

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ABLE BUILDING MAINTENANCE

and

Case 27-CA-168632

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 105

OPPOSITION TO THE GENERAL COUNSEL'S
MOTION FOR DEFAULT JUDGMENT

Pursuant to Section 102.24 of the Board's Rules and Regulations, ABLE Building Maintenance ("ABLE" or "Respondent") files this Opposition to the General Counsel's Motion for Default Judgment in the above-referenced matter. As described below, Respondent respectfully requests that the Board deny the General Counsel's Motion because Respondent has complied with the Settlement Agreement.

As set forth in the General Counsel's Motion, Respondent previously provided the Union with certain information responsive to the Settlement Agreement. *See* General Counsel's Motion, at p. 5-6, paras. 12-14. Further, there is no dispute that Respondent has complied with the notice posting requirements under the Settlement Agreement. *Id.*, at p. 3-4, para. 8.

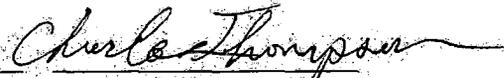
The General Counsel claims that Respondent has failed to comply with the terms of the Settlement Agreement by failing to provide the Union with a list of union and non-union buildings and payroll reports for the time period from September 2014 to October 2015. However, Respondent's counsel forwarded that information to the Union's counsel on December 20, 2016. *See* e-mail forwarding list of union and non-union buildings attached as **Exhibit A**, and e-mail forwarding payroll reports attached as **Exhibit B**. As such, Respondent has provided

the Union with the disputed information and the General Counsel's Motion is moot.

For the above reasons, Respondent respectfully requests that the General Counsel's Motion for Default Judgment be denied.

DATED this 20th day of December, 2016.

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

By 
Charles L. Thompson

Counsel for ABLE Building Maintenance

EXHIBIT A

From: Thompson, Charles L.
Sent: Tuesday, December 20, 2016 4:43 PM
To: stan@rosenblattgosch.com
Cc: Ferrer, John S.
Subject: Local 105/Able Building Maintenance: Email 1 of 2
Attachments: Non Union's Building 2014 - 2015.xlsx

Follow Up Flag: Follow up
Flag Status: Flagged

Stan:

Hope you are doing well and that you will be able to take some time off to spend with your family during the holiday season.

Able is trying to resolve a ULP dispute with Local 105, and I am about to email you documents for you to send to your client.

This first email includes:

- List of Able Union buildings September 2014-October 2015;
- List of Able NONUnion buildings September 2014-October 2015.

Even though the document is entitled "NonUnion's Building," it really includes both lists.

Charles

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EXHIBIT B

From: Thompson, Charles L.
Sent: Tuesday, December 20, 2016 4:49 PM
To: stan@rosenblattgosch.com
Cc: Ferrer, John S.
Subject: Local 105/Able Building Maintenance: 2 of 2
Attachments: CO_CheckHistory_09.01.2014_to_07.15.2016.xlsx

Follow Up Flag: Follow up
Flag Status: Flagged

Stan:

This is the second email. It consists of employee names, job locations, DOH, wage rate, etc., for the time period requested.

The password is "Charles." No, I don't know why my assistant used my name and, if I had time to change the password, I would.

Thank you.

Charles

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CERTIFICATE OF SERVICE

I hereby certify that on this date I filed the foregoing Opposition to the General Counsel's Motion for Default Judgment via the NLRB's e-filing system, and served a true and correct copy on the following parties via electronic mail:

<u>Party</u>	<u>Contact Name</u>	<u>Email address</u>
Counsel for SEIU Local 105	Richard Rosenblatt	rosenblatt@cwa-union.org
Able Building Maintenance	Daniel Jaster	djaster@ableserve.com
Service Employees International Union, Local 105	Elizabeth Griffiths	bgriffiths@seiu105.org
Counsel for the General Counsel	Angie Berens	angie.berens@nlrb.gov

This 22nd day of December, 2016.



Patti Pomerantz