

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

B & H FOTO & ELECTRONICS CORP.

and

Case 29-CA-191326

DISTRICT 2, UNITED STEEL, PAPER &  
FORESTRY, RUBBER, MANUFACTURING,  
ENERGY, ALLIED-INDUSTRIAL AND SERVICE  
WORKERS INTERNATIONAL UNION, AFL-CIO-CLC

**ORDER DENYING MOTION<sup>1</sup>**

The Respondent's motion to dismiss is denied. The Respondent has failed to establish that the complaint allegations are moot and that there cannot be an appropriate remedy in light of the alleged closure of one of the facilities involved in this proceeding and the alleged impending closure of a second facility. Moreover, the Respondent has failed to establish that there are no genuine issues of material fact warranting a hearing and that it is entitled to judgment as a matter of law. The Respondent's request to hold the November 1, 2017 hearing in abeyance is also denied.

Dated, Washington, D.C., October 27, 2017.

LAUREN McFERRAN, MEMBER

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.