

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

MARQUEZ BROTHERS ENTERPRISES, INC.

and

Cases 21-CA-039581

ALFONSO MARES

and

21-CA-039609

JAVIER AVILA

ORDER¹

The Respondent's motion for reconsideration of the Board's September 7, 2017 Order granting the General Counsel's special appeal of Administrative Law Judge Lisa Thompson's ruling prohibiting the General Counsel from questioning any witnesses other than the compliance officer concerning the discriminatees' interim earnings is denied. The Respondent has not identified any material error or demonstrated extraordinary circumstances warranting reconsideration under Section 102.48(d)(1) of the Board's Rules and Regulations.

Dated, Washington, D.C., January 17, 2018

MARVIN E. KAPLAN, CHAIRMAN²

MARK GASTON PEARCE, MEMBER

LAUREN McFERRAN, MEMBER

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

² Chairman Kaplan did not participate on the panel for the order reversing the judge's imposition of sanctions on the General Counsel for discriminatees' failure to comply with subpoenas duces tecum, and he does not pass on the rationale for reversal. However, he agrees with his colleagues here that the Respondent has not raised any arguments not previously considered by the Board or identified any extraordinary circumstances warranting reconsideration.