

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

ALLEN BINSTOCK,
Regional Director of Region 8, NLRB
for and on behalf of
NATIONAL LABOR RELATIONS BOARD

Applicant

v.

Civil No. 3:17-MC-00041

MIDWEST TERMINALS OF
TOLEDO INTERNATIONAL, INC.

Judge J. Helmick

Respondent

APPLICANT'S REQUEST FOR LEAVE TO FILE REPLY TO RESPONDENT'S
OPPOSITION TO APPLICATION FOR SUBPOENA ENFORCEMENT

On July 12, 2017, the Regional Director for Region 8 of the National Labor Relations Board, (the Board or Applicant), filed an Application for Order Enforcing Subpoenas Duces Tecum and Ad Testificandum. The Board requested that an Order to Show Cause issue requiring Respondent to appear before the Court on a date specified in the order and to show cause why an order should not issue directing Respondent to produce the subpoenaed records and witness testimony as described in its Application. The Board issued the subpoenas because Respondent

had failed, and continues to fail, to cooperate with the investigation of matters that are currently pending in the Regional Office.

The Board filed its Application and request for an Order to Show Cause under Section 11(2) of the National Labor Relations Act, 29 U.S.C. § 161(2), which provides “[i]n case on contumacy or refusal to obey a subpoena issued to any person, any United States district court . . . upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board . . . to produce evidence . . . or . . . to give testimony touching the matter under investigation”

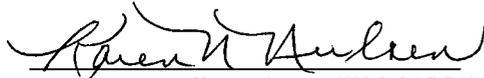
On August 17, 2017, Respondent filed a “Response in Opposition to Application for Order Enforcing Subpoena Duces Tecum.” The Applicant requests leave to file a reply to Respondent’s Opposition. The Applicant requests that leave be granted until October 4, 2017, or if the Court has not ruled on this request by that time, within three days of the Court’s ruling.

Respectfully submitted,

National Labor Relations Board

By: Richard E. Griffin, General Counsel
Iva Choe, Regional Attorney for Region 8

Attorney for Applicant



Karen N. Neilsen, Esq. (#0064551)

karen.neilsen@nlrb.gov

Susan Fernandez, Esq. (#0038726)

Susan.fernandez@nlrb.gov

National Labor Relations Board, Region 8

1240 East 9th Street

AJC Federal Building, Room 1695

Cleveland, OH 44199

Phone: (216) 303-7384

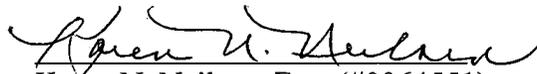
Fax: (216) 522- 2418

September 18, 2017
Cleveland, OH

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2017, I filed electronically, via the CM/ECF System, the foregoing Applicant's Request for Leave to File Reply to Respondent's Opposition to Application for Subpoena Enforcement with the Clerk of Court and additionally served this document by e-mail on the following counsel:

Counsel for Respondent
Ronald Mason, Esq.
Aaron Tulencik, Esq.
Mason Law Firm
P.O. Box 398
Dublin, OH 43017-5357
rmason@maslawfirm.com
atulencik@maslawfirm.com



Karen N. Neilsen, Esq. (#0064551)
National Labor Relations Board, Region 8
1240 East 9th Street
AJC Federal Building, Room 1695
Cleveland, OH 44199
karen.neilsen@nrlb.gov
Phone: (216) 303-7384
Fax: (216) 522- 2418
Ohio Bar No. 0064551

September 18, 2017
Cleveland, OH