

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

KATHY DREW KING, Regional Director of *
Region 29 of the National Labor Relations Board, *
for and on behalf of the NATIONAL LABOR *
RELATIONS BOARD *
*

Petitioner *
*

AFFIDAVIT

v. *
*

--CV--

THERMO FISHER SCIENTIFIC INC. *
*

Respondent *
*

STATE OF NEW YORK)
) s.s.:
COUNTY OF KINGS)

I, Kathy Drew King, being first duly sworn, depose and say:

1. I am the Regional Director of Region 29 of the National Labor Relations Board. I have read the foregoing Petition and know the contents thereof, and the statements therein made upon personal knowledge are true and those made upon information and belief I believe to be true.

2. Pursuant to Local Civil Rule 6.1(d) of the United States District Court for the Eastern District of New York and 28 U.S.C. §1657, this proceeding is brought on by application for Order to Show Cause, rather than by Notice of Motion for the following reasons:

(a) I have reasonable cause to believe that the activities of Respondent described in the foregoing Petition occurring in connection with the business operations of an employer engaged in commerce, have a close, intimate and substantial relation to trade, traffic and

commerce among the several states and tend to, and do lead to, labor disputes burdening and obstructing commerce and the free flow of commerce, and it may fairly be anticipated that, unless a temporary injunction is issued, Respondent will continue or repeat the acts and conduct alleged in the Petition, or similar acts and conduct. No previous application has been made for the order or relief herein sought.

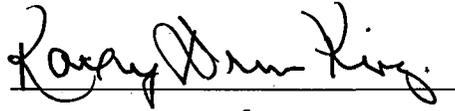
(b) Section 10(j) of the National Labor Relations Act reflects the Congressional determination that because of the sometimes necessarily protracted and time consuming legal procedures, Congress gave the Board power in the public interest to seek injunctive relief to prevent persons who are violating the Act from accomplishing their unlawful purpose. In Section 10(j), Congress gave the Board the power to petition any District Court of the United States for appropriate temporary relief. The legislative history of the Act shows that Congress intended such power to be exercised by the Court. S. Rep. No. 105, 80th Cong., 1st Sess. 8, 27 (1947).

3. Accordingly, I respectfully submit that the Congressional mandate referred to above dictates that the most expeditious procedures available should be utilized in proceedings of this nature, and that, therefore, good and sufficient reason exists within the meaning of Local Civil Rule 6.1(d) to bring this matter on by Order to Show Cause, rather than by Notice of Motion. This action for injunction under Section 10(j) of the Act seeks to restrain conduct which is currently obstructing or leading to the obstruction of interstate commerce. Therefore, good cause exists within the meaning of 28 U.S.C. §1657 to expedite consideration of this case by allowing it to be heard upon an Order to Show Cause, rather upon a Notice of Motion.

4. On December 19, 2017, my office made an offer to settle the unfair labor practice allegations by e-mail to Patrick Egan, Esq., Counsel for Respondent.

5. On January 16, 2018, Patrick Egan, Esq., Counsel for Respondent, was advised that the Board would be making application for a temporary injunction order.

Dated at Brooklyn, New York, on January 19, 2018.



Kathy Drew King
Regional Director, Region 29
National Labor Relations Board
Two MetroTech Center, Suite 5100
Brooklyn, New York 11201

Subscribed and sworn to before me

On January 19, 2018.



ERIN EILEEN SCHAEFER
Notary Public, State of New York
Qualified in New York County
No. 02SC6316882
My Commission Expires 12-22-2018

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[Handwritten signature]

EMILIE SILBER SCHAEFER
New York Public State of New York
Qualified in New York County
No. 02808318882
My Commission Expires 12-22-2018