

**UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION 1**

HANDY TECHNOLOGIES, INC.

and

MAISHA EMMANUEL, AN INDIVIDUAL

CASE 01-CA-158125

HANDY TECHNOLOGIES, INC.

and

MYETIA VAUGHAN, AN INDIVIDUAL

CASE 01-CA-158144

**RESPONDENT HANDY TECHNOLOGIES, INC.’S
MOTION TO POSTPONE HEARING DATE**

Respondent Handy Technologies, Inc. (“Respondent”) moves pursuant to Board Rules 102.16(b) and 102.24(a) to postpone the hearing in this matter from the currently scheduled date of September 26, 2017, to a mutually agreeable date on or after December 4, 2017. As grounds for this Motion, Respondent states as follows:

1. The Order Consolidating Cases, Consolidated Complaint and Notice of Hearing was issued on August 28, 2017, following a lengthy consideration of the complicated merits of the case by the Division of Advice. The case involves multiple agreements between Respondent Handy Technologies, Inc. and thousands of service providers who use Handy’s web and smartphone-based communications platform to make connections with potential customers. Among a number of novel issues presented by this case, the parties are in disagreement as to whether the service providers are independent contractors or employees, which will likely require extensive collection and submission of evidence and a lengthy trial.

2. While the Division of Advice considered the merits of this complicated case throughout much of 2017, Respondent's lead counsel, William Emanuel, was nominated to serve on the National Labor Relations Board. Mr. Emanuel's nomination remains pending, but has been approved by the Senate HELP Committee. The United States Senate is expected to vote on Attorney Emanuel's nomination soon, thus precluding his participation in this matter.

3. Shortly after issuance of the Complaint, Respondent selected Littler shareholder Maurice Baskin to replace Mr. Emanuel as lead counsel. Mr. Baskin had no previous involvement with this case, however, and will require considerable preparation prior to trial. Such preparation will not be possible if the case were to go to trial as currently scheduled on September 26, 2017, and for a considerable period of time thereafter. Mr. Baskin also has upcoming two conflicting multi-day out-of-state client conferences at which his attendance is required, scheduled to take place on September 16 – 19, 2017 and November 5 – 8, 2017. In addition, Mr. Baskin is engaged in filing an *en banc amicus* brief to the Eighth Circuit in the case of *Cooper Tire v. NLRB* which is due on September 29, 2017; the opening/answering brief to the Ninth Circuit Court of Appeals in *Purple Communications v. NLRB*, which is due on October 2, 2017; and an *amicus* brief to the Ninth Circuit in the case of *Cellco Partnership d/b/a Verizon v. NLRB*, which is due on October 17, 2017.

4. In addition, Respondent's new co-counsel, John Doran, will be required to undergo hip replacement surgery in mid-October, 2017 that will incapacitate him through the month of November.

5. The parties have recently engaged in discussion of the possibility of amending the Complaint to narrow the issues somewhat, but even after amendment, the remaining issues appear to require proof of the independent contractor status of the thousands of service providers

who have entered into agreements with Respondent Handy. Respondent's counsel therefore require additional time to prepare for what is expected to be a lengthy trial.

6. Counsel for Respondent has conferred with counsel for the General Counsel and the Charging Parties, who do not agree to a postponement for the length of time requested by Respondent.

7. The trial in the present case has not previously been postponed and does not involve any employee terminations or other comparable violations of the Act.

8. If this Motion to Postpone Hearing Date is granted, Respondent (including its counsel) will be available for trial beginning on December 4, 2017 and/or other mutually agreeable dates.

Respectfully submitted,

/s/ Maurice Baskin

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Postpone Hearing is being served by electronic or regular mail on the following this 11th day of September, 2017:

By email: Daniel Fein
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/s/Maurice Baskin
Maurice Baskin