

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES**

**SPANISH BROADCASTING SYSTEM OF
CALIFORNIA, INC.**

and

**SCREEN ACTORS GUILD-AMERICAN
FEDERATION OF TELEVISION RADIO
ARTISTS (SAG-AFTRA)**

**Cases 31-CA-194930, 31-CA-194934
31-CA-194955, 31-CA-194957
31-CA-195480, 31-CA-196694**

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

Counsel for the General Counsel ("General Counsel") submits this opposition to Spanish Broadcasting System of California, Inc.'s ("Respondent") motion to reschedule the hearing in this matter.

I. Procedural History

On October 5, 2017, the Regional Director issued an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, setting the hearing date to commence on December 11, 2017. On or around October 17, 2017, Respondent submitted a letter requesting to postpone the hearing for 60 days until February 8, 2018. The Acting Regional Director denied the request on October 17, 2017. On October 18, 2017, Respondent filed a motion to reschedule the hearing to February 8, 2018 with the Division of Judges.

II. Respondent's Motion Should be Denied

A. The General Counsel Is Considering the Appropriateness of Section 10(j)

Relief

The Consolidated Complaint alleges that Respondent violated Section 8(a)(1), (3) and (5) of the Act by, among other things: engaging in surface bargaining for an initial collective bargaining agreement; bypassing the Union to deal directly with employees; discharging nearly a third of the bargaining unit and failing to bargain with the Union regarding this discretionary discipline; failing, refusing and/or delaying in providing information necessary and relevant to bargaining; and threatening and interrogating employees. Because of the severity of the alleged misconduct, and the chilling effect the Respondent's conduct has had on employees, the Region is currently considering whether to seek authorization for injunctive relief pursuant to Section 10(j) of the Act. As the passage of time would likely undermine continued employee support for the Union, any continuance would be detrimental to the Board's ability to order meaningful relief at the conclusion of the administrative proceedings.

B. Respondent Has Failed to Demonstrate an Adverse Impact

The allegations contained in the Consolidated Complaint occurred at Respondent's radio station in Los Angeles. Respondent has failed to show that anyone involved in the Los Angeles hearing would be unavailable for trial due to the natural disasters affecting Puerto Rico, Houston, and Miami. Further, Respondent has failed to identify any person working in Miami, Puerto Rico or elsewhere who is necessary to prepare Respondent's defense that would be unable to assist because of the disasters.

To the extent that the Respondent now claims that its December furlough may adversely impact the availability of witnesses and participation by the Company, Counsel for the General

Counsel disagrees. Should Respondent place employees on furloughs, there would be no disruption to Respondent's operations should either party call furloughed employees as witnesses.

III. Conclusion

Based on the foregoing, Respondent has not established good cause to postpone the hearing nearly two months. Accordingly, Respondent's motion should be denied.

Respectfully submitted,

A handwritten signature in black ink, reading "Joelle A. Mervin". The signature is written in a cursive style with a large, sweeping loop at the end.

Joelle A. Mervin
Counsel for the General Counsel
National Labor Relations Board
Region 31

Dated at Los Angeles, California this 23rd day of October 2017.

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REGION 31

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SCREEN ACTORS GUILD-AMERICAN
FEDERATION OF TELEVISION RADIO
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AFFIDAVIT OF SERVICE OF General Counsel's Opposition to Respondent's Motion to Reschedule Hearing

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on October 23, 2017, I served the above-entitled document(s) by **e-mail** upon the following persons at the following e-mail addresses:

sandy@rudnick.com

H. SANFORD RUDNICK

H. Sanford Rudnick & Associates

anna.calderon@sagaftra.org

Anna Calderon , National Director

SCREEN ACTORS GUILD-AMERICAN
FEDERATION OF TELEVISION RADIO
ARTISTS (SAG-AFTRA)

jgutmandickinson@bushgottlieb.com

Julie Gutman Dickinson , Attorney

Bush Gottlieb A Law Corporation

October 23, 2017

Date

Steven Wyllie, Designated Agent of NLRB

Name

/s/ Steven Wyllie

Signature