

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

POSTMATES, INC.

and

Case 13-CA-163079

ABDUL MOHAMMED, An Individual

**COUNSEL FOR THE GENERAL COUNSEL'S RESPONSE TO THE
ADMINISTRATIVE LAW JUDGE'S ORDER TO SHOW CAUSE**

On February 10, 2017, Respondent filed a Motion to Hold Case in Abeyance. On February 15, 2017, Administrative Law Judge Melissa M. Olivero issued an Order to Show Cause why Respondent's motion should not be granted. In response to Judge Olivero's order, Counsel for the General Counsel states as follows:

1. The instant motion is not properly before the Administrative Law Judge. Under the Board's Rules and Regulations, Section 102.16(a)(5), the Regional Director has the authority to rule on motions for postponement of the hearing filed more than 21 days before the scheduled date of the hearing. Although titled as a Motion to Hold Case in Abeyance, Respondent's motion is in effect a motion for postponement of the hearing. Since it was filed more than 21 days before the hearing date, which is scheduled for March 13, 2017, the Motion is properly before the Regional Director.

2. The Region has been advised by the Charging Party that a new charge will be filed in this case today. As a result, a postponement of the hearing is proper under Section 102.16(a)(2) of the Board's rules. Upon receipt of the new charge, the Regional Director intends to issue an Order Postponing the Hearing Indefinitely.

3. As a result of the indefinite postponement, and the necessary investigation of the new charge, Respondent's motion will not be ripe for determination. The Regional Director intends to rule on the motion once that investigation is complete.

4. Accordingly, Respondent's motion should be denied.

DATED at Chicago, Illinois, February 17, 2017.

/s/ Sylvia Posey

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the **Counsel For The General Counsel's Response To The Administrative Law Judge's Order To Show Cause** has been filed with the Division of Judges and served upon the following in the manner indicated this 17th day of February, 2017.

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