

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 5**

THE FISHEL COMPANY D/B/A TEAM FISHEL

and

Case 5-CA-182197

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, LOCAL UNION 126,  
AFL-CIO

**STIPULATION OF FACTS AND MOTION TO SUBMIT CASE ON STIPULATION TO  
THE ADMINISTRATIVE LAW JUDGE**

COME NOW The Fishel Company d/b/a Team Fishel (Respondent), International Brotherhood of Electrical Workers, Local Union 126, AFL-CIO (Charging Party), and counsel for the General Counsel (General Counsel) (each a Party, and collectively, the Parties), and hereby enter into this Stipulation of Facts and jointly petition Administrative Law Judge Arthur Amchan, Deputy Chief Administrative Law Judge (ALJ), in order to effectuate the purposes of the National Labor Relations Act (the Act) and to avoid unnecessary costs and delay, to exercise the authority provided by Section 102.35(a)(9) of the National Labor Relations Board's (the Board) Rules and Regulations to approve this Stipulation of Facts, grant the Parties' request to waive a hearing in this proceeding, and decide this case on stipulation following the Parties' subsequent submission of briefs on the legal issues in question.

1. The Parties agree that the Charge and First Amended Charge, Complaint and Notice of Hearing, Answer to Complaint, Amended Complaint and Notice of Hearing, Answer to Amended Complaint, (including their related service documents), all Joint Exhibits, General Counsel's Exhibits, Respondent's Exhibits, along with this Stipulation of Facts and Motion, constitute the entire record in this case. The Parties further agree that no oral testimony, except that which is set forth in Respondent's Exhibits 1-7, is necessary or desired by any Party, and that the Parties each waive the right to a hearing. In the event the ALJ grants this joint motion, the Parties request that he set a date for the filing of briefs.

2. Upon a charge filed by Charging Party on August 12, 2016, and duly served on Respondent on August 16, 2016, a copy of which, along with its transmittal letter and affidavit of

service, is attached as Joint Exhibit 1, receipt of which is hereby acknowledged by Respondent, and a first amended charge filed by Charging Party on April 24, 2017, and duly served on Respondent on April 26, 2017, a copy of which, along with its transmittal letter and affidavit of service, is attached as Joint Exhibit 2, receipt of which is hereby acknowledged by Respondent, the General Counsel of the Board, by the Regional Director for Region 5, acting pursuant to the authority granted under Section 10(b) of the Act, as amended, 29 U.S.C. Section 151, *et seq.* and Section 102.15 of the Board's Rules and Regulations, issued a Complaint and Notice of Hearing (Complaint) against Respondent on April 26, 2017, a true copy of which, along with its affidavit of service, is attached as Joint Exhibit 3. True copies of the Complaint were duly served by certified mail upon Respondent and Charging Party on April 26, 2017. On May 8, 2017, Respondent filed with the Regional Director for Region 5, and served upon Charging Party, a timely Answer to the Complaint, a true copy of which is attached as Joint Exhibit 4. The Regional Director for Region 5, acting pursuant to the authority granted under Section 10(b) of the Act, as amended, 29 U.S.C. Section 151, *et seq.* and Section 102.15 of the Board's Rules and Regulations, issued an Amended Complaint and Notice of Hearing (Amended Complaint) against Respondent on August 7, 2017, a true copy of which, along with its affidavit of service, is attached as Joint Exhibit 5. True copies of the Amended Complaint were duly served by certified mail upon Respondent and Charging Party on August 7, 2017. On August 18, 2017, Respondent filed with the Regional Director for Region 5, and served upon Charging Party, a timely Answer to the Amended Complaint, and Affirmative Defenses, a true copy of which is attached as Joint Exhibit 6.

3. The Parties agree to the admission into evidence Joint Exhibits 1 through 6.

4. The Parties agree to the admission into evidence General Counsel Exhibits 1A-1B.

5. The Parties agree to the admission into evidence Respondent Exhibits 1 through 7.

6. This Joint Motion and the Stipulation of Facts set forth herein is made without prejudice to any objection that any Party may have to the materiality or relevance of any facts stated herein.

7. The Parties jointly request that the ALJ permit the parties to forgo the submission of a statement of the issues presented and short statements of position on the issues as described

in Section 102.35(a)(9) of the Board's Rules and Regulations, and instead set a date for the simultaneous filing of briefs no earlier than 35 days after the ALJ grants this Joint Motion and approves the Stipulation of Facts.

Respectfully submitted,

Dated: 10/6/17

By: Stacey McClurkin

Stacey McClurkin  
Counsel for the General Counsel

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Michael Simmonds  
Charging Party Representative

Dated: \_\_\_\_\_

By: \_\_\_\_\_

David C. Burton  
Counsel for Respondent

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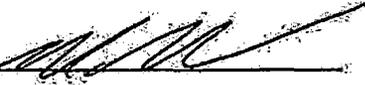
Respectfully submitted,

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Stacey McClurkin  
Counsel for the General Counsel

Dated: 10-6-17

By:  \_\_\_\_\_

Michael Simmonds  
Charging Party Representative

Dated: \_\_\_\_\_

By: \_\_\_\_\_

David C. Burton  
Counsel for Respondent

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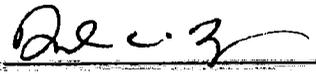
Stacey McClurkin  
Counsel for the General Counsel

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Michael Simmonds  
Charging Party Representative

Dated: 10/6/17

By: 

David C. Burton  
Counsel for Respondent

**CERTIFICATE OF SERVICE**

This is to certify that on October 6, 2017, copies of the Parties' Joint Stipulation of Facts and Motion to Submit Case on Stipulation to the Administrative Law Judge were served by e-mail on:

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/s/ Stacey McClurkin

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