

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD DIVISION OF JUDGES
SAN FRANCISCO BRANCH OFFICE**

MATHESON POSTAL SERVICES, INC.

and

Case:

20-CA-186264

TEAMSTERS LOCAL 150

**ORDER DENYING RESPONDENT'S MOTION
FOR A BILL OF PARTICULARS**

This matter is before me on Respondent's Motion for a Bill of Particulars or, in the Alternative, Motion to Strike Certain Portions of the Complaint. Respondent argued in its motion *inter alia* that the complaint allegations contained in paragraphs 6(a), and 6(b) were vague and "provided insufficient notice" to the company. General Counsel opposed the motion but nevertheless provided supplemental information to clarify the complaint.

The standards regarding when a bill of particulars is warranted are well established and were again reiterated by the Board in *McDonald's USA, LLC*, 362 NLRB 168 (2015). In *McDonald's USA, LLC*, the Board summarized the governing principles as follows:

Under Section 102.15 of the Board's Rules and Regulations, a well-pleaded complaint requires only "(a) a clear and concise statement of the facts upon which assertion of jurisdiction by the Board is predicated, and (b) a clear and concise description of the acts which are claimed to constitute unfair labor practices, including, where known, the approximate dates and places of such acts and the names of respondent's agents or other representatives by whom committed." Further, a bill of particulars is justified "only when the complaint is so vague that the party charged is unable to meet the General Counsel's case." *North American Rockwell Corp. v. NLRB*, 389 F.2d 866, 871 (10th Cir. 1968). The General Counsel is not required to plead his evidence or the theory of the case in the complaint. *Id.*; *Boilermakers Local 363 (Fluor Corp.)*, 123 NLRB 1877, 1913 (1959).

I find that assuming for the sake of argument the complaint allegations were vague as alleged, any complained of vagueness was cured by General Counsel's clarification set for in its response. General Counsel's response in footnote #1 identifies specific details regarding the allegation of both paragraphs sufficient to comply with the above referenced Board standards.

Applying the principles set forth in the Board's Rules and Regulations, as well as those enunciated in *McDonalds USA, LLC* to the issues presented, and in view of General Counsel's clarifications, a Bill of Particulars (or in the alternative an Order Striking Portions of the Complaint) is not warranted . Therefore, Respondent's Motion is hereby **DENIED**.

It is so **ORDERED**.

Date: March 29, 2017, San Francisco, California.

A handwritten signature in black ink, appearing to read 'Dickie Montemayor', is written over a horizontal line.

Dickie Montemayor
Administrative Law Judge

Served via facsimile and/or email upon the following:

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From: DiCrocco, Brian
Sent: Wednesday, March 29, 2017 12:43 PM
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Subject: 20-CA-186264 - MATHESON POSTAL SERVICES: ORDER DENYING RESPONDENT'S MOTION FOR A BILL OF PARTICULARS
Attachments: Order Re Bill Of Particulars-Matheson Postal Services Inc.pdf

Dear Counsel,

Please see the attached document.

Brian C. DiCrocco, Legal Tech.
NLRB Division of Judges San Francisco
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