

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 27**

PUEBLO WEST ORGANICS, LLC

and

Cases 27-CA-173551
27-CA-176643
27-RC-173506

UNITED FOOD AND COMMERCIAL
WORKERS, LOCAL 7, AFL-CIO

**GENERAL COUNSEL'S OPPOSITION TO
RESPONDENT'S MOTION TO CONTINUE OCTOBER 17, 2016 HEARING**

Counsel for the General Counsel (General Counsel) submits this Opposition to Respondent's Motion to Continue October 17, 2016 Hearing. Respondent's Motion seeks to postpone the hearing in this matter, which is currently set for October 17, 2016, to an unspecified date after the week of October 17. For the reasons stated below, the General Counsel opposes Respondent's Motion:

1. On August 31, 2016, an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing (Complaint) issued in Case 27-CA-173551 and Case 27-CA-17664, scheduling a hearing before an Administrative Law Judge (ALJ) on October 17, 2016.

2. Due to the nature of the violations alleged in the Complaint, specifically that Respondent discharged several employees and engaged in other unlawful conduct during an organizing campaign, the Regional Director for Region 27 set an expedited hearing.

3. On September 12, 2016, an Order Consolidating Cases, Amended Consolidated Complaint and Notice of Hearing (Amended Complaint) issued in Case 27-CA-173551 and Case 27-CA-176643, retaining the expedited hearing date before an ALJ on October 17, 2016.

4. On September 14, 2016, the Board authorized the General Counsel to initiate Section 10(j) injunctive proceedings in Case 27-CA-173551 and Case 27-CA-176643. Respondent was duly notified of the Board's authorization for Section 10(j) proceedings.

5. On September 21, 2016, an Order Consolidating Cases and Notice of Hearing on Objections (Hearing on Objections) issued in the above-captioned cases, scheduling certain of the Charging Party's election objections in Case 27-RC-173506 for a hearing before an ALJ on October 17, 2016, contemporaneous with the unfair labor practice hearing in Case 27-CA-173551 and Case 27-CA-176643.

6. The General Counsel is preparing to file its petition for Section 10(j) injunctive relief in Case 27-CA-173551 and Case 27-CA-176643 in the U.S. District Court for the District of Colorado imminently. In processing and supporting that petition, the General Counsel hopes to rely on a timely transcript of the ALJ hearing scheduled for October 17, 2016.

7. On September 27, 2016, after having knowledge of the October 17 hearing date for nearly four weeks, Respondent filed its Motion due to the fact that Respondent's counsel has a conflicting hearing in El Paso County District Court beginning October 17 and, thus, cannot be in two places at once. Between August 31 and September 27, 2016, Respondent had ample time to obtain alternative counsel for this matter.

8. In its Motion, Respondent does not provide any alternative dates that it is available for a hearing in this matter.

9. Before filing its Motion, Respondent did not solicit the Charging Party's position on to the requested postponement.

Based on foregoing circumstances, Respondent has failed to demonstrate why its attorney's scheduling conflicts, which it has not attempted to address over the past four weeks, should take priority over the General Counsel's efforts to obtain a speedy remedy for the alleged discriminatees in this case, as well as obtain a timely transcript of the hearing for purposes of Section 10(j) proceedings.

Alternatively, if the Associate Chief Judge is inclined to grant Respondent's postponement request, the General Counsel respectfully requests that the hearing be rescheduled for the earliest alternative date, that being October 24, 2016.

RESPECTFULLY SUBMITTED this 28th day of September 2016.



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the **General Counsel's Opposition to Respondent's Motion to Continue October 17, 2016 Hearing**, together with this Certificate of Service, was E-Filed, E-mailed, or mailed by regular U.S. Mail as indicated below, to the following parties on: September 28, 2016.

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National Labor Relations Board
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E-FILED at: www.nlr.gov with the Division of Judges

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