

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 14**

CONTINENTAL CARBON COMPANY

and

Case 14-CA-186718

USW LOCAL 13-857

**GENERAL COUNSEL'S OPPOSITION TO RESPONDENT'S
MOTION TO POSTPONE HEARING**

A hearing is scheduled in the above-captioned matter for September 6, 2017 and for consecutive days thereafter. On August 16, 2017, Respondent Continental Carbon Company (Respondent) filed a motion to postpone the hearing until late September or early October 2017. Counsel for the General Counsel (General Counsel) opposes the motion for postponement for the following reasons.

1. Respondent requests the postponement because its primary legal counsel will no longer be employed by the law firm representing Respondent as of September 1, 2017, and substitute counsel needs additional time to become familiar with the facts and witnesses involved in the case. Additionally, Respondent contends substitute counsel is unavailable for the hearing because of a previously scheduled trip. General Counsel opposes a postponement for these reasons because replacement counsel has adequate time to prepare and a postponement will result in unreasonable delay. The Complaint and Notice of Hearing in this matter issued May 31, 2017, designating September 6, 2017 as the hearing date, so Respondent had sufficient opportunity to make arrangements for the attendance of necessary representatives and to adequately prepare for the hearing.

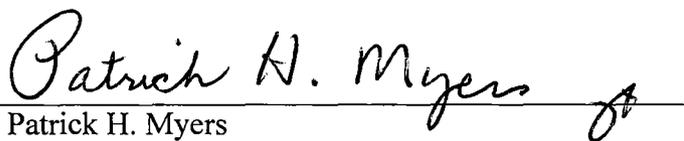
2. Respondent also requested the postponement to give the parties additional time to engage in settlement discussions. General Counsel opposes a postponement for this reason because while the parties are making progress on settlement discussions, there is sufficient time before the September 6 trial date to continue to engage in settlement discussions.

3. In addition, Respondent contends that a postponement will give the Judge more time to rule on a motion in limine Respondent anticipates filing concerning General Counsel's intention to introduce evidence at trial concerning communications between Respondent's legal counsel and counsel for the Charging Party Union. General Counsel opposes a postponement on this basis as General Counsel does not view this evidence as prohibited by F.R.E. 408 and any motion in limine Respondent subsequently files could still be decided prior to or during the trial.

4. Charging Party Union also opposes Respondent's motion for postponement.

In sum, Respondent has failed to adequately justify the necessity for a postponement. Therefore, General Counsel respectfully requests that Respondent's motion to postpone be denied.

Dated: August 17, 2017



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