

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

JBM JANITORIAL MAINTENANCE, INC.

and

Case 16-CA-201387

**SERVICE EMPLOYEES INTERNATIONAL
UNION TEXAS**

**MOTION TO TRANSFER PROCEEDINGS
TO THE BOARD AND MOTION FOR DEFAULT JUDGMENT**

Counsel for the General Counsel moves, pursuant to Sections 102.24(b) and 102.50 of the National Labor Relations Board's Rules and Regulations (Rules and Regulations), and based on the facts set forth below and the attached exhibits, to transfer proceedings to the National Labor Relations Board (the Board) and for default judgment in the above-styled and numbered case.

In support of said Motions, Counsel for the General Counsel offers the following:

1.

The charge in Case 16-CA-201387 was filed by the Service Employees International Union Texas (Charging Party) on June 26, 2017, and a copy was served on Respondent by U.S. mail on June 27, 2017. Copies of the Charge and service thereof are attached hereto as Exhibits 1 and 2, respectively.

2.

On October 23, 2017, the Regional Director of Region 16, pursuant to Section 102.15 of the Rules and Regulations, issued a Complaint and Notice of Hearing in Case 16-CA-201387. Said Complaint was served on Respondent by certified mail on October 23, 2017. Pursuant to Sections 102.20 and 102.21 of the Rules and Regulations, the Complaint requested that Respondent file an Answer on or before November 6, 2017, and stated that failure to do so

would result in all allegations of the Complaint being deemed admitted pursuant to a Motion for Default Judgment. Copies of the Complaint and service thereof are attached hereto as Exhibits 3 and 4, respectively.

3.

On November 6, 2017, Attorney Dinesh Singhal timely filed an Answer to the Complaint on Respondent's behalf. A copy of the Answer is attached hereto as Exhibit 5.

4.

On January 25, 2018, Attorney Dinesh Singhal withdrew as Counsel for Respondent. Copies of Respondent's Motion to Withdraw and the Region's Order Granting Approval are attached hereto as Exhibits 6 and 7, respectively.

5.

Having previously advised Counsel for the General Counsel that Respondent is no longer in business and its facility has closed, on February 7, 2018, Viridiana Garcia, Respondent's owner, sent Counsel for the General Counsel an email withdrawing Respondent's Answer filed on November 6, 2017. A copy of this correspondence is attached hereto as Exhibit 8.

6.

On February 9, 2018, the Regional Director for Region 16 sent Respondent a letter, to Viridiana Garcia's attention, via email and UPS, reiterating that because Respondent had withdrawn its Answer, the General Counsel intended to file a Motion for Default Judgment with the Board on about February 16, 2018. The letter invited Respondent to contact Counsel for the General Counsel with any questions or concerns. Copies of this correspondence and service thereof are attached hereto as Exhibits 9 and 10, respectively. Subsequently, one of Respondent's agents contacted Counsel for the General Counsel to inquire about the purpose of

the letter and Counsel for the General Counsel briefly discussed these matters with her and encouraged her to carefully read its contents and contact Counsel for the General Counsel with any questions.

7.

Based on Respondent's February 7, 2018, withdrawal of its Answer, Counsel for the General Counsel respectfully requests that the Board deem all of the allegations in the Complaint to be true, and issue an appropriate default judgment order. *See JG Restaurant Ventures, LLC*, 365 NLRB No. 144, slip op. (2017); *Maislin Transport*, 274 NLRB 529 (1985). Specifically, Counsel for the General Counsel moves that the Board:

- (1) Grant Counsel for the General Counsel's Motion to Transfer Proceedings to the Board and Motion for Default Judgment;
- (2) Find that all allegations of the Complaint are true;
- (3) Issue a Decision and Order finding Respondent's conduct in discharging Cesar 'Paola' Hernandez violative of Section 8(a)(3) and (1) of the Act; and
- (4) Provide any further relief as the Board may deem to be appropriate to effectuate the policies and purposes of the Act.

DATED at Fort Worth, Texas, this 6th day of March, 2018.

/s/ Megan McCormick
Megan McCormick
Counsel for the General Counsel
National Labor Relations Board, Region 16
819 Taylor St. Room 8A24
Fort Worth, TX 76102
Tel: (682) 703-7233
Fax: (817) 978-2928
Megan.McCormick@nlrb.gov

CERTIFICATE OF SERVICE

I hereby certify that Counsel for the General Counsel's Motion to Transfer Proceedings to the Board and Motion for Default Judgment has been electronically served this 6th day of March, 2018, upon the following parties:

Viridiana Garcia
7002 Hillsboro St.
Houston, Texas 77020
Viridiana_jbm@yahoo.com

Alicia Junco
Service Employees International Union (SEIU)
4299 San Felipe Street, Suite 200
Houston, TX 77027
Alicia.junco@seiu.org

/s/ Megan McCormick
Megan McCormick
Counsel for the General Counsel
National Labor Relations Board, Region 16
819 Taylor St. Room 8A24
Fort Worth, TX 76102
Tel: (682) 703-7233
Fax: (817) 978-2928
Megan.McCormick@nlrb.gov

Exhibit 1

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
16-CA-201387	6/26/2017

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer JBM Janitorial Maintenance Inc.		b. Tel. No. (832) 672-4102
d. Address (street, city, state ZIP code) 505 N Sam Houston Pkwy E, Ste. 110 Houston, TX 77060-4031		c. Cell No.
e. Employer Representative Viridiana Garcia		f. Fax No.
i. Type of Establishment (factory, nursing home, hotel) Janitorial Services Contractor		g. Number of workers employed Approx. 100
j. Principal Product or Service Janitorial Services		
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (<i>set forth a clear and concise statement of the facts constituting the alleged unfair labor practices</i>) Since on or about May 4, 2017, through its agents and/or representatives, the Employer has violated Section 7 of the Act by terminating Cesar Paola Hernandez for engaging in union activity and/or other protected concerted activity.		

3. Full name of party filing charge (*if labor organization, give full name, including local name and number*)**Service Employees International Union Texas**

4a. Address (street and number, city, state, and ZIP code) 4299 San Felipe St., Suite 200 Houston, TX 77027		4b. Tel. No. 832-204-1138
		4c. Cell No.
		4d. Fax No. (713) 541-0008
		4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (*to be filled in when charge is filed by a labor organization*)**Service Employees International Union, CTW, CLC**

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

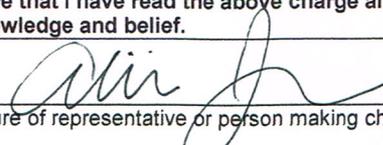
Tel. No.
(832) 204-3826By: 
(signature of representative or person making charge)**Alicia Junco, Attorney**
Print Name and TitleOffice, if any, Cell No.
(954) 604-7511Address: **4299 San Felipe St., Suite 200
Houston, TX 77072**Date: **6/26/17**Fax No.
(713) 541-0008e-Mail
alicia.junco@seiu.org**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Exhibit 2

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

JBM JANITORIAL MAINTENANCE INC.

Charged Party

and

**SERVICE EMPLOYEES INTERNATIONAL
UNION TEXAS**

Charging Party

Case 16-CA-201387

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 27, 2017, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

VIRIDIANA GARCIA
JBM JANITORIAL MAINTENANCE, INC.
505 N SAM HOUSTON PKWY
STE 110
HOUSTON, TX 77060-4031

June 27, 2017

Date

Cynthia Davis, Designated Agent of NLRB

Name



Signature

Exhibit 3

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16**

JBM JANITORIAL MAINTENANCE, INC.

and

Case 16-CA-201387

**SERVICE EMPLOYEES INTERNATIONAL
UNION TEXAS**

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by SERVICE EMPLOYEES INTERNATIONAL UNION TEXAS (Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that JBM JANITORIAL MAINTENANCE, INC. (Respondent) has violated the Act as described below:

1.

The charge in this proceeding was filed by the Charging Party on June 26, 2017, and a copy was served on Respondent by U.S. mail on June 27, 2017.

2.

At all material times, Respondent has been a Texas corporation with an office and place of business in Houston, Texas, and has been engaged in the business of providing janitorial services.

3.

In conducting its operations during the 12-month period ending December 31, 2016, Respondent provided services valued in excess of \$50,000 to customers outside the State of Texas.

4.

At all material times, the Respondent has been an employer engaged in commerce within the meaning of Sections 2(2), (6), and (7) of the Act.

5.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Mary Ann Guillen	-	Human Resources and Cleaning Supervisor
Viridiana Garcia	-	Owner
Rafael Martinez	-	Cleaning Supervisor
Cecil Martinez	-	Contract Supervisor

6.

At all material times, the Charging Party has been a labor organization within the meaning of Section 2(5) of the Act.

7.

(a) About April 13, 2017, Respondent's employee Cesar "Paola" Hernandez engaged in concerted activities for the purposes of mutual aid and protection by filing a wage theft complaint with the City of Houston.

(b) About April 18, 2017, Cesar "Paola" Hernandez engaged in concerted activities for the purposes of mutual aid and protection by speaking at a Houston City Council meeting about the wages, hours and working conditions of Respondent's employees.

8.

About May 19, 2017, Respondent discharged Cesar "Paola" Hernandez.

9.

Respondent engaged in the conduct described in paragraph 8 because Cesar "Paola" Hernandez engaged in the conduct described in paragraph 7(a) and (b), because she assisted the Charging Party, and to discourage employees from engaging in these or other concerted activities.

10.

By the conduct described above in paragraph 8, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act and discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(3) and (1) of the Act.

11.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

12.

To fully remedy the unfair labor practices set forth above in paragraph 8, the General Counsel seeks an order requiring that the Charging Party be made whole, including reasonable consequential damages incurred as a result of the Respondent's unlawful conduct.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before November 6, 2017, or postmarked on or before November 5, 2017.**

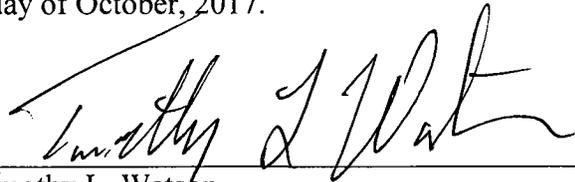
Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **February 20, 2018, at 9:00 a.m. at the National Labor Relations Board Hearing Room, Mickey Leland Federal Building, 1919 Smith Street, Suite 1545, Houston, Texas 77002**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

DATED at Fort Worth, Texas, this 23rd day of October, 2017.



Timothy L. Watson
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 16
819 Taylor St Rm. 8A24
Fort Worth, TX 76102-6107

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 16-CA-201387

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

VIRIDIANA GARCIA
JBM JANITORIAL MAINTENANCE, INC.
7050 E. FREEWAY, STE 2B
HOUSTON, TX 77020

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED 70171000000030657331**

DINESH H. SINGHAL, ATTORNEY
711 LOUISIANA ST., SUITE 1900
HOUSTON, TX 77002-2711

FIRST CLASS MAIL

ALICIA JUNCO, ATTORNEY
SERVICE EMPLOYEES
INTERNATIONAL UNION TEXAS
4299 SAN FELIPE ST, STE 200
HOUSTON, TX 77027

CERTIFIED MAIL 70171000000030657317

(OVER)

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

Exhibit 4

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16

JBM JANITORIAL MAINTENANCE INC.

and

Case 16-CA-201387

SERVICE EMPLOYEES INTERNATIONAL
UNION TEXAS

AFFIDAVIT OF SERVICE OF: COMPLAINT AND NOTICE OF HEARING (with forms NLRB-4338 and NLRB-4668 attached)

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 **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

VIRIDIANA GARCIA
JBM JANITORIAL MAINTENANCE, INC.
7050 E. FREEWAY, STE 2B
HOUSTON, TX 77020

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED 70171000000030657331**

DINESH H. SINGHAL, ATTORNEY
711 LOUISIANA ST., SUITE 1900
HOUSTON, TX 77002-2711

FIRST CLASS MAIL

ALICIA JUNCO, ATTORNEY
SERVICE EMPLOYEES
INTERNATIONAL UNION TEXAS
4299 SAN FELIPE ST, STE 200
HOUSTON, TX 77027

CERTIFIED MAIL 70171000000030657317

October 23, 2017

Date

Kari Kolb, Designated Agent of NLRB

Name



Signature

Exhibit 5

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16

JBM JANITORIAL MAINTENANCE INC.,	§	
	§	
and	§	Case 16-CA-201387
	§	
SERVICE EMPLOYEES INTERNATIONAL	§	
UNION TEXAS,	§	

JBM'S ORIGINAL ANSWER

Pursuant to the National Labor Relations Board Rules and Regulations section 102.20 and the Complaint and Notice of Hearing issued by the Board, JBM Janitorial Maintenance Inc. files this Original Answer. JBM denies that it has violated the National Labor Relations Act (the Act) as alleged.

1. JBM admits the facts alleged in paragraph one of the Complaint.

2. JBM admits the facts alleged in paragraph two of the Complaint.

3. JBM denies the facts alleged in paragraph three of the Complaint.

4. JBM denies the facts alleged in paragraph four of the Complaint.

5. JBM admits the facts alleged in paragraph five of the Complaint.

6. JBM does not have sufficient knowledge to admit or deny the facts alleged in paragraph six of the Complaint.

7. JBM does not have sufficient knowledge to admit or deny the facts alleged in paragraphs 7(a) and 7(b) of the Complaint.
8. JBM admits the facts alleged in paragraph eight of the Complaint.
9. JBM denies the facts alleged in paragraph nine of the Complaint.
10. JBM denies the facts alleged in paragraph ten of the Complaint.
11. JBM denies the facts alleged in paragraph eleven of the Complaint.
12. JBM denies that the unfair labor practices set forth in paragraph eight of the Complaint occurred, denies that JBM engaged in any unlawful conduct as alleged, and denies that the charging party or Cesar "Paola" Hernandez are entitled to any damages or other remedy as a result of JBM's conduct. JBM admits that the General Counsel seeks the relief as stated.

Respectfully submitted,

THE SINGHAL LAW FIRM

By: /s/ Dinesh H. Singhal

Dinesh H. Singhal

Texas Bar No. 24003383

dineshsinghal@gmail.com

711 Louisiana Street – Suite 1900

Houston, Texas 77002

Tel: 713.222.8500

Fax: 866.533.6695

**ATTORNEY FOR RESPONDENT,
JBM JANITORIAL MAINTENANCE
INC.**

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing JBM's Original Answer has been served on the charging party Service Employees International Union Texas through its attorney Alicia Junco by email to alicia.junco@seiu.org on November 6, 2017.

/s/ Geoffrey E. Riddle

Geoffrey E. Riddle

Exhibit 6

United States of America
Before the National Labor Relations Board
Region 16

JBM JANITORIAL MAINTENANCE INC.,	§	
	§	
and	§	CASE 16-CA-201387
	§	
SERVICE EMPLOYEES INTERNATIONAL	§	
UNION TEXAS,	§	

**MOTION TO WITHDRAW AS COUNSEL
FOR JBM JANITORIAL MAINTENANCE INC.**

Dinesh H. Singhal and The Singhal Law Firm move to withdraw as counsel for Respondent JBM Janitorial Maintenance Inc.

1. Movant seeks to withdraw as counsel for JBM because the company has ceased operations and its representatives have indicated that the business has no substantial assets and no longer requires or desires representation. JBM has consented to counsel's withdraw from this matter.
2. Since JBM has indicated that it intends to proceed without representation, movant's withdrawal will not cause delay and will not prejudice the complainant.
3. For these reasons, movant asks that the Board grant this motion and order that Dinesh Singhal and The Singhal Law Firm may withdraw as counsel and are relieved of any further duty to represent Respondent JBM Janitorial Maintenance Inc. in connection with this matter.

Respectfully submitted,

THE SINGHAL LAW FIRM

By: /s/ Dinesh H. Singhal

Dinesh H. Singhal
Texas Bar No. 24003383
dinesh@singhallaw.com
711 Louisiana Street – Suite 1900
Houston, Texas 77002
Tel: 713.222.8500
Fax: 866.533.6695

**ATTORNEY FOR RESPONDENT,
JBM JANITORIAL MAINTENANCE INC.**

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Withdraw as Counsel for JBM Janitorial Maintenance Inc. has been served on the following parties by email on January 25, 2018:

- Alicia Junco (alicia.junco@seiu.org),
Counsel for Complainant, Service Employees International Union
- Megan McCormick (Megan.McCormick@nlrb.gov),
Counsel for National Labor Relations Board, Region 16

/s/ Geoffrey E. Riddle

Geoffrey E. Riddle

Exhibit 7



United States Government
NATIONAL LABOR RELATIONS BOARD
REGION 16
Room 8A24, Federal Office Building
819 Taylor Street
Fort Worth, Texas 76102-6178

Agency Web Site: www.nlr.gov

January 25, 2017

VIA EMAIL: dinesh@singhallaw.com

Via First Class Mail:

The Singhal Law Firm
711 Louisiana Street – Suite 1900
Houston, Texas 77002

Re: JBM Janitorial Maintenance, Inc.
Case 16-CA-201387

Dear Mr. Singhal:

This letter is to inform you that your Motion to Withdraw as Counsel for JBM Janitorial Maintenance, Inc., filed on January 25, 2018, is hereby granted.

Sincerely,

/s/Timothy L. Watson
Timothy L. Watson
Regional Director
National Labor Relations Board, Region 16
819 Taylor St. Rm. 8A24
Fort Worth, TX 76102-6107

cc: Viridiana Garcia
JBM Janitorial Maintenance, Inc.
7002 Hillsboro Street
Houston, Texas 77002
Viridiana_jbm@yahoo.com

Alicia Junco, Attorney
Service Employees International Union Texas
4299 San Felipe Street, Ste. 200
Houston, Texas 77027
Alicia.junco@seiu.org

From: Huckabay, Eileen
To: ["Viridiana_jbm@yahoo.com"](mailto:Viridiana_jbm@yahoo.com)
Subject: JBM Janitorial Maintenance 16-CA-201387
Date: Friday, January 26, 2018 10:10:15 AM
Attachments: [LTR.16-CA-201387.Letter granting Singhal Motion to Withdraw as Counsel for ER.docx](#)

Timothy L. Watson
Regional Director
National Labor Relations Board
Region 16 Fort Worth

From: Huckabay, Eileen
To: ["dinesh@singhallaw.com"](mailto:dinesh@singhallaw.com)
Subject: JBM Janitorial Maintenance 16-CA-201387
Date: Friday, January 26, 2018 10:15:46 AM
Attachments: [LTR.16-CA-201387.Letter granting Singhal Motion to Withdraw as Counsel for ER.docx](#)

Timothy L. Watson
Regional Director
National Labor Relations Board
Region 16 Fort Worth

From: Huckabay, Eileen
To: ["Alicia.junco@seiu.org"](mailto:Alicia.junco@seiu.org)
Subject: JBM Janitorial Maintenance 16-CA-201387
Date: Friday, January 26, 2018 10:12:39 AM
Attachments: [LTR.16-CA-201387.Letter granting Singhal Motion to Withdraw as Counsel for ER.docx](#)

Timothy L. Watson
Regional Director
National Labor Relations Board
Region 16 Fort Worth

Exhibit 8

From: [Viridiana Garcia](#)
To: [McCormick, Megan](#)
Subject: Re: 16-CA-201387 JBM Janitorial Maintenance Inc.
Date: Wednesday, February 07, 2018 5:16:06 PM

i would like to withdraw the answer filed on November 6, 2017. Case #16-CA201387

On Wednesday, February 7, 2018 5:12 PM, "McCormick, Megan" <Megan.McCormick@nlrb.gov> wrote:

From: McCormick, Megan
Sent: Tuesday, January 30, 2018 5:26 PM
To: 'viridiana_jbm@yahoo.com' <viridiana_jbm@yahoo.com>
Subject: 16-CA-201387 JBM Janitorial Maintenance Inc.

Ms. Garcia,

Thank you for taking the time to speak with me on the phone this afternoon. As I explained during that conversation, this case is scheduled for hearing at 9:00 a.m. on February 20, 2018, at the NLRB Hearing Room in the Mickey Leland Federal Building, 1919 Smith Street, Suite 1545, Houston, Texas 77002. You, along with Mary Ann Guillen, Cecil Martinez, and Rafael Martinez, pursuant to the subpoenas you received on January 26, 2017, are required to appear at hearing at that date and time and to bring with you all subpoenaed documents. If you fail to appear or fail to bring subpoenaed documents, we may enforce our subpoenas in federal court, which may require you to appear in U.S. District Court, where a U.S. District Judge may order you to appear and produce the requested documents.

You indicated during our conversation that JBM Janitorial Maintenance, Inc. is no longer in business. As I explained this afternoon, if this is true, and you do not wish to proceed to hearing and put on your evidence for the Administrative Law Judge, there is another option available to the company: you may choose to withdraw the Answer to Complaint you filed (through Attorney Singhal, who has now withdrawn as your counsel) on November 6, 2017. By withdrawing the Answer, the allegations in the Complaint would be deemed admitted, and the company would not have the opportunity to argue the case on the merits. The case would then be transferred to the Board via Motion for Default Judgment, and the company would thereafter have the opportunity to show the Board it does not have the ability to pay the money owed. If you wish to exercise this option, you may send me an email or letter requesting to withdraw the Answer to Complaint in 16-CA-201387 JBM Janitorial Maintenance Inc.

If you have any questions, please feel free to give me a call at the phone number below. I am happy to discuss the company's options in further detail.

Thank you,

Megan McCormick

Field Attorney

National Labor Relations Board, Region 16

819 Taylor St. Room 8A24

Fort Worth, TX 76102

Tel: (682) 703-7233

Fax: (817) 978-2928

Megan.McCormick@nrb.gov

<http://www.nrb.gov/region/fort-worth>



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Exhibit 9



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor St Rm 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlr.gov
Telephone: (817)978-2921
Fax: (817)978-2928

February 9, 2018

VIA EMAIL: Viridiana_jbm@yahoo.com

Via UPS:

Viridiana Garcia
7002 Hillsboro St.
Houston, Texas 77020

Re: JBM Janitorial Maintenance, Inc.
Case 16-CA-201387

Dear Ms. Garcia:

On October 23, 2017, my office issued the enclosed Complaint and Notice of Hearing in the above-referenced case. On November 6, 2017, attorney Dinesh Singhal filed the attached Answer to Complaint on behalf of JBM Janitorial Maintenance, Inc. On January 25, 2018, Mr. Singhal withdrew as counsel. On February 7, 2018, you requested, via email, to withdraw the Answer to Complaint filed on November 6, 2017.

As you have previously discussed with Field Attorney Megan McCormick via email and telephone, because you have withdrawn your Answer to the Complaint, the Region will be seeking a default judgment in this matter. This means the Region will request that the Board find that JBM Janitorial Maintenance, Inc. violated Section 8(a)(3) and (1) of the National Labor Relations Act, as alleged in the Complaint, and issue a Decision and Order against JBM Janitorial Maintenance, Inc. requiring, among other things, that it and/or its officers, agents, successors and assigns make the discriminatee in this case (Cesar 'Paola' Hernandez) whole by paying her all backpay and expenses owed.

My office will file a motion requesting default judgment on about February 16, 2018. Settlement of such matters is always preferable and I will continue to consider any reasonable offer. If you would like to explore the possibility of settling this matter, or have any other questions, please contact Field Attorney Megan McCormick before February 16, 2018 at (682)703-7233.

Sincerely,

Timothy L. Watson
Timothy L. Watson
Regional Director

Enclosures

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16**

JBM JANITORIAL MAINTENANCE, INC.

and

Case 16-CA-201387

**SERVICE EMPLOYEES INTERNATIONAL
UNION TEXAS**

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by SERVICE EMPLOYEES INTERNATIONAL UNION TEXAS (Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that JBM JANITORIAL MAINTENANCE, INC. (Respondent) has violated the Act as described below:

1.

The charge in this proceeding was filed by the Charging Party on June 26, 2017, and a copy was served on Respondent by U.S. mail on June 27, 2017.

2.

At all material times, Respondent has been a Texas corporation with an office and place of business in Houston, Texas, and has been engaged in the business of providing janitorial services.

3.

In conducting its operations during the 12-month period ending December 31, 2016, Respondent provided services valued in excess of \$50,000 to customers outside the State of Texas.

4.

At all material times, the Respondent has been an employer engaged in commerce within the meaning of Sections 2(2), (6), and (7) of the Act.

5.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Mary Ann Guillen	-	Human Resources and Cleaning Supervisor
Viridiana Garcia	-	Owner
Rafael Martinez	-	Cleaning Supervisor
Cecil Martinez	-	Contract Supervisor

6.

At all material times, the Charging Party has been a labor organization within the meaning of Section 2(5) of the Act.

7.

(a) About April 13, 2017, Respondent's employee Cesar "Paola" Hernandez engaged in concerted activities for the purposes of mutual aid and protection by filing a wage theft complaint with the City of Houston.

(b) About April 18, 2017, Cesar "Paola" Hernandez engaged in concerted activities for the purposes of mutual aid and protection by speaking at a Houston City Council meeting about the wages, hours and working conditions of Respondent's employees.

8.

About May 19, 2017, Respondent discharged Cesar "Paola" Hernandez.

9.

Respondent engaged in the conduct described in paragraph 8 because César "Paola" Hernandez engaged in the conduct described in paragraph 7(a) and (b), because she assisted the Charging Party, and to discourage employees from engaging in these or other concerted activities.

10.

By the conduct described above in paragraph 8, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act and discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(3) and (1) of the Act.

11.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

12.

To fully remedy the unfair labor practices set forth above in paragraph 8, the General Counsel seeks an order requiring that the Charging Party be made whole, including reasonable consequential damages incurred as a result of the Respondent's unlawful conduct.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before November 6, 2017, or postmarked on or before November 5, 2017.**

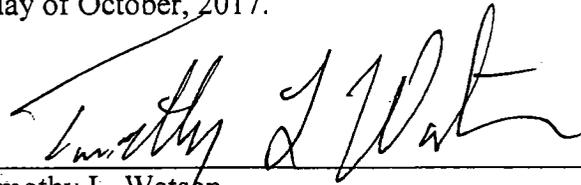
Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **February 20, 2018, at 9:00 a.m. at the National Labor Relations Board Hearing Room, Mickey Leland Federal Building, 1919 Smith Street, Suite 1545, Houston, Texas 77002**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

DATED at Fort Worth, Texas, this 23rd day of October, 2017.



Timothy L. Watson
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 16
819 Taylor St Rm. 8A24
Fort Worth, TX 76102-6107

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 16-CA-201387

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

VIRIDIANA GARCIA
JBM JANITORIAL MAINTENANCE, INC.
7050 E. FREEWAY, STE 2B
HOUSTON, TX 77020

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED 70171000000030657331**

DINESH H. SINGHAL, ATTORNEY
711 LOUISIANA ST., SUITE 1900
HOUSTON, TX 77002-2711

FIRST CLASS MAIL

ALICIA JUNCO, ATTORNEY
SERVICE EMPLOYEES
INTERNATIONAL UNION TEXAS
4299 SAN FELIPE ST, STE 200
HOUSTON, TX 77027

CERTIFIED MAIL 70171000000030657317

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16

JBM JANITORIAL MAINTENANCE INC., §
and §
SERVICE EMPLOYEES INTERNATIONAL §
UNION TEXAS, §

Case 16-CA-201387

JBM'S ORIGINAL ANSWER

Pursuant to the National Labor Relations Board Rules and Regulations section 102.20 and the Complaint and Notice of Hearing issued by the Board, JBM Janitorial Maintenance Inc. files this Original Answer. JBM denies that it has violated the National Labor Relations Act (the Act) as alleged.

1. JBM admits the facts alleged in paragraph one of the Complaint.
2. JBM admits the facts alleged in paragraph two of the Complaint.
3. JBM denies the facts alleged in paragraph three of the Complaint.
4. JBM denies the facts alleged in paragraph four of the Complaint.
5. JBM admits the facts alleged in paragraph five of the Complaint.
6. JBM does not have sufficient knowledge to admit or deny the facts alleged in paragraph six of the Complaint.

7. JBM does not have sufficient knowledge to admit or deny the facts alleged in paragraphs 7(a) and 7(b) of the Complaint.
8. JBM admits the facts alleged in paragraph eight of the Complaint.
9. JBM denies the facts alleged in paragraph nine of the Complaint.
10. JBM denies the facts alleged in paragraph ten of the Complaint.
11. JBM denies the facts alleged in paragraph eleven of the Complaint.
12. JBM denies that the unfair labor practices set forth in paragraph eight of the Complaint occurred, denies that JBM engaged in any unlawful conduct as alleged, and denies that the charging party or Cesar "Paola" Hernandez are entitled to any damages or other remedy as a result of JBM's conduct. JBM admits that the General Counsel seeks the relief as stated.

Respectfully submitted,

THE SINGHAL LAW FIRM

By: /s/ Dinesh H. Singhal

Dinesh H. Singhal

Texas Bar No. 24003383

dineshsinghal@gmail.com

711 Louisiana Street – Suite 1900

Houston, Texas 77002

Tel: 713.222.8500

Fax: 866.533.6695

**ATTORNEY FOR RESPONDENT,
JBM JANITORIAL MAINTENANCE
INC.**

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing JBM's Original Answer has been served on the charging party Service Employees International Union Texas through its attorney Alicia Junco by email to alicia.junco@seiu.org on November 6, 2017.

/s/ Geoffrey E. Riddle

Geoffrey E. Riddle

Exhibit 10

From: [UPS Quantum View](#)
To: [Davis, Cynthia](#)
Subject: UPS Tracking Notification, Tracking Number 1ZA40E804391234721
Date: Thursday, February 15, 2018 12:31:41 PM



At the request of Cynthia Davis of NATIONAL LABOR RELATIONS BOARD, this notice alerts you of the status of the shipment listed below.

Tracking Detail

Your package has been delivered.

Tracking Number: [1ZA40E804391234721](#)
Type: Package
Status: **Delivered**
Delivered On: 02/10/2018 2:40 P.M.
Location: FRONT DOOR
Delivered To: 7002 HILLSBORO ST
HOUSTON, TX, US, 77020
Shipped/Billed On: 02/09/2018
Reference Number(s): 7-DAY LETTER, CNOH, ANSWER
Service: UPS GROUND
Weight: 1.00 Lb

Shipment Progress

Location	Date	Local Time
HOUSTON, TX, US	02/10/2018	2:40 P.M. Delivered
	02/10/2018	9:41 A.M. Out For Delivery Today
	02/10/2018	7:49 A.M. Loaded on Delivery Vehicle
	02/10/2018	7:05 A.M. Destination Scan
HOUSTON, TX, US	02/09/2018	8:46 P.M. Destination Scan
	02/09/2018	7:50 P.M. Origin Scan
US	02/09/2018	3:29 P.M. Order Processed: Ready for UPS

Tracking results provided by UPS: 02/15/2018 1:31 P.M. Eastern Time

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