

FAX TRANSMISSION SHEET

TO: Gerald Etchingham
Associate Chief Administrative Law Judge
NLRB Division of Judges
San Francisco Branch
901 Market Street, Suite 300
San Francisco, CA 94103-1779

FROM: Gregory E. Givens
Attorney for Charging Party-Lucas Martinez

DATE: October 3, 2016

RE: Pueblo West Organics, LLC & United Food and Commercial Workers,
Local 7, AFL-CIO, Case Nos. 27-RC-173506, 27-CA-173551, 27-
CA-176643

**Reply to the General Counsel's Opposition to Respondent's Motion
to Continue October 17, 2016 Hearing**

FAX #: (415) 356-5254

To Judge Etchingham:

Attached is Employer/Respondent Pueblo West Organics, LLC's **Reply** to the General Counsel's Opposition to Respondent's Motion to Continue the October 17, 2016 Hearing in the above-entitled case for your consideration.

Sincerely,

LAW OFFICES OF GREGORY E. GIVENS, P.C.



Gregory E. Givens

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

Case Nos. 27-RC-173506
27-CA-173551
27-CA-176643

PUEBLO WEST ORGANICS, LLC,
Employer/Respondent,

and

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

Petitioner/Charging Party.

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

Employer/Respondent Pueblo West Organics, LLC, by and through its undersigned counsel, hereby submits its Reply to General Counsel's Opposition to Respondent's Motion to Continue October 17, 2016 Hearing in the above-entitled case.

1. In its opposition to Employer/Respondent's motion to continue, the General Counsel has not disputed the fact that Employer/Respondent will suffer extreme prejudice if the October 17, 2016 hearing is not postponed/continued. As stated in Employer/Respondent's motion, counsel for Employer/Respondent, Gregory E.

Givens, is not available because he has trial beginning October 17, 2016 in the El Paso County District Court.

2. General Counsel mentions that Respondent "had ample time to obtain alternative counsel for this matter." Mr. Givens has represented Employer/Respondent since April 8, 2016, including during the April 26, 2016 NLRB election and through the Union's complaints and amended complaints of unfair labor practice charges. To claim that Employer/Respondent can simply "obtain alternative counsel" to get up to speed on this matter is specious and untenable.

3. General Counsel states that Respondent "does not provide any alternative dates that it is available for hearing in this matter." On or about September 13, 2016, Mr. Givens told General Counsel he was unavailable October 17, 2016, but General Counsel told Mr. Givens that the hearing would proceed and that it would oppose any motion to continue. General Counsel never asked Mr. Givens for alternative dates.

4. Mr. Givens is not available October 24, 2016. On October 24, 2016, Mr. Givens has a pre-trial readiness conference scheduled in the case *Arrigo v. Hopkins, et al*, El Paso County District Court, Case No. 2015CV33255. On October 31, 2016, Mr. Givens has a three-day trial scheduled in the same case. Mr. Givens and Respondent/ Employer are available November 9 through 11, 2016 and November 14 through 18, 2016.

5. Employer/Respondent's right to counsel is a sufficient and adequate ground to postpone/continue the October 17, 2016 hearing and should supersede the

General Counsel's rush to "obtain a speedy remedy for the alleged discriminatees in this case."

WHEREFORE, Employer/Respondent Pueblo West Organics, LLC respectfully submits that good cause exists for the NLRB Division of Judges to grant its motion to continue the October 17, 2016 hearing and requests that the NLRB Division of Judges authorize the Regional Director of Region 27 to order a new date for hearing consistent with Employer/Respondent's counsel's availability.

Respectfully submitted this 3rd day of October, 2016.

LAW OFFICES OF GREGORY E. GIVENS,
P.C.

/s/ Gregory E. Givens

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CERTIFICATE OF SERVICE

I certify that on October 3, 2016, a true and correct copy of the document entitled
**REPLY TO GENERAL COUNSEL'S OPPOSITION TO RESPONDENT'S MOTION TO
CONTINUE OCTOBER 17, 2016 HEARING** was served via e-mail and/or

facsimile as follows:

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