

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31**

HMR3-7141 LLC D/B/A CARL'S JR

and

**Cases 31-CA-192343; 31-CA-
192345; 31-CA-194874**

**LOS ANGELES WORKERS ORGANIZING
COMMITTEE**

**MOTIONS TO TRANSFER AND CONTINUE MATTER
BEFORE THE BOARD AND FOR DEFAULT JUDGMENT**

The General Counsel, by the undersigned Counsel for the General Counsel, hereby files with the National Labor Relations Board (“the Board”), pursuant to provisions of Sections 102.24 and 102.50 of the Board’s Rules and Regulations, Series 8, as amended (the Board’s Rules), these motions to transfer and continue matter before the Board and for default judgment, and, in support of said motions, alleges as follows:

1. The charges and amended charges in the above captioned cases were filed by the Los Angeles Workers Organizing Committee (“Charging Party”) against HMR3-7141 LLC D/B/A Carl’s Jr. (“Respondent”), served upon Respondent by U.S. mail on the dates indicated in the following table, and allege that Respondent has engaged and is engaging in certain unfair labor practices affecting commerce set forth and defined in the National Labor Relations Act, as amended, 29 U.S.C. §151 et. Seq. (“the Act”). Copies of the charges and amended charges, and the respective affidavits of service, are attached hereto as exhibits as set forth in the below table.

Case No.	Amendment	Date Filed	Date Served	Attached as Exhibit
31-CA-192343	n/a	1/26/17	2/2/17	GC Exh. 1
31-CA-192343	First	2/15/17	5/10/17	GC Exh. 2
31-CA-192343	Second	6/27/17	6/28/17	GC Exh. 3
31-CA-192345	n/a	1/26/17	2/3/17	GC Exh. 4
31-CA-192345	First	5/23/17	5/24/17	GC Exh. 5
31-CA-192345	Second	6/27/17	6/28/17	GC Exh. 6
31-CA-194874	n/a	3/14/17	3/17/17	GC Exh. 7
31-CA-194874	First	6/27/17	6/28/17	GC Exh. 8

2. Based upon the charges and amended charges, referenced above in paragraph 1, the General Counsel, by the Regional Director for Region 31, pursuant to Section 10(b) of the Act and Section 102.15 of the Board’s Rules, issued an Order Consolidating Cases, Consolidated Complaint and Compliance Specification, and Notice of Hearing (“Complaint”) on July 31, 2017.

3. On July 31, 2017, a true copy of the Complaint was duly served upon Respondent by certified mail at Respondent’s facility at 11224 S. Western Ave, Los Angeles, California 90047-4800. Copies of the Complaint and the affidavit of service of the Complaint are attached as GC Exh. 9.

4. In the paragraph of the Complaint, “Answer Requirement,” Respondent was notified that pursuant to Sections 102.20 and 102.21 of the Board’s Rules, it was required to file an Answer to the Complaint no later than August 21, 2017, and that failure to do so might result in all the allegations of the Complaint being deemed admitted to be true and so found by the Board. Respondent failed to file an Answer by August 21, 2017.

5. On August 22, 2017, Counsel for the General Counsel issued a letter to the Respondent, informing it that it had until August 28, 2017 to file and serve its Answer. The letter also notified Respondent that the Region would file a Motion for Default Judgment with

the Board should Respondent fail to file and serve its Answer by the deadline date. The letter was duly served upon Respondent by certified U.S. Mail at Respondent's facility. A copy of the August 22, 2017 letter and Certified Mail Receipt is attached as GC Exh. 10. Additionally, the August 22, 2017 letter was e-mailed that same day to Respondent's Representative Michael Razipour ("Razipour") and a copy of the Region's email is attached as GC Exh. 11.

6. On August 23, 2017, Respondent's representative Razipour sent an email responding to the email referenced above in paragraph 5 and requesting an extension of time to file an Answer to the Complaint until September 10, 2017. A copy of this email is attached as GC Exh. 12.

7. By email dated August 23, 2017, Counsel for the General Counsel responded to Razipour stating that absent Regional approval of the request for an extension of time, the Answer was due by August 28, 2017. A copy of this email is attached as GC Exh. 13.

8. On August 23, 2017, Counsel for the General Counsel issued a second letter to the Respondent, informing it that it had until noon on September 1, 2017 to file and serve its Answer. The letter also notified Respondent that the Region would file a Motion for Default Judgment with the Board should Respondent fail to file and serve its Answer by the deadline date. The letter was duly served upon Respondent by certified U.S. Mail at Respondent's facility. A copy of the August 23, 2017 letter and Certified Mail Receipt is attached as GC Exh. 14. This letter was also e-mailed that same day to Respondent's representative Razipour. A copy of the Region's email is attached as GC Exh. 15.

9. Respondent failed to file and serve an Answer by September 1, 2017.

10. Section 102.20 of the Board's Rules states the time for Respondent to file an answer and the effect on failing to file an answer:

Answer to complaint; time for filing; contents; allegations not denied deemed admitted.—The respondent shall, within 14 days from the service of the complaint, file an answer thereto. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

11. Similarly, Section 102.56 (c) of the Board’s Rules sets forth the effect of failing to file an answer to a Compliance Specification:

Failure to answer or to plead specifically and in detail to backup allegations of specification. If the Respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the Respondent, find the specification to be true and enter such order as may be appropriate.

12. Despite having been advised of the filing requirements, Respondent has failed to file an Answer to the Complaint. Furthermore, Respondent has not shown any good cause to justify its failure to file an Answer. This failure, coupled with the specific allegations of the Complaint, provide the basis for filing this Motion for Default Judgment.

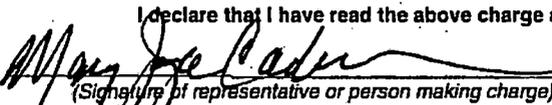
13. Based on the failure of Respondent to file an Answer under Sections 102.20 and 102.56(c) of the Board’s Rules, it is respectfully submitted that the Board deem all the allegations of the Complaint to be true, and issue an appropriate default judgment order. *On Target Security, Inc.*, 362 NLRB No. 31 (2015); *Pro Works Contracting, Inc.*, 362 NLRB No. 2 (2015); *Fine Fare Supermarkets*, 359 NLRB No. 65 (2013).

NOW THEREFORE, in accordance with Sections 102.24 and 102.50 of the Board's Rules, Counsel for the General Counsel respectfully requests that the Board transfer and continue this matter before it, find that all of the allegations in the Complaint are deemed to be admitted to be true and so found, and that without a hearing, the Board issue a Decision and Order containing such findings of facts and conclusions of law, and a remedial order in accordance with the allegations in the Complaint.

Dated at Los Angeles, CA this 8th day of September 2017.

/s/ Catalina Arango
Catalina Arango
Counsel for the General Counsel
National Labor Relations Board – Region 31
11500 W. Olympic Blvd. #600
Los Angeles, CA 90064
Telephone: 310/235-7351
Facsimile: 310/235-7420
Email: catalina.arango@nlrb.gov

GC Exhibit 1

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER		DO NOT WRITE IN THIS SPACE Case 31-CA-192343 Date Filed 01/26/17	
1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer HMR 3-7147 LLC d/b/a Carl's Jr.		b. Number of workers employed 1,000+	
c. Address 11224 S. Western Ave. Los Angeles, CA 90047	d. Employer Representative Michael Raizpur	e. Telephone No. (323) 242-0011	
f. Type of Establishment Restaurant	g. Identify principal product or service Food Service		
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection s(1) and (3) and (4) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.			
<p style="text-align: center;">2. BASIS OF THE CHARGE (Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>In or around early January, 2017, Fight for 15 activists employed at CKE brand stores Carl's Jr. and Hardee's started speaking out about their working conditions. CKE Brand employees publically discussed wage theft, sexual harassment, and workplace safety issues they experienced at their store. In addition to speaking with press, Carl's Jr. and Hardee's workers started talking to Fight for 15 organizers and organizing with other CKE brand employees around their common issues. Workers also took their workplace issues to Washington. For example, on January 10, 2017, Las Vegas activist Lupe Guzman discussed her conditions with Elizabeth Warren and other United States Senators. Two days later, CKE brand workers held protests outside of Carl's Jr. and Hardee's stores in 24 cities across the country. In the week following the protests, Fight for 15 organizers learned that CKE brand stores were prohibiting workers from speaking to the media, organizers, and each other about the issues they were experiencing in their stores.</p> <p>Managers at Hardee's and Carl's Jr. stores in Durham, North Carolina, Charleston, South Carolina, Richmond, Virginia, Las Vegas, Nevada, Los Angeles, California, and Austin, Texas all prohibited workers from speaking about their working conditions with Fight for 15 organizers and members of the press. Despite being operated by different franchises, Hardee's and Carl's Jr. stores across the country have responded to worker efforts to improve their workplace conditions with threats, surveillance, and unlawful rules prohibiting workers from joining together to remedy wage theft, sexual harassment, and unsafe working conditions.</p> <p>In Los Angeles, California, the above-named Employer violated section 8(a)(1) and (3) when it interfered with, coerced and restrained employees from exercising their rights under section 7 by:</p> <ol style="list-style-type: none"> (1) Reducing the hours and days of employee Ivan Nava in retaliation for his union activity; (2) On or about January 17, 2017 interrogating employee Ivan Nava about his union activity; (3) On or about January 17, 2017, implicitly threatening employee Ivan Nava with retaliation for engaging in union activity. 			
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Los Angeles Workers Organizing Committee			
4a. Address (street and number, city, state, and ZIP code) 1545 Wilshire Blvd Suite 329 Los Angeles, CA 90017		4b. Telephone No. (917) 657-2610	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) National Fight for 15 Campaign			
6. DECLARATION			
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.			
 (Signature of representative or person making charge)		_____ Attorney (Title if any)	
Address 1130 Connecticut Ave. NW, Suite 950 Washington, DC 20036		(202) 230-4096 (Telephone No.)	
(Date) January 24, 2017			
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)			

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HRM 3-7147 LLC D/B/A CARL'S JR

Charged Party

and

**LOS ANGELES WORKERS ORGANIZING
COMMITTEE**

Charging Party

Case 31-CA-192343

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 2, 2017, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Michael Razipour
HMR3-7141 LLC d/b/a CARL'S JR
11224 S Western Ave
Los Angeles, CA 90047-4800

February 2, 2017

Date

Crystal Gray, Designated Agent of NLRB

Name

/s/ Crystal Gray

Signature

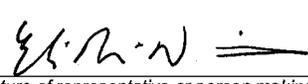
GC Exhibit 2

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 31-CA-192343	Date Filed 02/15/17

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer HMR3-7141 LLC d/b/a CARL'S JR.	b. Tel. No.
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 11224 S. Western Ave Los Angeles, CA 90047	e. Employer Representative Michael Razipour, Daysi Lopez
	g. e-Mail
	h. Number of workers employed 1000+
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast Food
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) SEE ATTACHED.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Los Angeles Organizing Committee	
4a. Address (Street and number, city, state, and ZIP code) Post Office Box 555065 Los Angeles, CA 90055	4b. Tel. No. (213) 251-3861
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) National Fight for 15 Campaign	
6. DECLARATION	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By  (signature of representative or person making charge)	Eli Naduris-Weissman (Print/type name and title or office, if any)
	Tel. No. (626) 796-7555
	Office, if any, Cell No.
	Fax No. (626) 577-0124
	e-Mail enw@rsglabor.com
Address Rothner, Segall & Greenstone 510 South Marengo Avenue, Pasadena, California 91101-3115	2/15/2017 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

ATTACHMENT TO CHARGE

In or around early January, 2017, Fight for 15 activists employed at CKE brand stores Carl's Jr. and Hardee's started speaking out about their working conditions. CKE Brand employees publically discussed wage theft, sexual harassment, and workplace safety issues they experienced at their store. In addition to speaking with press, Carl's Jr. and Hardee's workers started talking to Fight for 15 organizers and organizing with other CKE brand employees around their common issues. Workers also took their workplace issues to Washington. For example, on January 10, 2017, Las Vegas activist Lupe Guzman discussed her conditions with Elizabeth Warren and other United States Senators. Two days later, CKE brand workers held protests outside of Carl's Jr. and Hardee's stores in 24 cities across the country. In the week following the protests, Fight for 15 organizers learned that CKE brand stores were prohibiting workers from speaking to the media, organizers, and each other about the issues they were experiencing in their stores.

Managers at Hardee's and Carl's Jr. stores in Durham, North Carolina, Charleston, South Carolina, Richmond, Virginia, Las Vegas, Nevada, Los Angeles, California, and Austin, Texas all prohibited workers from speaking about their working conditions with Fight for 15 organizers and members of the press. Despite being operated by different franchises, Hardee's and Carl's Jr. stores across the country have responded to worker efforts to improve their workplace conditions with threats, surveillance, and unlawful rules prohibiting workers from joining together to remedy wage theft, sexual harassment, and unsafe working conditions.

In Los Angeles, California, the above-named Employer violated section 8(a)(1) and (3) when it interfered with, coerced and restrained employees from exercising their rights under section 7 by:

- (1) Reducing the hours and days of employee Ivan Nava in retaliation for his union activity;
- (2) On or about January 17, 2017 interrogating employee Ivan Nava about his union activity;
- (3) On or about January 17, 2017, implicitly threatening employee Ivan Nava with retaliation for engaging in union activity.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HMR3-7141 LLC D/B/A CARL'S JR

Charged Party

and

**LOS ANGELES WORKERS ORGANIZING
COMMITTEE**

Charging Party

Case 31-CA-192343

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on May 10, 2017, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Michael Razipour
HMR3-7141 LLC d/b/a CARL'S JR
11224 S Western Ave
Los Angeles, CA 90047-4800

May 10, 2017

Date

Jorge Romero, Designated Agent of NLRB

Name

/s/Jorge Romero

Signature

GC Exhibit 3

FORM EXEMPT UNDER 44 U.S.C 3512

INTERNET FORM NLRB-501 (2-08) UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD SECOND AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE Case 31-CA-192343 Date Filed 6/27/2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT a. Name of Employer HMR3-7141 LLC d/b/a CARL'S JR. b. Tel. No. c. Cell No. d. Address 11224 S. Western Ave Los Angeles, CA 90047 e. Employer Representative Michael Razipour, Daysi Lopez f. Fax No. g. e-Mail h. Number of workers employed 1000+ i. Type of Establishment Restaurant j. Identify principal product or service Fast Food k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1st subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) SEE ATTACHED 3. Full name of party filing charge (if labor organization, give full name, including local name and number) Los Angeles Organizing Committee 4a. Address (Street and number, city, state, and ZIP code) Post Office Box 555065 Los Angeles, CA 90055 4b. Tel. No. (213) 251-3861 4c. Cell No. 4d. Fax No. 4e. e-Mail 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) National Fight for 15 Campaign 6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By Eli Naduris-Weissman (Signature of representative or person making charge) (Printtype name and title or office, if any) Tel. No. (626) 796-7555 Office, if any, Cell No. Fax No. (626) 577-0124 e-Mail enw@rsglabor.com Rothner, Segall & Greenstone 6/27/2017 Address 510 South Marengo Avenue, Pasadena, California 91101-3115 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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ATTACHMENT TO CHARGE

In or around early January, 2017, Fight for 15 activists employed at CKE brand stores Carl's Jr. and Hardee's started speaking out about their working conditions. CKE Brand employees publically discussed wage theft, sexual harassment, and workplace safety issues they experienced at their store. In addition to speaking with press, Carl's Jr. and Hardee's workers started talking to Fight for 15 organizers and organizing with other CKE brand employees around their common issues. Workers also took their workplace issues to Washington. For example, on January 10, 2017, Las Vegas activist Lupe Guzman discussed her conditions with Elizabeth Warren and other United States Senators. Two days later, CKE brand workers held protests outside of Carl's Jr. and Hardee's stores in 24 cities across the country. In the week following the protests, Fight for 15 organizers learned that CKE brand stores were prohibiting workers from speaking to the media, organizers, and each other about the issues they were experiencing in their stores.

Managers at Hardee's and Carl's Jr. stores in Durham, North Carolina, Charleston, South Carolina, Richmond, Virginia, Las Vegas, Nevada, Los Angeles, California, and Austin, Texas all prohibited workers from speaking about their working conditions with Fight for 15 organizers and members of the press. Despite being operated by different franchises, Hardee's and Carl's Jr. stores across the country have responded to worker efforts to improve their workplace conditions with threats, surveillance, and unlawful rules prohibiting workers from joining together to remedy wage theft, sexual harassment, and unsafe working conditions.

In Los Angeles, California, the above-named Employer violated section 8(a)(1) and (3) when it interfered with, coerced and restrained employees from exercising their rights under section 7 by:

- (1) Reducing the hours and days of employee Ivan Nava in retaliation for his union activity;
- (2) On or about December, 2016 interrogating employee Ivan Nava about his union activity;
- (3) On or about December, 2016 unlawfully soliciting grievances of employee Ivan Nava; and
- (4) On or about January 17, 2017, implicitly threatening employee Ivan Nava with retaliation for engaging in union activity.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HMR3-7141 LLC D/B/A CARL'S JR

Charged Party

and

**LOS ANGELES WORKERS ORGANIZING
COMMITTEE**

Charging Party

Case 31-CA-192343

AFFIDAVIT OF SERVICE OF SECOND AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on June 28, 2017, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Michael Razipour
HMR3-7141 LLC d/b/a CARL'S JR
11224 S Western Ave
Los Angeles, CA 90047-4800

June 28, 2017

Date

Crystal Gray, Designated Agent of NLRB

Name

/s/ Crystal Gray

Signature

GC Exhibit 4

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
31-CA-192345Date Filed
1/26/2017**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer HMR3-7141 LLC d/b/a CARL'S JR.		b. Tel. No.
d. Address (Street, city, state, and ZIP code) 11224 S. Western Ave Los Angeles, CA 90047		c. Cell No.
e. Employer Representative Michael Razipour, Daysi Lopez		f. Fax No.
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant		g. e-Mail
j. Identify principal product or service Fast Food		h. Number of workers employed approx. 20
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about January 20, 2017, the employer, by and through its managers, supervisors and agents, has interfered with, restrained and coerced employees by threatening an employee with discharge in retaliation for the employee's exercise of rights under Section 7 of the National Labor Relations Act.

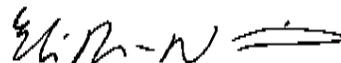
3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Los Angeles Organizing Committee

4a. Address (Street and number, city, state, and ZIP code) Post Office Box 555065 Los Angeles, CA 90055		4b. Tel. No. (213) 251-3861
		4c. Cell No.
		4d. Fax No.
		4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By 
(signature of representative or person making charge)Eli Naduris-Weissman
(Print/type name and title or office, if any)

Tel. No. (626) 796-7555

Office, if any, Cell No.

Fax No. (626) 577-0124

Address Rothner, Segall & Greenstone
510 South Marengo Avenue, Pasadena, California 91101-3115
1/25/2017 (date)e-Mail
enw@rsglabor.com**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HMR3-7141 LLC D/B/A CARL'S JR

Charged Party

and

LOS ANGELES ORGANIZING COMMITTEE

Charging Party

Case 31-CA-192345

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 3, 2017, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Michael Razipour
HMR3-7141 LLC d/b/a CARL'S JR
11224 S Western Ave
Los Angeles, CA 90047-4800

February 3, 2017

Date

Mickyla M Howard, Designated Agent of NLRB

Name

/s/ Mickyla M Howard

Signature

GC Exhibit 5

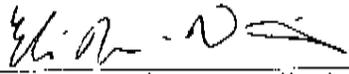
INTERNET
FORM NLRB-501
(2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 31-CA-192345	Date Filed 05/23/2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer HMR3-7141 LLC d/b/a CARL'S JR.	b. Tel. No. c. Cell No. f. Fax No. g. e-Mail h. Number of workers employed 1000+
d. Address (Street, city, state, and ZIP code) 11224 S. Western Ave Los Angeles, CA 90047	e. Employer Representative Michael Razipour, Daysi Lopez
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast Food
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
<p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>In the last six months, the Employer violated the the National Labor Relations Act in when it interfered with, coerced and restrained employees from exercising their rights by:</p> <p>(a) On or about January 20, 2017, threatening Yulisa Diaz with discharge; and (b) thereafter reducing the hours of Yulisa Diaz,</p> <p>both in retaliation for her exercise of rights under Section 7 of the Act.</p>	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Los Angeles Organizing Committee	
4a. Address (Street and number, city, state, and ZIP code) Post Office Box 555065 Los Angeles, CA 90055	4b. Tel. No. (213) 251-3861 4c. Cell No. 4d. Fax No. 4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) National Fight for 15 Campaign	
<p style="text-align: center;">6. DECLARATION</p> <p>I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.</p> <p>By  Eli Naduris-Weissman (signature of representative or person making charge) (Print/type name and title or office, if any)</p> <p>Rothner, Segall & Greenstone Address 510 South Marengo Avenue, Pasadena, California 91101-3115 5/23/2017 (date)</p>	
Tel. No. (626) 796-7555 Office, if any, Cell No. Fax No. (626) 577-0124 e-Mail enw@rsglabor.com	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HMR3-7141 LLC D/B/A CARL'S JR

Charged Party

and

LOS ANGELES ORGANIZING COMMITTEE

Charging Party

Case 31-CA-192345

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on May 24, 2017, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Michael Razipour
HMR3-7141 LLC d/b/a CARL'S JR
11224 S Western Ave
Los Angeles, CA 90047-4800

May 24, 2017

Date

Jorge Romero, Designated Agent of NLRB

Name

/s/ Jorge Romero

Signature

GC Exhibit 6

FORM EXEMPT UNDER 44 U.S.C 3512

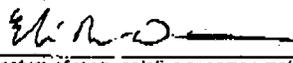
INTERNET
FORM NLRB-501
(2-09)
SECOND AMENDED

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 31-CA-192345	Date Filed 6/27/2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer HMR3-7141 LLC d/b/a CARL'S JR.	b. Tel. No.
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 11224 S. Western Ave Los Angeles, CA 90047	e. Employer Representative Michael Razipour, Daysi Lopez
	g. e-Mail
	h. Number of workers employed 1000+
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast Food
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) In the last six months, the Employer violated the the National Labor Relations Act in when it interfered with, coerced and restrained employees from exercising their rights by: (a) On or about January 20, 2017, threatening Yulisa Diaz with discharge; (c) engaging in unlawfully interrogation of Ms. Diaz (also on or about January 20, 2017); and (b) thereafter reducing the hours of Yulisa Diaz. in retaliation for her exercise of rights under Section 7 of the Act.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Los Angeles Organizing Committee	
4a. Address (Street and number, city, state, and ZIP code) Post Office Box 555065 Los Angeles, CA 90055	4b. Tel. No. (213) 251-3861
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) National Fight for 15 Campaign	
6. DECLARATION	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By  (Signature of representative or person making charge)	Eli Naduris-Weissman (Printtype name and title or office, if any)
Rothner, Segall & Greenstone Address 510 South Marengo Avenue, Pasadena, California 91101-3115	
6/27/2017 (date)	
	Tel. No. (626) 796-7555
	Office, if any, Cell No.
	Fax No. (626) 577-0124
	e-Mail enw@rsglabor.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HMR3-7141 LLC D/B/A CARL'S JR

Charged Party

and

LOS ANGELES ORGANIZING COMMITTEE

Charging Party

Case 31-CA-192345

AFFIDAVIT OF SERVICE OF SECOND AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on June 28, 2017, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Michael Razipour
HMR3-7141 LLC d/b/a CARL'S JR
11224 S Western Ave
Los Angeles, CA 90047-4800

June 28, 2017

Date

Crystal Gray, Designated Agent of NLRB

Name

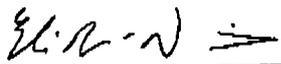
/s/ Crystal Gray

Signature

GC Exhibit 7

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
31-CA-194874Date Filed
3/14/2017**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer HMR3-7141.LLC d/b/a CARL'S JR.	b. Tel. No.
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 11224 S. Western Ave Los Angeles, CA 90047	e. Employer Representative Michael Razipour, Daysi Lopez
	g. e-Mail
	h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast Food
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) The Employer violated section 8(a)(1) in when it interfered with, coerced and restrained employees from exercising their rights under section 7 by, in the last six months, promulgating an unlawful no-solicitation rule.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Los Angeles Organizing Committee	
4a. Address (Street and number, city, state, and ZIP code) Post Office Box 555065 Los Angeles, CA 90055	4b. Tel. No. (213) 251-3861
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail.
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) National Fight for 15 Campaign	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By  (signature of representative or person making charge)	Tel. No. (626) 796-7555
Eli Naduris-Weissman (Printtype name and title or office, if any)	Office, if any, Cell No.
	Fax No. (626) 577-0124
	e-Mail enw@rsglabor.com
Address Rothner, Segall & Greenstone 510 South Marengo Avenue, Pasadena, California 91101-3115	3/14/2017 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1004)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HMR3-7141 LLC D/B/A CARL'S JR

Charged Party

and

LOS ANGELES ORGANIZING COMMITTEE

Charging Party

Case 31-CA-194874

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on , I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Michael Razipour
HMR3-7141 LLC d/b/a CARL'S JR
11224 S Western Ave
Los Angeles, CA 90047-4800

March 17, 2017

Date

Karri Rojas, Designated Agent of NLRB

Name

/s/ Karri Rojas

Signature

GC Exhibit 8

FORM EXEMPT UNDER 44 U.S.C 3512

INTERNET
FORM NLRB-501
(2-08)

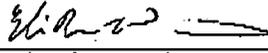
UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 31-CA-194874	Date Filed 6/27/2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer HMR3-7141 LLC d/b/a CARL'S JR.	b. Tel. No.
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 11224 S. Western Ave Los Angeles, CA 90047	e. Employer Representative Michael Razipour, Daysi Lopez
	g. e-Mail
	h. Number of workers employed 1000+
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast Food
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) The Employer violated section 8(a)(1) in when it interfered with, coerced and restrained employees from exercising their rights under section 7 by, through its agents, making unlawful overbroad statements to its employees.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Los Angeles Organizing Committee	
4a. Address (Street and number, city, state, and ZIP code) Post Office Box 555065 Los Angeles, CA 90055	4b. Tel. No. (213) 251-3861
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) National Fight for 15 Campaign	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By  (signature of representative or person making charge)	Eil Naduris-Weissman (Print/type name and title or office, if any)
	Tel. No. (626) 796-7555
	Office, if any, Cell No.
	Fax No. (626) 577-0124
	e-Mail enw@rsglabor.com
Rothner, Segall & Greenstone Address 510 South Marengo Avenue, Pasadena, California 91101-3115	6/27/2017 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001).

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HMR3-7141 LLC D/B/A CARL'S JR

Charged Party

and

LOS ANGELES ORGANIZING COMMITTEE

Charging Party

Case 31-CA-194874

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on June 28, 2017, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Michael Razipour
HMR3-7141 LLC d/b/a CARL'S JR
11224 S Western Ave
Los Angeles, CA 90047-4800

June 28, 2017

Date

Crystal Gray, Designated Agent of NLRB

Name

/s/ Crystal Gray

Signature

GC Exhibit 9

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31**

HMR3-7141 LLC D/B/A CARL'S JR

and

**LOS ANGELES WORKERS ORGANIZING
COMMITTEE**

**Cases 31-CA-192343
31-CA-192345
31-CA-194874**

**ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT,
COMPLIANCE SPECIFICATION AND NOTICE OF HEARING**

Pursuant to Sections 102.33 and 102.54(b) of the Rules and Regulations of the National Labor Relations Board ("Board") and to avoid unnecessary costs or delay, IT IS ORDERED THAT Cases 31-CA-192343, 31-CA-192345, and 31-CA-194874, which are based on charges filed by Los Angeles Workers Organizing Committee ("Union") against HMR3-7141 LLC d/b/a Carl's Jr ("Respondent") are consolidated.

CONSOLIDATED COMPLAINT

This Consolidated Complaint based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act ("Act"), 29 U.S.C. § 151 et seq. and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

1. The charges in the above cases were filed by the Union, as set forth in the following table, and served upon Respondent on the dates indicated by U.S. mail.

Case No.	Amendment	Filed	Date Served
31-CA-192343	n/a	1/26/17	2/2/17
31-CA-192343	First	2/15/17	5/10/17
31-CA-192343	Second	6/27/17	6/28/17
31-CA-192345	n/a	1/26/17	2/3/17
31-CA-192345	First	5/23/17	5/24/17
31-CA-192345	Second	6/27/17	6/28/17
31-CA-194874	n/a	3/14/17	3/17/17
31-CA-194874	First	6/27/17	6/28/17

2. At all material times, Respondent has been a corporation with an office and place of business at 11224 S. Western Ave, Los Angeles, California 90047-4800 (“Facility”), and has been engaged in the retail sale of fast food and related products.

3. (a) In conducting its operations annually, Respondent derived gross revenues in excess of \$500,000.

(b) During the period of time described above in paragraph 3(a), Respondent purchased and received at its Los Angeles, California Facility, products, goods, and materials valued in excess of \$5,000, directly from points outside the State of California.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, Daisy Lopez held the position of Respondent's Facility General Manager, and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

6. Respondent, by Daisy Lopez:

(a) About December 14, 2016, at the Facility, prohibited employees from speaking with a Union representative.

(b) About December 29, 2016, at the Facility, interrogated employees about their protected concerted activities.

(c) About December 29, 2016, at the Facility, solicited grievances from employees.

(d) About December 29, 2016, at the Facility, prohibited employees from speaking with coworkers about their terms and conditions of employment inside of the Facility.

(e) About December 29, 2016, at the Facility, instructed employees to speak directly to Respondent's owner concerning complaints about employees' terms and conditions of employment rather than speaking with others.

(f) About January 14, 2017, by telephone, prohibited employees from speaking with their coworkers about terms and conditions of employment inside of the Facility.

(g) About January 20, 2017, at the Facility, interrogated employees about their protected concerted activities.

(h) About January 20, 2017, at the Facility, threatened employees with job loss for engaging in protected concerted activities.

(i) About January 20, 2017, at the Facility, told employees that they should not speak with Union representatives and should kick them out of the Facility.

7. (a) On about December 28, 2016 and January 12, 2017, Respondent's employee Ivan Nava ("Nava") engaged in concerted activities with other employees for the purposes of mutual aid and protection by publically speaking about his support of the Union at Union protests in front of a Carl's Jr. location owned by the same owner of Respondent.

(b) Starting about the pay-period ending January 24, 2017 through pay-period ending February 21, 2017, Respondent reduced the weekly scheduled hours for employee Nava.

(c) Respondent engaged in the conduct described above in Paragraph 9(b), because employee Ivan Nava assisted the Union and engaged in concerted activities; and to discourage employees from engaging in these or other concerted activities.

8. By the conduct described above in Paragraphs 6 through 7, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

9. By the conduct described above in Paragraph 7, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

10. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

COMPLIANCE SPECIFICATION

In order to liquidate the amount owed by Respondent and to avoid unnecessary costs or delays, this Compliance Specification is issued with the Consolidated Complaint and alleges as follows:

11. Gross backpay is the wages the employee named above in Paragraph 7 of the Consolidated Complaint would have earned during the backpay period and is calculated as his/her hourly wage rate times the hours he/she would have worked but for the discrimination against him.

12. As a result of the conduct described above in Paragraph 7, employee Ivan Nava is entitled to backpay in the manner and amount computed as follows:

13. Employee Nava's backpay period begins the pay-period ending January 24, 2017 and ends the pay-period ending February 21, 2017, the date Nava resigned ("Backpay Period").

14. (a) An appropriate measure of the gross backpay owed to Nava is based on his average gross weekly earnings when he was employed by Respondent, as reflected in payroll records provided by Respondent.

(b) Respondent's payroll records reflect that Nava earned worked approximately \$288.75 in average weekly gross earnings. This was calculated by averaging the weekly hours worked by Nava in the six month period in the pre-discrimination period (July 19, 2016 through January 17, 2017), which is 27.5 hours per week, and multiplying that by \$10.50 per hour. This results in an average of about \$288.75 in gross earnings per week.

(c) Based on Employee Nava's average of 27.5 hours worked per week times five weeks in the Backpay Period, Employee Nava should have worked a total of approximately 137.5 hours during the Backpay Period, and earned \$1,443.75.

(d) For the Backpay Period, an appropriate measure of the gross backpay owed to Nava is the difference between \$1,443.75 and the amount that he was paid during the Backpay Period, \$357. This results in Nava being owed \$1,086.75 in gross backpay for that pay period.

15. The Regional Director reserves the right to amend any or all provisions of this Compliance Specification by inclusion of information not known to the Regional Director.

16. Summarizing the facts and calculations specified above, the obligation of Respondent under this Compliance Specification to make Employee Nava whole for the loss suffered as a result of Respondent's unlawful conduct will be discharged by payment to Employee Nava of \$1,086.75, with daily compounded interest accruing on the entire amount to the date of payment, minus tax withholdings required by federal and state law, plus the amount of any adverse tax consequences.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20, 102.21, and 102.56 of the Board's Rules and Regulations, it must file an answer to the Consolidated Complaint and Compliance Specification. The answer must be **received by this office on or before August 21, 2017, or postmarked on or before August 20, 2017.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was

off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

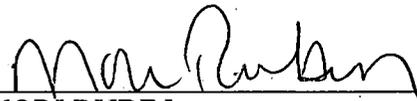
As to all matters set forth in the Compliance Specification Paragraphs 15 through 23 that are within the knowledge of Respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial is not sufficient. See Section 102.56(b) of the Board's Rules and Regulations, a copy of which is attached. Rather, the answer must state the basis for any disagreement with any allegations that are within Respondent's knowledge, and set forth in detail Respondent's position as to the applicable premises and furnish the appropriate supporting figures.

If no answer is filed, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Consolidated Complaint and Compliance Specification are true. If the answer fails to deny allegations of the Compliance Specification Paragraphs 15 through 23 in the manner required under Section 102.56(b) of the Board's Rules and Regulations, and the failure to do so is not adequately explained, the Board may find those allegations in the Compliance Specification are true and preclude Respondent from introducing any evidence controverting those allegations.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **October 10, 2017, 1:00 pm, at 11500 W. Olympic Blvd., Suite 600, Los Angeles, CA 90064**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Consolidated Complaint and Compliance Specification. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: July 31, 2017



MORI RUBIN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 31-CA-192343

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Michael Razipour
HMR3-7141 LLC d/b/a CARL'S JR
11224 S Western Ave
Los Angeles, CA 90047-4800

Los Angeles Organizing Committee
1545 Wilshire Blvd Ste 329
Los Angeles, CA 90017-4504

Nilou Razipour , Agent for Service of Process
HMR3-7141 LLC d/b/a Carl's Jr.
1308 Via Margarita
Palos Verdes Estates, CA 90274

Los Angeles Workers Organizing Committee
PO Box 555065
Los Angeles, CA 90055-0065

Eli Naduris-Weissman , ESQ.
Rothner, Segall & Greenstone
510 South Marengo Ave.
Pasadena, CA 91101-3115

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

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Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31

HMR3-7141 LLC D/B/A CARL'S JR

and

Case 31-CA-192343; 31-CA-
192345; 31-CA-194874

LOS ANGELES WORKERS ORGANIZING
COMMITTEE AND LOS ANGELES
ORGANIZING COMMITTEE

**AFFIDAVIT OF SERVICE OF: Order Consolidating Cases, Consolidated Complaint,
Compliance Specification and Notice of Hearing (with forms NLRB-4338 and NLRB-
4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 31, 2017, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Michael Razipour
HMR3-7141 LLC d/b/a CARL'S JR
11224 S Western Ave
Los Angeles, CA 90047-4800

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

Nilou Razipour , Agent for Service of Process
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1308 Via Margarita
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FIRST CLASS MAIL

Eli Naduris-Weissman , ESQ.
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Los Angeles Organizing Committee
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Los Angeles, CA 90017-4504

FIRST CLASS MAIL

Los Angeles Workers Organizing Committee
PO Box 555065
Los Angeles, CA 90055-0065

CERTIFIED MAIL

July 31, 2017

Date

Jorge Romero, Designated Agent of NLRB

Name

/s/ Jorge Romero

Signature

GC Exhibit 10



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website:
www.nlr.gov
Telephone: (310)235-7351
Fax: (310)235-7420

August 22, 2017

Mr. Michael Razipour
HMR3-7141 LLC d/b/a Carl's Jr
11224 S Western Avenue
Los Angeles, CA 90047-4800

Re: **HMR3-7141 LLC d/b/a Carl's Jr**
Case 31-CA-192343; 31-CA-192345; 31-
CA-194874

Sent by email to: michaeljambacke@gmail.com and certified mail

Dear Mr. Razipour:

This letter is to inform you that this office has not yet received an answer to the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which issued on July 31, 2017, in the above-referenced matter. Under Section 102.20 of the Rules and Regulations of the National Labor Relations Board (the "Board"), a failure to file an answer can result in the Board finding all of the allegations in the complaint to be true. Therefore, if you intend to file an answer, please be advised that you must file your answer no later than the close of business on **Monday August 28, 2017**. If we do not receive an answer by this date, the Region will have no alternative but to file a Motion for Default Judgment with the Board asking that the Board deem all allegations in the complaint to be admitted to be true.

For your convenience, I have enclosed a copy of the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, as well as a copy of Sections 102.20 and 102.21 of the Board's Rules and Regulations. As stated in Section 102.20, your answer to the complaint should consist of specifically admitting or denying each paragraph of the complaint, unless you are truly without knowledge of the facts alleged in the paragraph, in which case you should so state. If you have any questions, please do not hesitate to contact me.

Thank you,

/s/

Catalina Arango

Counsel for the General Counsel

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31**

HMR3-7141 LLC D/B/A CARL'S JR

and

**LOS ANGELES WORKERS ORGANIZING
COMMITTEE**

**Cases 31-CA-192343
31-CA-192345
31-CA-194874**

**ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT,
COMPLIANCE SPECIFICATION AND NOTICE OF HEARING**

Pursuant to Sections 102.33 and 102.54(b) of the Rules and Regulations of the National Labor Relations Board ("Board") and to avoid unnecessary costs or delay, IT IS ORDERED THAT Cases 31-CA-192343, 31-CA-192345, and 31-CA-194874, which are based on charges filed by Los Angeles Workers Organizing Committee ("Union") against HMR3-7141 LLC d/b/a Carl's Jr ("Respondent") are consolidated.

CONSOLIDATED COMPLAINT

This Consolidated Complaint based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act ("Act"), 29 U.S.C. § 151 et seq. and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

1. The charges in the above cases were filed by the Union, as set forth in the following table, and served upon Respondent on the dates indicated by U.S. mail.

Case No.	Amendment	Filed	Date Served
31-CA-192343	n/a	1/26/17	2/2/17
31-CA-192343	First	2/15/17	5/10/17
31-CA-192343	Second	6/27/17	6/28/17
31-CA-192345	n/a	1/26/17	2/3/17
31-CA-192345	First	5/23/17	5/24/17
31-CA-192345	Second	6/27/17	6/28/17
31-CA-194874	n/a	3/14/17	3/17/17
31-CA-194874	First	6/27/17	6/28/17

2. At all material times, Respondent has been a corporation with an office and place of business at 11224 S. Western Ave, Los Angeles, California 90047-4800 (“Facility”), and has been engaged in the retail sale of fast food and related products.

3. (a) In conducting its operations annually, Respondent derived gross revenues in excess of \$500,000.

(b) During the period of time described above in paragraph 3(a), Respondent purchased and received at its Los Angeles, California Facility, products, goods, and materials valued in excess of \$5,000, directly from points outside the State of California.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, Daisy Lopez held the position of Respondent's Facility General Manager, and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

6. Respondent, by Daisy Lopez:

(a) About December 14, 2016, at the Facility, prohibited employees from speaking with a Union representative.

(b) About December 29, 2016, at the Facility, interrogated employees about their protected concerted activities.

(c) About December 29, 2016, at the Facility, solicited grievances from employees.

(d) About December 29, 2016, at the Facility, prohibited employees from speaking with coworkers about their terms and conditions of employment inside of the Facility.

(e) About December 29, 2016, at the Facility, instructed employees to speak directly to Respondent's owner concerning complaints about employees' terms and conditions of employment rather than speaking with others.

(f) About January 14, 2017, by telephone, prohibited employees from speaking with their coworkers about terms and conditions of employment inside of the Facility.

(g) About January 20, 2017, at the Facility, interrogated employees about their protected concerted activities.

(h) About January 20, 2017, at the Facility, threatened employees with job loss for engaging in protected concerted activities.

(i) About January 20, 2017, at the Facility, told employees that they should not speak with Union representatives and should kick them out of the Facility.

7. (a) On about December 28, 2016 and January 12, 2017, Respondent's employee Ivan Nava ("Nava") engaged in concerted activities with other employees for the purposes of mutual aid and protection by publically speaking about his support of the Union at Union protests in front of a Carl's Jr. location owned by the same owner of Respondent.

(b) Starting about the pay-period ending January 24, 2017 through pay-period ending February 21, 2017, Respondent reduced the weekly scheduled hours for employee Nava.

(c) Respondent engaged in the conduct described above in Paragraph 9(b), because employee Ivan Nava assisted the Union and engaged in concerted activities; and to discourage employees from engaging in these or other concerted activities.

8. By the conduct described above in Paragraphs 6 through 7, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

9. By the conduct described above in Paragraph 7, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

10. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

COMPLIANCE SPECIFICATION

In order to liquidate the amount owed by Respondent and to avoid unnecessary costs or delays, this Compliance Specification is issued with the Consolidated Complaint and alleges as follows:

11. Gross backpay is the wages the employee named above in Paragraph 7 of the Consolidated Complaint would have earned during the backpay period and is calculated as his/her hourly wage rate times the hours he/she would have worked but for the discrimination against him.

12. As a result of the conduct described above in Paragraph 7, employee Ivan Nava is entitled to backpay in the manner and amount computed as follows:

13. Employee Nava's backpay period begins the pay-period ending January 24, 2017 and ends the pay-period ending February 21, 2017, the date Nava resigned ("Backpay Period").

14. (a) An appropriate measure of the gross backpay owed to Nava is based on his average gross weekly earnings when he was employed by Respondent, as reflected in payroll records provided by Respondent.

(b) Respondent's payroll records reflect that Nava earned worked approximately \$288.75 in average weekly gross earnings. This was calculated by averaging the weekly hours worked by Nava in the six month period in the pre-discrimination period (July 19, 2016 through January 17, 2017), which is 27.5 hours per week, and multiplying that by \$10.50 per hour. This results in an average of about \$288.75 in gross earnings per week.

(c) Based on Employee Nava's average of 27.5 hours worked per week times five weeks in the Backpay Period, Employee Nava should have worked a total of approximately 137.5 hours during the Backpay Period, and earned \$1,443.75.

(d) For the Backpay Period, an appropriate measure of the gross backpay owed to Nava is the difference between \$1,443.75 and the amount that he was paid during the Backpay Period, \$357. This results in Nava being owed \$1,086.75 in gross backpay for that pay period.

15. The Regional Director reserves the right to amend any or all provisions of this Compliance Specification by inclusion of information not known to the Regional Director.

16. Summarizing the facts and calculations specified above, the obligation of Respondent under this Compliance Specification to make Employee Nava whole for the loss suffered as a result of Respondent's unlawful conduct will be discharged by payment to Employee Nava of \$1,086.75, with daily compounded interest accruing on the entire amount to the date of payment, minus tax withholdings required by federal and state law, plus the amount of any adverse tax consequences.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20, 102.21, and 102.56 of the Board's Rules and Regulations, it must file an answer to the Consolidated Complaint and Compliance Specification. The answer must be **received by this office on or before August 21, 2017, or postmarked on or before August 20, 2017.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was

off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

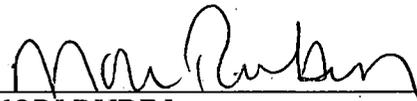
As to all matters set forth in the Compliance Specification Paragraphs 15 through 23 that are within the knowledge of Respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial is not sufficient. See Section 102.56(b) of the Board's Rules and Regulations, a copy of which is attached. Rather, the answer must state the basis for any disagreement with any allegations that are within Respondent's knowledge, and set forth in detail Respondent's position as to the applicable premises and furnish the appropriate supporting figures.

If no answer is filed, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Consolidated Complaint and Compliance Specification are true. If the answer fails to deny allegations of the Compliance Specification Paragraphs 15 through 23 in the manner required under Section 102.56(b) of the Board's Rules and Regulations, and the failure to do so is not adequately explained, the Board may find those allegations in the Compliance Specification are true and preclude Respondent from introducing any evidence controverting those allegations.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **October 10, 2017, 1:00 pm, at 11500 W. Olympic Blvd., Suite 600, Los Angeles, CA 90064**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Consolidated Complaint and Compliance Specification. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: July 31, 2017



MORI RUBIN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 31-CA-192343

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

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11224 S Western Ave
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1545 Wilshire Blvd Ste 329
Los Angeles, CA 90017-4504

FIRST CLASS MAIL

Los Angeles Workers Organizing Committee
PO Box 555065
Los Angeles, CA 90055-0065

CERTIFIED MAIL

July 31, 2017

Date

Jorge Romero, Designated Agent of NLRB

Name

/s/ Jorge Romero

Signature

ANSWER

Sec. 102.20 *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.*—The respondent shall, within 14 days from the service of the complaint, file an answer thereto. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

Sec. 102.21 *Where to file; service upon the parties; form.*— An original and four copies of the answer shall be filed with the Regional Director issuing the complaint. Immediately upon the filing of his answer, respondent shall serve a copy thereof on the other parties. An answer of a party represented by counsel or non-attorney representative shall be signed by at least one such attorney or non-attorney representative of record in his/her individual name, whose address shall be stated. A party who is not represented by an attorney or non-attorney representative shall sign his/her answer and state his/her address. Except when otherwise specifically provided by rule or statute, an answer need not be verified or accompanied by affidavit. The signature of the attorney or non-attorney party representative constitutes a certificate by him/her that he/she has read the answer; that to the best of his/her knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If an answer is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the action may proceed as though the answer had not been served. For a willful violation of this section an attorney or non-attorney party representative may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

Sec. 102.22 *Extension of time for filing.*—Upon his own motion or upon proper cause shown by any other party, the Regional Director issuing the complaint may by written order extend the time within which the answer shall be filed.

Sec. 102.23 *Amendment.*—The respondent may amend his answer at any time prior to the hearing. During the hearing or subsequent thereto, he may amend his answer in any case where the complaint has been amended, within such period as may be fixed by the administrative law judge or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the administrative law judge or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the administrative law judge or the Board.

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 7004 0750 0001 8448 5153

Mr. Michael Razipour HMR3-7141 LLC d/b/a Carl's Jr 11224 S Western Avenue Los Angeles, CA 90047-4800 31-CA-192343/LTR/8-22-17/CA/jr	4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD
5. Received By: (Print Name)	7. Date of Delivery 8-23-17
6. Signature: (Addressee or Agent) X <i>[Signature]</i>	8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 Domestic Return Receipt

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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: Mr. Michael Razipour
 Street, A. or PO Box: HMR3-7141 LLC d/b/a Carl's Jr
 City, State: 11224 S Western Avenue
 Los Angeles, CA 90047-4800
 PS Form 3811, December 1994 31-CA-192343/LTR/8-22-17/CA/jr Instructions

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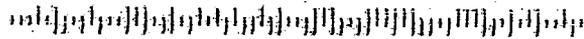
United States Government
National Labor Relations Board - Region 31
11500 West Olympic Blvd., Suite 600
Los Angeles, CA 90064

OFFICIAL BUSINESS

REGION 31

AUG 23 11 44 AM '17

RECEIVED
NLRB
LOS ANGELES, CA



GC Exhibit 11

From: Arango, Catalina
To: ["michaeljambacke@gmail.com"](mailto:michaeljambacke@gmail.com)
Subject: HMR 3-7141 LLC d/b/a Carl's Jr Case No. 31-CA-192343; 31-CA-192345; and 31-CA-194874
Date: Tuesday, August 22, 2017 1:12:11 PM
Attachments: [CPT.31-CA-192343.Consolidated Complaint and Compliance Spec and NOH and Rules and Regs.pdf](#)
[LTR.31-CA-192343.FAILURE TO ANSWER CPT LTR REVISED.pdf](#)

Mr. Razipour,

My name is Catalina Arango, I am Counsel for the General Counsel assigned to prosecute the National Labor Relations Board, Region 31 Complaint in **HMR 3-7141 LLC d/b/a Carl's Jr Case No. 31-CA-192343; 31-CA-192345; and 31-CA-194874**. The trial is currently scheduled to begin Tuesday October 10, 2017.

I am writing to follow up because no answer was received by our office on the due date of August 21, 2017. Please see attached letter seeking the Employer's answer to the Complaint by **no later than August 28, 2017**.

Thank you,

Catalina Arango, Field Attorney
National Labor Relations Board
Region 31
11500 W Olympic Blvd, Suite 600
Los Angeles, CA 90064
Office: (310) 307-7323
Cellular: (202) 340-9921
Fax: (310) 235-7420

CONFIDENTIALITY NOTICE: OFFICIAL GOVERNMENT BUSINESS

This communication is intended for the sole use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication may be strictly prohibited. If you have received this communication in error, please notify me immediately by telephone or e-mail. Thank you.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website:
www.nlr.gov
Telephone: (310)235-7351
Fax: (310)235-7420

August 22, 2017

Mr. Michael Razipour
HMR3-7141 LLC d/b/a Carl's Jr
11224 S Western Avenue
Los Angeles, CA 90047-4800

Re: **HMR3-7141 LLC d/b/a Carl's Jr**
Case 31-CA-192343; 31-CA-192345; 31-
CA-194874

Sent by email to: michaeljambacke@gmail.com and certified mail

Dear Mr. Razipour:

This letter is to inform you that this office has not yet received an answer to the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which issued on July 31, 2017, in the above-referenced matter. Under Section 102.20 of the Rules and Regulations of the National Labor Relations Board (the "Board"), a failure to file an answer can result in the Board finding all of the allegations in the complaint to be true. Therefore, if you intend to file an answer, please be advised that you must file your answer no later than the close of business on **Monday August 28, 2017**. If we do not receive an answer by this date, the Region will have no alternative but to file a Motion for Default Judgment with the Board asking that the Board deem all allegations in the complaint to be admitted to be true.

For your convenience, I have enclosed a copy of the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, as well as a copy of Sections 102.20 and 102.21 of the Board's Rules and Regulations. As stated in Section 102.20, your answer to the complaint should consist of specifically admitting or denying each paragraph of the complaint, unless you are truly without knowledge of the facts alleged in the paragraph, in which case you should so state. If you have any questions, please do not hesitate to contact me.

Thank you,

/s/

Catalina Arango

Counsel for the General Counsel

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31**

HMR3-7141 LLC D/B/A CARL'S JR

and

**LOS ANGELES WORKERS ORGANIZING
COMMITTEE**

**Cases 31-CA-192343
31-CA-192345
31-CA-194874**

**ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT,
COMPLIANCE SPECIFICATION AND NOTICE OF HEARING**

Pursuant to Sections 102.33 and 102.54(b) of the Rules and Regulations of the National Labor Relations Board ("Board") and to avoid unnecessary costs or delay, IT IS ORDERED THAT Cases 31-CA-192343, 31-CA-192345, and 31-CA-194874, which are based on charges filed by Los Angeles Workers Organizing Committee ("Union") against HMR3-7141 LLC d/b/a Carl's Jr ("Respondent") are consolidated.

CONSOLIDATED COMPLAINT

This Consolidated Complaint based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act ("Act"), 29 U.S.C. § 151 et seq. and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

1. The charges in the above cases were filed by the Union, as set forth in the following table, and served upon Respondent on the dates indicated by U.S. mail.

Case No.	Amendment	Filed	Date Served
31-CA-192343	n/a	1/26/17	2/2/17
31-CA-192343	First	2/15/17	5/10/17
31-CA-192343	Second	6/27/17	6/28/17
31-CA-192345	n/a	1/26/17	2/3/17
31-CA-192345	First	5/23/17	5/24/17
31-CA-192345	Second	6/27/17	6/28/17
31-CA-194874	n/a	3/14/17	3/17/17
31-CA-194874	First	6/27/17	6/28/17

2. At all material times, Respondent has been a corporation with an office and place of business at 11224 S. Western Ave, Los Angeles, California 90047-4800 (“Facility”), and has been engaged in the retail sale of fast food and related products.

3. (a) In conducting its operations annually, Respondent derived gross revenues in excess of \$500,000.

(b) During the period of time described above in paragraph 3(a), Respondent purchased and received at its Los Angeles, California Facility, products, goods, and materials valued in excess of \$5,000, directly from points outside the State of California.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, Daisy Lopez held the position of Respondent's Facility General Manager, and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

6. Respondent, by Daisy Lopez:

(a) About December 14, 2016, at the Facility, prohibited employees from speaking with a Union representative.

(b) About December 29, 2016, at the Facility, interrogated employees about their protected concerted activities.

(c) About December 29, 2016, at the Facility, solicited grievances from employees.

(d) About December 29, 2016, at the Facility, prohibited employees from speaking with coworkers about their terms and conditions of employment inside of the Facility.

(e) About December 29, 2016, at the Facility, instructed employees to speak directly to Respondent's owner concerning complaints about employees' terms and conditions of employment rather than speaking with others.

(f) About January 14, 2017, by telephone, prohibited employees from speaking with their coworkers about terms and conditions of employment inside of the Facility.

(g) About January 20, 2017, at the Facility, interrogated employees about their protected concerted activities.

(h) About January 20, 2017, at the Facility, threatened employees with job loss for engaging in protected concerted activities.

(i) About January 20, 2017, at the Facility, told employees that they should not speak with Union representatives and should kick them out of the Facility.

7. (a) On about December 28, 2016 and January 12, 2017, Respondent's employee Ivan Nava ("Nava") engaged in concerted activities with other employees for the purposes of mutual aid and protection by publically speaking about his support of the Union at Union protests in front of a Carl's Jr. location owned by the same owner of Respondent.

(b) Starting about the pay-period ending January 24, 2017 through pay-period ending February 21, 2017, Respondent reduced the weekly scheduled hours for employee Nava.

(c) Respondent engaged in the conduct described above in Paragraph 9(b), because employee Ivan Nava assisted the Union and engaged in concerted activities; and to discourage employees from engaging in these or other concerted activities.

8. By the conduct described above in Paragraphs 6 through 7, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

9. By the conduct described above in Paragraph 7, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

10. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

COMPLIANCE SPECIFICATION

In order to liquidate the amount owed by Respondent and to avoid unnecessary costs or delays, this Compliance Specification is issued with the Consolidated Complaint and alleges as follows:

11. Gross backpay is the wages the employee named above in Paragraph 7 of the Consolidated Complaint would have earned during the backpay period and is calculated as his/her hourly wage rate times the hours he/she would have worked but for the discrimination against him.

12. As a result of the conduct described above in Paragraph 7, employee Ivan Nava is entitled to backpay in the manner and amount computed as follows:

13. Employee Nava's backpay period begins the pay-period ending January 24, 2017 and ends the pay-period ending February 21, 2017, the date Nava resigned ("Backpay Period").

14. (a) An appropriate measure of the gross backpay owed to Nava is based on his average gross weekly earnings when he was employed by Respondent, as reflected in payroll records provided by Respondent.

(b) Respondent's payroll records reflect that Nava earned worked approximately \$288.75 in average weekly gross earnings. This was calculated by averaging the weekly hours worked by Nava in the six month period in the pre-discrimination period (July 19, 2016 through January 17, 2017), which is 27.5 hours per week, and multiplying that by \$10.50 per hour. This results in an average of about \$288.75 in gross earnings per week.

(c) Based on Employee Nava's average of 27.5 hours worked per week times five weeks in the Backpay Period, Employee Nava should have worked a total of approximately 137.5 hours during the Backpay Period, and earned \$1,443.75.

(d) For the Backpay Period, an appropriate measure of the gross backpay owed to Nava is the difference between \$1,443.75 and the amount that he was paid during the Backpay Period, \$357. This results in Nava being owed \$1,086.75 in gross backpay for that pay period.

15. The Regional Director reserves the right to amend any or all provisions of this Compliance Specification by inclusion of information not known to the Regional Director.

16. Summarizing the facts and calculations specified above, the obligation of Respondent under this Compliance Specification to make Employee Nava whole for the loss suffered as a result of Respondent's unlawful conduct will be discharged by payment to Employee Nava of \$1,086.75, with daily compounded interest accruing on the entire amount to the date of payment, minus tax withholdings required by federal and state law, plus the amount of any adverse tax consequences.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20, 102.21, and 102.56 of the Board's Rules and Regulations, it must file an answer to the Consolidated Complaint and Compliance Specification. The answer must be **received by this office on or before August 21, 2017, or postmarked on or before August 20, 2017.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was

off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

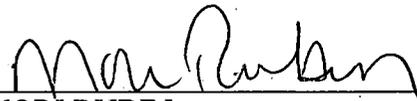
As to all matters set forth in the Compliance Specification Paragraphs 15 through 23 that are within the knowledge of Respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial is not sufficient. See Section 102.56(b) of the Board's Rules and Regulations, a copy of which is attached. Rather, the answer must state the basis for any disagreement with any allegations that are within Respondent's knowledge, and set forth in detail Respondent's position as to the applicable premises and furnish the appropriate supporting figures.

If no answer is filed, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Consolidated Complaint and Compliance Specification are true. If the answer fails to deny allegations of the Compliance Specification Paragraphs 15 through 23 in the manner required under Section 102.56(b) of the Board's Rules and Regulations, and the failure to do so is not adequately explained, the Board may find those allegations in the Compliance Specification are true and preclude Respondent from introducing any evidence controverting those allegations.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **October 10, 2017, 1:00 pm, at 11500 W. Olympic Blvd., Suite 600, Los Angeles, CA 90064**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Consolidated Complaint and Compliance Specification. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: July 31, 2017



MORI RUBIN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 31-CA-192343

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Michael Razipour
HMR3-7141 LLC d/b/a CARL'S JR
11224 S Western Ave
Los Angeles, CA 90047-4800

Los Angeles Organizing Committee
1545 Wilshire Blvd Ste 329
Los Angeles, CA 90017-4504

Nilou Razipour , Agent for Service of Process
HMR3-7141 LLC d/b/a Carl's Jr.
1308 Via Margarita
Palos Verdes Estates, CA 90274

Los Angeles Workers Organizing Committee
PO Box 555065
Los Angeles, CA 90055-0065

Eli Naduris-Weissman , ESQ.
Rothner, Segall & Greenstone
510 South Marengo Ave.
Pasadena, CA 91101-3115

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31

HMR3-7141 LLC D/B/A CARL'S JR

and

Case 31-CA-192343; 31-CA-
192345; 31-CA-194874

LOS ANGELES WORKERS ORGANIZING
COMMITTEE AND LOS ANGELES
ORGANIZING COMMITTEE

**AFFIDAVIT OF SERVICE OF: Order Consolidating Cases, Consolidated Complaint,
Compliance Specification and Notice of Hearing (with forms NLRB-4338 and NLRB-
4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 31, 2017, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Michael Razipour
HMR3-7141 LLC d/b/a CARL'S JR
11224 S Western Ave
Los Angeles, CA 90047-4800

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

Nilou Razipour , Agent for Service of Process
HMR3-7141 LLC d/b/a Carl's Jr.
1308 Via Margarita
Palos Verdes Estates, CA 90274

FIRST CLASS MAIL

Eli Naduris-Weissman , ESQ.
Rothner, Segall & Greenstone
510 South Marengo Ave.
Pasadena, CA 91101-3115

FIRST CLASS MAIL

Los Angeles Organizing Committee
1545 Wilshire Blvd Ste 329
Los Angeles, CA 90017-4504

FIRST CLASS MAIL

Los Angeles Workers Organizing Committee
PO Box 555065
Los Angeles, CA 90055-0065

CERTIFIED MAIL

July 31, 2017

Date

Jorge Romero, Designated Agent of NLRB

Name

/s/ Jorge Romero

Signature

ANSWER

Sec. 102.20 *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.*—The respondent shall, within 14 days from the service of the complaint, file an answer thereto. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

Sec. 102.21 *Where to file; service upon the parties; form.*— An original and four copies of the answer shall be filed with the Regional Director issuing the complaint. Immediately upon the filing of his answer, respondent shall serve a copy thereof on the other parties. An answer of a party represented by counsel or non-attorney representative shall be signed by at least one such attorney or non-attorney representative of record in his/her individual name, whose address shall be stated. A party who is not represented by an attorney or non-attorney representative shall sign his/her answer and state his/her address. Except when otherwise specifically provided by rule or statute, an answer need not be verified or accompanied by affidavit. The signature of the attorney or non-attorney party representative constitutes a certificate by him/her that he/she has read the answer; that to the best of his/her knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If an answer is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the action may proceed as though the answer had not been served. For a willful violation of this section an attorney or non-attorney party representative may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

Sec. 102.22 *Extension of time for filing.*—Upon his own motion or upon proper cause shown by any other party, the Regional Director issuing the complaint may by written order extend the time within which the answer shall be filed.

Sec. 102.23 *Amendment.*—The respondent may amend his answer at any time prior to the hearing. During the hearing or subsequent thereto, he may amend his answer in any case where the complaint has been amended, within such period as may be fixed by the administrative law judge or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the administrative law judge or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the administrative law judge or the Board.

GC Exhibit 12

From: [Michael Razipour](#)
To: [Arango, Catalina](#)
Subject: Re: HMR 3-7141 LLC d/b/a Carl's Jr Case No. 31-CA-192343; 31-CA-192345; and 31-CA-194874
Date: Wednesday, August 23, 2017 12:45:55 AM
Attachments: [CPT.31-CA-192343.Consolidated Complaint and Compliance Spec and NOH and Rules and Regs.pdf](#)
[LTR.31-CA-192343.FAILURE TO ANSWER CPT LTR REVISED.pdf](#)

I am out of town and be back first week of Sept.

Please extend your due date to Sept 10 or after.

Thank you

Michael Razipour

Carl's Jr & Jamba Juice

California & Nevada

EAT LIKE YOU MEAN IT

LIVE FRUITFULLY

michaeljambacke@gmail.com

On Aug 22, 2017, at 1:12 PM, Arango, Catalina <Catalina.Arango@nlrb.gov> wrote:

Mr. Razipour,

My name is Catalina Arango, I am Counsel for the General Counsel assigned to prosecute the National Labor Relations Board, Region 31 Complaint in **HMR 3-7141 LLC d/b/a Carl's Jr Case No. 31-CA-192343; 31-CA-192345; and 31-CA-194874**. The trial is currently scheduled to begin Tuesday October 10, 2017.

I am writing to follow up because no answer was received by our office on the due date of August 21, 2017. Please see attached letter seeking the Employer's answer to the Complaint by **no later than August 28, 2017**.

Thank you,

Catalina Arango, Field Attorney
National Labor Relations Board
Region 31
11500 W Olympic Blvd, Suite 600
Los Angeles, CA 90064
Office: (310) 307-7323
Cellular: (202) 340-9921
Fax: (310) 235-7420

CONFIDENTIALITY NOTICE: OFFICIAL GOVERNMENT BUSINESS

This communication is intended for the sole use of the individual or entity to which it is addressed

and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication may be strictly prohibited. If you have received this communication in error, please notify me immediately by telephone or e-mail. Thank you.

GC Exhibit 13

From: Arango, Catalina
To: ["Michael Razipour"](#)
Subject: RE: HMR 3-7141 LLC d/b/a Carl's Jr Case No. 31-CA-192343; 31-CA-192345; and 31-CA-194874
Date: Wednesday, August 23, 2017 7:40:50 AM
Attachments: [CPT.31-CA-192343.Consolidated Complaint and Compliance Spec and NOH andpdf](#)
[LTR.31-CA-192343.FAILURE TO ANSWER CPT LTR REVISED.PDF](#)
[SET.31-CA-192343.et al Carls Jr Post CPT SET.PDF](#)

Mr. Razipour,

I will forward your request for an extension to Regional Management for consideration under rule 102.22. However, please note that until a written order granting an extension is issued by the Regional Director the Answer is still due by no later than close of business on **Monday August 28, 2017**.

I have also attached a copy of the post complaint settlement to this email.

I am available at 202-340-9921 or 310-307-7323 if you have further questions.

Thank you,

Catalina Arango, Field Attorney
National Labor Relations Board
Region 31
11500 W Olympic Blvd, Suite 600
Los Angeles, CA 90064
Office: (310) 307-7323
Cellular: (202) 340-9921
Fax: (310) 235-7420

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From: Michael Razipour [mailto:michaeljambacke@gmail.com]
Sent: Wednesday, August 23, 2017 12:46 AM
To: Arango, Catalina <Catalina.Arango@nlrb.gov>
Subject: Re: HMR 3-7141 LLC d/b/a Carl's Jr Case No. 31-CA-192343; 31-CA-192345; and 31-CA-194874

I am out of town and be back first week of Sept.
Please extend your due date to Sept 10 or after.
Thank you

Michael Razipour
Carl's Jr & Jamba Juice
California & Nevada
EAT LIKE YOU MEAN IT
LIVE FRUITFULLY

michaeljambacke@gmail.com

On Aug 22, 2017, at 1:12 PM, Arango, Catalina <Catalina.Arango@nlrb.gov> wrote:

Mr. Razipour,

My name is Catalina Arango, I am Counsel for the General Counsel assigned to prosecute the National Labor Relations Board, Region 31 Complaint in **HMR 3-7141 LLC d/b/a Carl's Jr Case No. 31-CA-192343; 31-CA-192345; and 31-CA-194874**. The trial is currently scheduled to begin Tuesday October 10, 2017.

I am writing to follow up because no answer was received by our office on the due date of August 21, 2017. Please see attached letter seeking the Employer's answer to the Complaint by **no later than August 28, 2017**.

Thank you,

Catalina Arango, Field Attorney
National Labor Relations Board
Region 31
11500 W Olympic Blvd, Suite 600
Los Angeles, CA 90064
Office: (310) 307-7323
Cellular: (202) 340-9921
Fax: (310) 235-7420

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Thank you.

GC Exhibit 14



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website:
www.nlr.gov
Telephone: (310) 235-7351
Fax: (310) 235-7420

August 23, 2017

Mr. Michael Razipour
HMR3-7141 LLC d/b/a Carl's Jr
11224 S Western Avenue
Los Angeles, CA 90047-4800

Re: **HMR3-7141 LLC d/b/a Carl's Jr**
Case 31-CA-192343; 31-CA-192345; 31-
CA-194874

Sent by email to: michaeljambacke@gmail.com and certified mail

Dear Mr. Razipour:

This letter is in response to your email dated August 23, 2017 seeking an extension until September 10, 2017 to provide an Answer to the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which issued on July 31, 2017, in the above-referenced matter. If you intend to file an answer, please be advised that you have been granted an extension until noon on **Friday September 1, 2017**.

I remind you that, under Section 102.20 of the Rules and Regulations of the National Labor Relations Board (the "Board"), your failure to file an answer can result in the Board finding all of the allegations in the complaint to be true. If we do not receive an answer from you by noon on **Friday September 1, 2017**, the Region will have no alternative but to file a Motion for Default Judgment with the Board requesting that the Board deem all allegations in the complaint to be admitted to be true.

For your convenience, I have enclosed a copy of the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, as well as a copy of Sections 102.20 and 102.21 of the Board's Rules and Regulations. As stated in Section 102.20, your answer to the complaint should consist of specifically admitting or denying each paragraph of the complaint, unless you are truly without knowledge of the facts alleged in the paragraph, in which case you should so state. If you have any questions, please do not hesitate to contact me.

Thank you,

/s/

Catalina Arango

Counsel for the General Counsel

HMR3-7141 LLC d/b/a Carl's Jr
Case nos. 31-CA- 192343; 31-CA-192345;
31-CA-194874

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31**

HMR3-7141 LLC D/B/A CARL'S JR

and

**LOS ANGELES WORKERS ORGANIZING
COMMITTEE**

**Cases 31-CA-192343
31-CA-192345
31-CA-194874**

**ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT,
COMPLIANCE SPECIFICATION AND NOTICE OF HEARING**

Pursuant to Sections 102.33 and 102.54(b) of the Rules and Regulations of the National Labor Relations Board ("Board") and to avoid unnecessary costs or delay, IT IS ORDERED THAT Cases 31-CA-192343, 31-CA-192345, and 31-CA-194874, which are based on charges filed by Los Angeles Workers Organizing Committee ("Union") against HMR3-7141 LLC d/b/a Carl's Jr ("Respondent") are consolidated.

CONSOLIDATED COMPLAINT

This Consolidated Complaint based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act ("Act"), 29 U.S.C. § 151 et seq. and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

1. The charges in the above cases were filed by the Union, as set forth in the following table, and served upon Respondent on the dates indicated by U.S. mail.

Case No.	Amendment	Filed	Date Served
31-CA-192343	n/a	1/26/17	2/2/17
31-CA-192343	First	2/15/17	5/10/17
31-CA-192343	Second	6/27/17	6/28/17
31-CA-192345	n/a	1/26/17	2/3/17
31-CA-192345	First	5/23/17	5/24/17
31-CA-192345	Second	6/27/17	6/28/17
31-CA-194874	n/a	3/14/17	3/17/17
31-CA-194874	First	6/27/17	6/28/17

2. At all material times, Respondent has been a corporation with an office and place of business at 11224 S. Western Ave, Los Angeles, California 90047-4800 (“Facility”), and has been engaged in the retail sale of fast food and related products.

3. (a) In conducting its operations annually, Respondent derived gross revenues in excess of \$500,000.

(b) During the period of time described above in paragraph 3(a), Respondent purchased and received at its Los Angeles, California Facility, products, goods, and materials valued in excess of \$5,000, directly from points outside the State of California.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, Daisy Lopez held the position of Respondent's Facility General Manager, and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

6. Respondent, by Daisy Lopez:

(a) About December 14, 2016, at the Facility, prohibited employees from speaking with a Union representative.

(b) About December 29, 2016, at the Facility, interrogated employees about their protected concerted activities.

(c) About December 29, 2016, at the Facility, solicited grievances from employees.

(d) About December 29, 2016, at the Facility, prohibited employees from speaking with coworkers about their terms and conditions of employment inside of the Facility.

(e) About December 29, 2016, at the Facility, instructed employees to speak directly to Respondent's owner concerning complaints about employees' terms and conditions of employment rather than speaking with others.

(f) About January 14, 2017, by telephone, prohibited employees from speaking with their coworkers about terms and conditions of employment inside of the Facility.

(g) About January 20, 2017, at the Facility, interrogated employees about their protected concerted activities.

(h) About January 20, 2017, at the Facility, threatened employees with job loss for engaging in protected concerted activities.

(i) About January 20, 2017, at the Facility, told employees that they should not speak with Union representatives and should kick them out of the Facility.

7. (a) On about December 28, 2016 and January 12, 2017, Respondent's employee Ivan Nava ("Nava") engaged in concerted activities with other employees for the purposes of mutual aid and protection by publically speaking about his support of the Union at Union protests in front of a Carl's Jr. location owned by the same owner of Respondent.

(b) Starting about the pay-period ending January 24, 2017 through pay-period ending February 21, 2017, Respondent reduced the weekly scheduled hours for employee Nava.

(c) Respondent engaged in the conduct described above in Paragraph 9(b), because employee Ivan Nava assisted the Union and engaged in concerted activities; and to discourage employees from engaging in these or other concerted activities.

8. By the conduct described above in Paragraphs 6 through 7, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

9. By the conduct described above in Paragraph 7, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

10. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

COMPLIANCE SPECIFICATION

In order to liquidate the amount owed by Respondent and to avoid unnecessary costs or delays, this Compliance Specification is issued with the Consolidated Complaint and alleges as follows:

11. Gross backpay is the wages the employee named above in Paragraph 7 of the Consolidated Complaint would have earned during the backpay period and is calculated as his/her hourly wage rate times the hours he/she would have worked but for the discrimination against him.

12. As a result of the conduct described above in Paragraph 7, employee Ivan Nava is entitled to backpay in the manner and amount computed as follows:

13. Employee Nava's backpay period begins the pay-period ending January 24, 2017 and ends the pay-period ending February 21, 2017, the date Nava resigned ("Backpay Period").

14. (a) An appropriate measure of the gross backpay owed to Nava is based on his average gross weekly earnings when he was employed by Respondent, as reflected in payroll records provided by Respondent.

(b) Respondent's payroll records reflect that Nava earned worked approximately \$288.75 in average weekly gross earnings. This was calculated by averaging the weekly hours worked by Nava in the six month period in the pre-discrimination period (July 19, 2016 through January 17, 2017), which is 27.5 hours per week, and multiplying that by \$10.50 per hour. This results in an average of about \$288.75 in gross earnings per week.

(c) Based on Employee Nava's average of 27.5 hours worked per week times five weeks in the Backpay Period, Employee Nava should have worked a total of approximately 137.5 hours during the Backpay Period, and earned \$1,443.75.

(d) For the Backpay Period, an appropriate measure of the gross backpay owed to Nava is the difference between \$1,443.75 and the amount that he was paid during the Backpay Period, \$357. This results in Nava being owed \$1,086.75 in gross backpay for that pay period.

15. The Regional Director reserves the right to amend any or all provisions of this Compliance Specification by inclusion of information not known to the Regional Director.

16. Summarizing the facts and calculations specified above, the obligation of Respondent under this Compliance Specification to make Employee Nava whole for the loss suffered as a result of Respondent's unlawful conduct will be discharged by payment to Employee Nava of \$1,086.75, with daily compounded interest accruing on the entire amount to the date of payment, minus tax withholdings required by federal and state law, plus the amount of any adverse tax consequences.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20, 102.21, and 102.56 of the Board's Rules and Regulations, it must file an answer to the Consolidated Complaint and Compliance Specification. The answer must be **received by this office on or before August 21, 2017, or postmarked on or before August 20, 2017.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was

off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

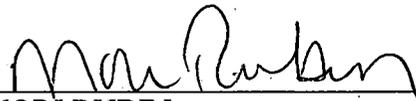
As to all matters set forth in the Compliance Specification Paragraphs 15 through 23 that are within the knowledge of Respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial is not sufficient. See Section 102.56(b) of the Board's Rules and Regulations, a copy of which is attached. Rather, the answer must state the basis for any disagreement with any allegations that are within Respondent's knowledge, and set forth in detail Respondent's position as to the applicable premises and furnish the appropriate supporting figures.

If no answer is filed, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Consolidated Complaint and Compliance Specification are true. If the answer fails to deny allegations of the Compliance Specification Paragraphs 15 through 23 in the manner required under Section 102.56(b) of the Board's Rules and Regulations, and the failure to do so is not adequately explained, the Board may find those allegations in the Compliance Specification are true and preclude Respondent from introducing any evidence controverting those allegations.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **October 10, 2017, 1:00 pm, at 11500 W. Olympic Blvd., Suite 600, Los Angeles, CA 90064**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Consolidated Complaint and Compliance Specification. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: July 31, 2017



MORI RUBIN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 31-CA-192343

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Michael Razipour
HMR3-7141 LLC d/b/a CARL'S JR
11224 S Western Ave
Los Angeles, CA 90047-4800

Los Angeles Organizing Committee
1545 Wilshire Blvd Ste 329
Los Angeles, CA 90017-4504

Nilou Razipour , Agent for Service of Process
HMR3-7141 LLC d/b/a Carl's Jr.
1308 Via Margarita
Palos Verdes Estates, CA 90274

Los Angeles Workers Organizing Committee
PO Box 555065
Los Angeles, CA 90055-0065

Eli Naduris-Weissman , ESQ.
Rothner, Segall & Greenstone
510 South Marengo Ave.
Pasadena, CA 91101-3115

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31

HMR3-7141 LLC D/B/A CARL'S JR

and

Case 31-CA-192343; 31-CA-
192345; 31-CA-194874

LOS ANGELES WORKERS ORGANIZING
COMMITTEE AND LOS ANGELES
ORGANIZING COMMITTEE

**AFFIDAVIT OF SERVICE OF: Order Consolidating Cases, Consolidated Complaint,
Compliance Specification and Notice of Hearing (with forms NLRB-4338 and NLRB-
4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 31, 2017, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Michael Razipour
HMR3-7141 LLC d/b/a CARL'S JR
11224 S Western Ave
Los Angeles, CA 90047-4800

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

Nilou Razipour , Agent for Service of Process
HMR3-7141 LLC d/b/a Carl's Jr.
1308 Via Margarita
Palos Verdes Estates, CA 90274

FIRST CLASS MAIL

Eli Naduris-Weissman , ESQ.
Rothner, Segall & Greenstone
510 South Marengo Ave.
Pasadena, CA 91101-3115

FIRST CLASS MAIL

Los Angeles Organizing Committee
1545 Wilshire Blvd Ste 329
Los Angeles, CA 90017-4504

FIRST CLASS MAIL

Los Angeles Workers Organizing Committee
PO Box 555065
Los Angeles, CA 90055-0065

CERTIFIED MAIL

July 31, 2017

Date

Jorge Romero, Designated Agent of NLRB

Name

/s/ Jorge Romero

Signature

ANSWER

Sec. 102.20 *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.*—The respondent shall, within 14 days from the service of the complaint, file an answer thereto. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

Sec. 102.21 *Where to file; service upon the parties; form.*— An original and four copies of the answer shall be filed with the Regional Director issuing the complaint. Immediately upon the filing of his answer, respondent shall serve a copy thereof on the other parties. An answer of a party represented by counsel or non-attorney representative shall be signed by at least one such attorney or non-attorney representative of record in his/her individual name, whose address shall be stated. A party who is not represented by an attorney or non-attorney representative shall sign his/her answer and state his/her address. Except when otherwise specifically provided by rule or statute, an answer need not be verified or accompanied by affidavit. The signature of the attorney or non-attorney party representative constitutes a certificate by him/her that he/she has read the answer; that to the best of his/her knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If an answer is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the action may proceed as though the answer had not been served. For a willful violation of this section an attorney or non-attorney party representative may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

Sec. 102.22 *Extension of time for filing.*—Upon his own motion or upon proper cause shown by any other party, the Regional Director issuing the complaint may by written order extend the time within which the answer shall be filed.

Sec. 102.23 *Amendment.*—The respondent may amend his answer at any time prior to the hearing. During the hearing or subsequent thereto, he may amend his answer in any case where the complaint has been amended, within such period as may be fixed by the administrative law judge or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the administrative law judge or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the administrative law judge or the Board.

GC Exhibit 15

From: Arango, Catalina
To: ["Michael Razipour"](#)
Subject: HMR 3-7141 LLC d/b/a Carl's Jr Case No. 31-CA-192343; 31-CA-192345; and 31-CA-194874
Date: Wednesday, August 23, 2017 1:58:15 PM
Attachments: [CPT.31-CA-192343.Consolidated Complaint and Compliance Spec and NOH and ...pdf](#)
[LTR.31-CA-192343.FOLLOW UP FAILURE TO ANSWER.pdf](#)

Mr. Razipour,

My name is Catalina Arango, I am Counsel for the General Counsel assigned to prosecute the National Labor Relations Board, Region 31 Complaint in **HMR 3-7141 LLC d/b/a Carl's Jr Case No. 31-CA-192343; 31-CA-192345; and 31-CA-194874**. The trial is currently scheduled to begin Tuesday October 10, 2017.

I am writing in response to your email dated of August 23, 2017. Please see attached letter seeking the Employer's answer to the Complaint by **no later than Friday September 1, 2017**.

Thank you,

Catalina Arango, Field Attorney
National Labor Relations Board
Region 31
11500 W Olympic Blvd, Suite 600
Los Angeles, CA 90064
Office: (310) 307-7323
Cellular: (202) 340-9921
Fax: (310) 235-7420

CONFIDENTIALITY NOTICE: OFFICIAL GOVERNMENT BUSINESS

This communication is intended for the sole use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication may be strictly prohibited. If you have received this communication in error, please notify me immediately by telephone or e-mail. Thank you.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website:
www.nlr.gov
Telephone: (310) 235-7351
Fax: (310) 235-7420

August 23, 2017

Mr. Michael Razipour
HMR3-7141 LLC d/b/a Carl's Jr
11224 S Western Avenue
Los Angeles, CA 90047-4800

Re: **HMR3-7141 LLC d/b/a Carl's Jr**
Case 31-CA-192343; 31-CA-192345; 31-
CA-194874

Sent by email to: michaeljambacke@gmail.com and certified mail

Dear Mr. Razipour:

This letter is in response to your email dated August 23, 2017 seeking an extension until September 10, 2017 to provide an Answer to the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which issued on July 31, 2017, in the above-referenced matter. If you intend to file an answer, please be advised that you have been granted an extension until noon on **Friday September 1, 2017**.

I remind you that, under Section 102.20 of the Rules and Regulations of the National Labor Relations Board (the "Board"), your failure to file an answer can result in the Board finding all of the allegations in the complaint to be true. If we do not receive an answer from you by noon on **Friday September 1, 2017**, the Region will have no alternative but to file a Motion for Default Judgment with the Board requesting that the Board deem all allegations in the complaint to be admitted to be true.

For your convenience, I have enclosed a copy of the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, as well as a copy of Sections 102.20 and 102.21 of the Board's Rules and Regulations. As stated in Section 102.20, your answer to the complaint should consist of specifically admitting or denying each paragraph of the complaint, unless you are truly without knowledge of the facts alleged in the paragraph, in which case you should so state. If you have any questions, please do not hesitate to contact me.

Thank you,

/s/

Catalina Arango

Counsel for the General Counsel

HMR3-7141 LLC d/b/a Carl's Jr
Case nos. 31-CA- 192343; 31-CA-192345;
31-CA-194874

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31**

HMR3-7141 LLC D/B/A CARL'S JR

and

**LOS ANGELES WORKERS ORGANIZING
COMMITTEE**

**Cases 31-CA-192343
31-CA-192345
31-CA-194874**

**ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT,
COMPLIANCE SPECIFICATION AND NOTICE OF HEARING**

Pursuant to Sections 102.33 and 102.54(b) of the Rules and Regulations of the National Labor Relations Board ("Board") and to avoid unnecessary costs or delay, IT IS ORDERED THAT Cases 31-CA-192343, 31-CA-192345, and 31-CA-194874, which are based on charges filed by Los Angeles Workers Organizing Committee ("Union") against HMR3-7141 LLC d/b/a Carl's Jr ("Respondent") are consolidated.

CONSOLIDATED COMPLAINT

This Consolidated Complaint based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act ("Act"), 29 U.S.C. § 151 et seq. and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

1. The charges in the above cases were filed by the Union, as set forth in the following table, and served upon Respondent on the dates indicated by U.S. mail.

Case No.	Amendment	Filed	Date Served
31-CA-192343	n/a	1/26/17	2/2/17
31-CA-192343	First	2/15/17	5/10/17
31-CA-192343	Second	6/27/17	6/28/17
31-CA-192345	n/a	1/26/17	2/3/17
31-CA-192345	First	5/23/17	5/24/17
31-CA-192345	Second	6/27/17	6/28/17
31-CA-194874	n/a	3/14/17	3/17/17
31-CA-194874	First	6/27/17	6/28/17

2. At all material times, Respondent has been a corporation with an office and place of business at 11224 S. Western Ave, Los Angeles, California 90047-4800 (“Facility”), and has been engaged in the retail sale of fast food and related products.

3. (a) In conducting its operations annually, Respondent derived gross revenues in excess of \$500,000.

(b) During the period of time described above in paragraph 3(a), Respondent purchased and received at its Los Angeles, California Facility, products, goods, and materials valued in excess of \$5,000, directly from points outside the State of California.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, Daisy Lopez held the position of Respondent's Facility General Manager, and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

6. Respondent, by Daisy Lopez:

(a) About December 14, 2016, at the Facility, prohibited employees from speaking with a Union representative.

(b) About December 29, 2016, at the Facility, interrogated employees about their protected concerted activities.

(c) About December 29, 2016, at the Facility, solicited grievances from employees.

(d) About December 29, 2016, at the Facility, prohibited employees from speaking with coworkers about their terms and conditions of employment inside of the Facility.

(e) About December 29, 2016, at the Facility, instructed employees to speak directly to Respondent's owner concerning complaints about employees' terms and conditions of employment rather than speaking with others.

(f) About January 14, 2017, by telephone, prohibited employees from speaking with their coworkers about terms and conditions of employment inside of the Facility.

(g) About January 20, 2017, at the Facility, interrogated employees about their protected concerted activities.

(h) About January 20, 2017, at the Facility, threatened employees with job loss for engaging in protected concerted activities.

(i) About January 20, 2017, at the Facility, told employees that they should not speak with Union representatives and should kick them out of the Facility.

7. (a) On about December 28, 2016 and January 12, 2017, Respondent's employee Ivan Nava ("Nava") engaged in concerted activities with other employees for the purposes of mutual aid and protection by publically speaking about his support of the Union at Union protests in front of a Carl's Jr. location owned by the same owner of Respondent.

(b) Starting about the pay-period ending January 24, 2017 through pay-period ending February 21, 2017, Respondent reduced the weekly scheduled hours for employee Nava.

(c) Respondent engaged in the conduct described above in Paragraph 9(b), because employee Ivan Nava assisted the Union and engaged in concerted activities; and to discourage employees from engaging in these or other concerted activities.

8. By the conduct described above in Paragraphs 6 through 7, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

9. By the conduct described above in Paragraph 7, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

10. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

COMPLIANCE SPECIFICATION

In order to liquidate the amount owed by Respondent and to avoid unnecessary costs or delays, this Compliance Specification is issued with the Consolidated Complaint and alleges as follows:

11. Gross backpay is the wages the employee named above in Paragraph 7 of the Consolidated Complaint would have earned during the backpay period and is calculated as his/her hourly wage rate times the hours he/she would have worked but for the discrimination against him.

12. As a result of the conduct described above in Paragraph 7, employee Ivan Nava is entitled to backpay in the manner and amount computed as follows:

13. Employee Nava's backpay period begins the pay-period ending January 24, 2017 and ends the pay-period ending February 21, 2017, the date Nava resigned ("Backpay Period").

14. (a) An appropriate measure of the gross backpay owed to Nava is based on his average gross weekly earnings when he was employed by Respondent, as reflected in payroll records provided by Respondent.

(b) Respondent's payroll records reflect that Nava earned worked approximately \$288.75 in average weekly gross earnings. This was calculated by averaging the weekly hours worked by Nava in the six month period in the pre-discrimination period (July 19, 2016 through January 17, 2017), which is 27.5 hours per week, and multiplying that by \$10.50 per hour. This results in an average of about \$288.75 in gross earnings per week.

(c) Based on Employee Nava's average of 27.5 hours worked per week times five weeks in the Backpay Period, Employee Nava should have worked a total of approximately 137.5 hours during the Backpay Period, and earned \$1,443.75.

(d) For the Backpay Period, an appropriate measure of the gross backpay owed to Nava is the difference between \$1,443.75 and the amount that he was paid during the Backpay Period, \$357. This results in Nava being owed \$1,086.75 in gross backpay for that pay period.

15. The Regional Director reserves the right to amend any or all provisions of this Compliance Specification by inclusion of information not known to the Regional Director.

16. Summarizing the facts and calculations specified above, the obligation of Respondent under this Compliance Specification to make Employee Nava whole for the loss suffered as a result of Respondent's unlawful conduct will be discharged by payment to Employee Nava of \$1,086.75, with daily compounded interest accruing on the entire amount to the date of payment, minus tax withholdings required by federal and state law, plus the amount of any adverse tax consequences.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20, 102.21, and 102.56 of the Board's Rules and Regulations, it must file an answer to the Consolidated Complaint and Compliance Specification. The answer must be **received by this office on or before August 21, 2017, or postmarked on or before August 20, 2017.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was

off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

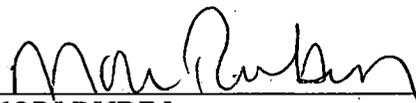
As to all matters set forth in the Compliance Specification Paragraphs 15 through 23 that are within the knowledge of Respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial is not sufficient. See Section 102.56(b) of the Board's Rules and Regulations, a copy of which is attached. Rather, the answer must state the basis for any disagreement with any allegations that are within Respondent's knowledge, and set forth in detail Respondent's position as to the applicable premises and furnish the appropriate supporting figures.

If no answer is filed, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Consolidated Complaint and Compliance Specification are true. If the answer fails to deny allegations of the Compliance Specification Paragraphs 15 through 23 in the manner required under Section 102.56(b) of the Board's Rules and Regulations, and the failure to do so is not adequately explained, the Board may find those allegations in the Compliance Specification are true and preclude Respondent from introducing any evidence controverting those allegations.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **October 10, 2017, 1:00 pm, at 11500 W. Olympic Blvd., Suite 600, Los Angeles, CA 90064**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Consolidated Complaint and Compliance Specification. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: July 31, 2017



MORI RUBIN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 31-CA-192343

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Michael Razipour
HMR3-7141 LLC d/b/a CARL'S JR
11224 S Western Ave
Los Angeles, CA 90047-4800

Los Angeles Organizing Committee
1545 Wilshire Blvd Ste 329
Los Angeles, CA 90017-4504

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Los Angeles, CA 90055-0065

Eli Naduris-Weissman , ESQ.
Rothner, Segall & Greenstone
510 South Marengo Ave.
Pasadena, CA 91101-3115

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31

HMR3-7141 LLC D/B/A CARL'S JR

and

Case 31-CA-192343; 31-CA-
192345; 31-CA-194874

LOS ANGELES WORKERS ORGANIZING
COMMITTEE AND LOS ANGELES
ORGANIZING COMMITTEE

**AFFIDAVIT OF SERVICE OF: Order Consolidating Cases, Consolidated Complaint,
Compliance Specification and Notice of Hearing (with forms NLRB-4338 and NLRB-
4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 31, 2017, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Michael Razipour
HMR3-7141 LLC d/b/a CARL'S JR
11224 S Western Ave
Los Angeles, CA 90047-4800

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

Nilou Razipour , Agent for Service of Process
HMR3-7141 LLC d/b/a Carl's Jr.
1308 Via Margarita
Palos Verdes Estates, CA 90274

FIRST CLASS MAIL

Eli Naduris-Weissman , ESQ.
Rothner, Segall & Greenstone
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Los Angeles, CA 90017-4504

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Los Angeles Workers Organizing Committee
PO Box 555065
Los Angeles, CA 90055-0065

CERTIFIED MAIL

July 31, 2017

Date

Jorge Romero, Designated Agent of NLRB

Name

/s/ Jorge Romero

Signature

ANSWER

Sec. 102.20 *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.*—The respondent shall, within 14 days from the service of the complaint, file an answer thereto. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

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Re: HMR3-7141 LLC d/b/a Carl's Jr
Case No.: 31-CA-192343, 31-CA-192345 and 31-CA-194874

CERTIFICATE OF SERVICE

I hereby certify that a copy of the *Motions to Transfer and Continue Matter Before the Board and for Default Judgment* was served on September 8, 2017

SERVED VIA E-FILING

National Labor Relations Board
Office of the Executive Secretary

SERVED VIA E-MAIL and U.S. MAIL

Mr. Michael Razipour
HMR3-7141 LLC d/b/a Carl's Jr
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