In response to Paragraph 4, admit as to Tom Helminen and Eric Laitinen, admit that Thomas J. Moyle, Jr., was the Founder and Past President but deny that he is a supervisor and deny the remaining allegations in Paragraph 4.
9. Denies the allegations set forth in Paragraph 5 (a).
10. Lacks sufficient knowledge to either admit or deny the allegations set forth in Paragraph 5(b).
11. Denies the allegations set forth in Paragraph 6.
12. Denies the allegations set forth in Paragraph 7.
13. Admits the allegations set forth in Paragraph 8(a).
14. Denies the allegations set forth in Paragraph 8(b).
15. Denies the allegations set forth in Paragraph 9.
16. Denies the allegations set forth in Paragraph 10.
17. No response is required to the allegations set forth in Paragraph 11 to the extent they call for a legal conclusion. To the extent a response is required, Respondent denies the allegations set forth in Paragraph 11.

#### **AFFIRMATIVE AND/OR SPECIFIED DEFENSES**

As and for its affirmative and other defenses, without assuming any burden of production or proof that it would not otherwise have, Respondent alleges as follows:

#### **AS AND FOR A FIRST DEFENSE**

The Complaint fails to state a claim upon which relief may be granted.

**AS AND FOR A SECOND DEFENSE**

At all times relevant hereto, Respondent acted in good faith and has not violated any rights that may be secured to Troy A. Haapala under the National Labor Relations Act.

**AS AND FOR A THIRD DEFENSE**

The Complaint should be dismissed because all actions taken by Respondent with respect to Troy A. Haapala were undertaken in good faith and for legitimate business reasons.

**AS AND FOR A FOURTH DEFENSE**

No employment actions taken against Troy A. Haapala were based on any activity protected under the National Labor Relations Act.

**AS AND FOR A FIFTH DEFENSE**

Troy A. Haapala has failed to mitigate his alleged damages.

Respondent reserves the right to amend its Answer to add additional affirmative defenses.

\* \* \*

**WHEREFORE**, Respondent asks that the Complaint be dismissed in its entirety.

Dated: April 12, 2016

Respondent,

THOMAS J. MOYLE, JR., INC. d/b/a  
MOYLE CONSTRUCTION

By: /s/ Christopher J. Johnson  
Christopher J. Johnson  
Craig T. Papka  
Jackson Lewis P.C.  
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**CERTIFICATE OF SERVICE**

This is to certify that on April 12, 2016, a copy of the foregoing Answer to Complaint and Notice of Hearing was served, via electronic mail where possible and first class mail, postage prepaid upon the following:

John R. Canzano, Esq.  
McKnight, Canzano, Smith, Radtke &  
Brault, P.C.  
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Marlin O. Osthus  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 18  
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212 Third Avenue South, Suite 200  
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*/s/ Christopher J. Johnson*  
Christopher J. Johnson



# MOYLE

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FOR  
SUBCONTRACTORS



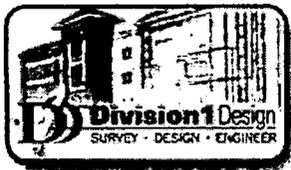
## Project Spotlight

Enstrom Helicopter Expansion  
[Find out more...](#)



## Specialty Markets

See how we are the leader within your market.  
[Find out more...](#)



## Division 1 Design

Engineered to Ensure Success.  
[Find out more...](#)



Proud Member

## Philosophy and Values

In 1976, Moyle Incorporated began with two people, two purchases, and one big dream. As newlyweds, Tom and Denise Moyle had a dream of starting their own company and wanted to remain in the local area. With their wedding money in hand, they purchased their first mortar mixer and power trowel. The rest is history...a history of hard work, determination, and dedication as an entire family.



Tom Moyle, CEO of Moyle Companies, and equal shareholders, Kim Moyle, Gary Moyle, and Andy Moyle, gave the responsibility for the control and management of the construction division to Thomas R. Helminen in 2009. As President of Moyle Construction, Mr. Helminen oversees the company's experienced management team of:

- Barry Givens, Vice President of Engineering & Design
- Peter Dupuis, Vice President of Estimating
- William Heide, Vice President of Operations
- Thomas J. Sturos, Financial Controller

We believe that having the same team take your ideas and build them from the ground up can save you time and money, leaving you with more resources to invest in the continued growth of your business.

## We Deliver Projects from Start to Finish

At the core of our success is a team of over 150 professional masons, iron-workers, concrete finishers, carpenters, equipment operators, painters, and laborers. In order to remain competitive in our industry it requires that you remain flexible in your delivery methods. By leveraging our self-perform capabilities, we are able to more aggressively manage the construction budget and schedule. Our dedicated employees allow us to build hotels, grocery stores, schools, casinos, hospitals, and a number of other public and private projects.

## Mission Statement

We are the Gold Standard in the industry; our success is built from the ground up by providing superior, professional services from start to finish. We are dedicated to the partnerships we have with our clients, employees, and our professional and trade associates.

## Vision Statement

Our goal is to become the absolute industry leader in providing professional construction services throughout the Upper Mid-West. We will be the organization that other companies imitate because of our ability to build teams and projects, better than anyone else, from start to finish.

## Core Values

### Safety

Safety is a moral obligation. Our goal is to attain a zero incident frequency.

## of ABC

Associated Builders and  
Contractors, Inc. of Western  
Michigan  
[Find out more...](#)



## Moyle's Brochure

View our Corporate  
Brochure On-Line.

[On-line](#) | [PDF](#)

### **Commitment**

We promise to stay committed to you as our employee or customer long after you no longer have any commitment to us.

### **Respect**

We treat customers and employees with the same professional and personal consideration we expect for ourselves.

### **Honesty**

We are straightforward in communicating with our employees and customers.

### **Development**

We learn from each other, we teach, we coach, and we listen.

### **Accountability**

Say what you do and do what you say.

### **Balance**

We manage our time to include both business and personal success.

### **Efficiency**

We aim to do everything faster, better, and with the highest quality.

### **Personal Growth**

We support employees in their goal to expand their skills and experience. We believe that employees are entitled to meaningful, satisfying work as they help to advance the goals of the company.



Associated Builders  
and Contractors, Inc.

Western Michigan  
Chapter

MEMBER