

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SUBREGION 37**

FOODLAND SUPER MARKET, LTD.

and

Case 20-CA-209925

**INTERNATIONAL LONGSHORE &
WAREHOUSE UNION LOCAL 142**

MOTION FOR DEFAULT JUDGMENT

Comes now the General Counsel of the National Labor Relations Board, by the undersigned Counsel for the General Counsel, and avers as follows:

1. On November 15, 2017, International Longshore & Warehouse Union Local 142 (the Union) filed a charge in case 20-CA-209925 alleging that Foodland Super Market, Ltd. (Respondent) was engaging in certain unfair labor practices affecting commerce, as set forth and defined in the National Labor Relations Act, as amended, 29 U.S.C., Sect. 151, et seq., (the Act). (A copy of said charge has been marked as Exhibit 1 and attached hereto and made a part hereof, as are all other documents marked as Exhibits and referred to hereafter.) The original charge was served on Respondent by first-class mail on November 15, 2017 (Exhibit 2).

2. On February 27, 2018, the General Counsel of the Board, by the Regional Director of Region 20 of the Board, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, Series 8, as amended, issued a Complaint and Notice of Hearing in Case 20-CA-209925 (Exhibit 3). The Complaint specifically informed Respondent that, pursuant to Section 102.20 and 102.21 of the Board's Rules and Regulations, an Answer to said Complaint must be filed on or before March 13, 2018, and that if no Answer was filed, the

Motion for Default Judgment
Case 20-CA-209925

Board may find, pursuant to a Motion for Default Judgment, that the allegations of the Complaint are true.

3. A copy of the Complaint and Notice of Hearing was served on Respondent by certified mail on February 27, 2018 (Exhibit 4). On February 28, 2018, a copy of the Complaint and Notice of Hearing Respondent was delivered by certified mail at Respondent's address. (Exhibit 5)

4. No Answer to the Complaint was filed.

5. By letter dated March 15, 2018, the Regional Director for Region 20 notified Respondent, that an Answer to the Complaint had not been received, and informed Respondent that, if an Answer was not received by March 23, 2018, a Motion for Default Judgment would be filed with the Board (Exhibit 6).

6. No Answer to the Complaint has been filed. In these circumstances, Default Judgment is appropriate. On Target Security, Inc., 362 NLRB No. 31 (2015); Pro Works Contracting, Inc., 362 NLRB No. 2 (2015); Fine Fare Supermarkets, 359 NLRB No. 65 (2013); Patrician Assisted Living Facility, 339 NLRB 1153 (2003); Malik Roofing Corporation, 338 NLRB 930 (2003); Robert W. Lockhart, d/b/a Lockhart Concrete, 336 NLRB 956 (2001); Kenco Electric & Signs, 325 NLRB 1118 (1998).

NOW THEREFORE, in view of all the matters set forth above, and in view of Section 102.20 of the Board's Rules and Regulations providing that all allegations of a complaint not denied are deemed to be admitted to be true, Counsel for the General Counsel prays that the Board issue a judgment on the pleadings; make appropriate findings of fact and conclusions of law; find that Respondent has violated Sections 8(a)(1) and (5) of the Act; and issue an order providing for an appropriate remedy--including, but not limited to, an order directing Respondent

Motion for Default Judgment
Case 20-CA-209925

to cease and desist from failing or refusing to provide information to the Union that is relevant and necessary to processing grievances or otherwise performing its duties as the exclusive collective-bargaining representative of Respondent's employees, and to provide the Union with the information it requested on October 3 and 30, 2017.

Dated at Honolulu, Hawai'i, this 3rd day of April 2018.

/s/ Scott E. Hovey, Jr.

Scott E. Hovey, Jr.
Counsel for the General Counsel
NATIONAL LABOR RELATIONS BOARD
300 Ala Moana Blvd Rm 7-245
Honolulu, HI 96850-7245

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SUBREGION 37

FOODLAND SUPER MARKET, LTD.

and

Case 20-CA-209925

**INTERNATIONAL LONGSHORE &
WAREHOUSE UNION, LOCAL 142**

AFFIDAVIT OF SERVICE OF: Motion for Default Judgment

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **April 3, 2018**, 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:

Monrae Bailey
Director of Human Resources
Foodland Super Market, Ltd.
3536 Harding Avenue, Suite 100
Honolulu, HI 96816-2453

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED
(#70151520000228758216)**

Michael M. Murata
Contract Administrator
International Longshore and Warehouse
Union, Local 142
451 Atkinson Drive
Honolulu, HI 96814-4729

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED
(#70151520000228758209)**

April 3, 2018

Date

Dolleen Keola, Designated Agent of NLRB

Name

/s/ Dolleen Keola

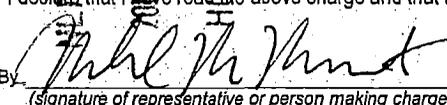
Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 20-CA-209925	Date Filed November 15, 2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Foodland Super Market, Ltd.	b. Tel. No. (808)735-7334
	c. Cell No. (808)283-9690
	f. Fax No. (808)737-6952
d. Address (Street, city, state, and ZIP code) 3536 Harding Avenue, Suite 100 Honolulu, Hawaii 96797	e. Employer Representative Monrae Bailey Director, Human Resources
	g. e-Mail MBailey@foodland.com
	h. Number of workers employed 939
i. Type of Establishment (factory, mine, wholesaler, etc.) Supermarket/Retail	j. Identify principal product or service Retail food sales
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) _____ 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 (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the past six months the Employer has refused to recognize the undersigned union, a labor organization chosen by a majority of its employees. The Employer has failed to provide any and all information and documents request. The Union's request was made in accordance with the Recognition Clause of the collective bargaining agreement and all applicable labor laws. The Union continues to require the requested information in order to properly investigate the Grievances No. JBD17-011 and JBD17-012 regarding the Suspension Pending Investigation and subsequent Termination of Mildred Cabanting. The information requested is necessary for the Union's grievance handling and to comply with its duty of fair representation. Within the past six months the Employer has interfered with, restrained, and coerced its employees in the exercise of their rights as guaranteed by Section 7 of the Act.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) International Longshore and Warehouse Union, Local 142	
4a. Address (Street and number, city, state, and ZIP code) 451 Atkinson Drive Honolulu, Hawaii 96814	4b. Tel. No. (808)949-4161
	4c. Cell No. (808)864-1489
	4d. Fax No. (808)955-1915
	4e. e-Mail michael.murata@ilwulocal142.org
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) International Longshore and Warehouse Union	
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.	
By:  (Signature of representative or person making charge)	Michael M Murata, Contract Administrator (Print/type name and title or office, if any)
Address 451 Atkinson Drive, Honolulu Hawaii 96814	Tel. No. (808)949-4161
	Office, if any, Cell No. Honolulu Office (808)864-1489
	Fax No. (808)955-1915
	e-Mail michael.murata@ilwulocal142.org
	11/13/17 (date)

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.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

FOODLAND SUPER MARKET, LTD.

Charged Party

and

**INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION, LOCAL 142**

Charging Party

Case 20-CA-209925

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on November 15, 2017, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Monrae Bailey, Director, Human Resources
Director
Foodland Super Market, Limited
3536 Harding Avenue, Suite 100
Honolulu, HI 96816-2453

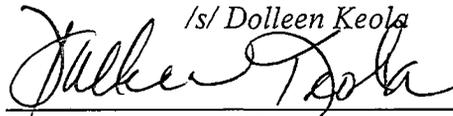
November 15, 2017

Date

Dolleen Keola, Designated Agent of NLRB

Name

/s/ Dolleen Keola



Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SUBREGION 37**

FOODLAND SUPER MARKET, LTD.

and

Case 20-CA-209925

**INTERNATIONAL LONGSHORE &
WAREHOUSE UNION LOCAL 142**

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by INTERNATIONAL LONGSHORE & WAREHOUSE UNION LOCAL 142 (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 Foodland Super Market, Ltd. (Respondent) has violated the Act as described below.

1. The charge in this proceeding was filed by the Charging Party on November 15, 2017, and a copy was served on Respondent by U.S. mail on November 15, 2017.

2. (a) At all material times, Respondent has been a corporation with an office and place of business in Kihei, Hawai'i, and has been engaged in the retail sale of grocery and related products

(b) In conducting its operations during the preceding twelve months, Respondent had an annual gross volume of sales in excess of \$500,000 and, during the same period, Respondent purchased and received goods and supplies in excess of \$5,000.00 directly from suppliers located outside the State of Hawai'i.

Complaint and Notice of Hearing
Case 20-CA-209925

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

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

5. (a) The following employees of Respondent, hereinafter called the Unit, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All employees including regular part-time and casual employees of Respondent on Oahu, Maui, Kauai and Hawai'i, exclusive of office clerical employees, watchmen and/or guards, professionals, engineers, all other job classifications covered by UFCW, and supervisors as defined by the National Labor Relations Act.

(b) Since at least 1959, and at all material times, Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective November 1, 2016 to October 31, 2019.

(c) At all times since at least 1959, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

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

Monrae Bailey	Director of Human Resources
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Robert Cadle	Store Manager
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7. (a) On October 3, 2017, the Union filed a grievance with Respondent regarding a suspension issued to a bargaining-unit employee.

(b) In a fax and letter dated October 3, 2017, sent in connection with the grievance described in subparagraph 7(a), the Union requested that Respondent furnish the Union with the following information:

- (1) Disciplinary policies, rules, and regulations of the employer from the date the disciplined employee was hired to the present, including all amendments thereto;
- (2) Any policies, procedures, and forms of the Employer's progressive or corrective discipline system;
- (3) Forewarning given to the disciplined employee (in writing or orally) of the possible disciplinary consequences (including penalties) of the employee's conduct (for which discipline was later imposed);
- (4) The specific rule, order, or policy the disciplined employee allegedly disobeyed or violated and the employer's interest in enforcement of the rule, order, or policy;
- (5) Investigative notes, reports, statements, interviews, conferences, memos, incident reports, complaints, photos, diagrams, tape recordings, charts, confessions, admissions, and items retrieved as part of the employer's effort to discover whether the employee violated the rule, order or policy;

- (6) Names, addresses, and positions of all witnesses to the relevant incidents or events pertaining to the alleged misconduct or violations of rules, orders, or policy by the disciplined employee;
- (7) Names, addresses, and positions of all management personnel who made recommendations for or against disciplinary action or penalties in connection with the alleged misconduct by the disciplined employee;
- (8) Letters, memos, or records of the person who made the final decision to discipline which would indicate the precise reasons, grounds and basis for the decision;
- (9) Prior disciplinary actions of all other employees of the employer (whether in the bargaining unit or not) for violations of the same rule, order, or policy;
- (10) Prior incidents or occurrences of a similar nature committed by other employees of the employer for which no disciplinary penalties were imposed or for which other disciplinary penalties were enforced;
- (11) Complaints, incident reports, or other alleged violations of the same rule, order, or policy against other employees of the employer (whether in the bargaining unit or not), or for similar occurrences or incidents;
- (12) Prior disciplinary actions of the employer in which the same disciplinary penalty was imposed for any reason or cause;
- (13) Job application of the disciplined employee;

Complaint and Notice of Hearing
Case 20-CA-209925

(14) Position or job descriptions of all positions in which the disciplined employee served;

(15) Job performance evaluations of the disciplined employee from the date of hire to the present;

(16) All favorable assessments or appraisals of the disciplined employees from customers or other persons, including letters of commendations, merit, or complements for work well done;

(17) All prior disciplinary actions against the disciplined employee including oral counseling or reprimands;

(18) Any other relevant and material information, including but not limited to the following:

- i. Copies of all statements from all witnesses for the incident;
- ii. Copies of video showing the alleged incident;
- iii. Copies of all Twitter, Facebook, You Tube or social media sent to the company regarding the alleged incident;
- iv. Copies of all disciplines and the outcome for the grievant;

(19) The names, positions, and addresses of all persons who have custody or possession of the documents, records, and information requested.

(c) In a letter and fax dated October 10, 2017, the Union reiterated its request to Respondent for information as described in subparagraph 7(b).

(d) On October 30, 2017, the Union filed a grievance with Respondent regarding the termination of the employee described in subparagraph 7(a).

(e) In an email dated October 30, 2017, sent in connection with the grievance described in subparagraph 7(d), the Union reiterated its request to Respondent for information as described in subparagraph 7(b) and additionally requested that Respondent furnish the Union with the following information:

- (1) Copies of the Employer's written policy that was violated which lead to the grievant's termination;
- (2) Copies of the Employer's Employee Handbook;
- (3) Copy of the grievant's personnel file.

(f) The information requested by the Union, as described above in subparagraphs 7(b) and 7(e), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

8. (a) Since about October 3, 2017, Respondent has failed and refused to respond to Union's requests for information as described above in subparagraph 7(b).

(b) Since about October 3, 2017, Respondent has failed and refused to furnish the Union with the information requested by it as described above in subparagraph 7(b).

9. (a) Since about October 30, 2017, Respondent has failed and refused to respond to Union's request for information as described above in subparagraph 7(e).

(b) Since about October 30, 2017, Respondent has failed and refused to furnish the Union with the information requested by it as described above in subparagraph 7(e).

10. By the conduct described in paragraphs 8 and 9, Respondent has been failing and refusing to bargain collectively with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) 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.

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 March 13, 2017, or postmarked on or before March 12, 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 **May 1, 2018, at 9:00 a.m.**, in Room 7-241, 300 Ala Moana Boulevard, Honolulu, Hawai'i 96850, 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 Honolulu, Hawai'i, this 27th day of February 2018.

JILL H. COFFMAN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 20, BY



DALE K. YASHIKI
OFFICER-IN-CHARGE
NATIONAL LABOR RELATIONS BOARD
SUBREGION 37
300 Ala Moana Blvd Rm 7-245
Honolulu, HI 96850-7245

Attachments

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SUBREGION 37**

FOODLAND SUPER MARKET, LTD.

and

Case 20-CA-209925

**INTERNATIONAL LONGSHORE &
WAREHOUSE UNION, LOCAL 142**

**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 **February 27, 2018**, 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:

Monrae Bailey
Director of Human Resources
Foodland Super Market, Ltd.
3536 Harding Avenue, Suite 100
Honolulu, HI 96816-2453

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED
(#7015-1660-0000-0698-4964)**

Michael M. Murata
Contract Administrator
International Longshore and Warehouse
Union, Local 142
451 Atkinson Drive
Honolulu, HI 96814-4729

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED
(#7015-1660-0000-0698-4971)**

February 27, 2018

Date

Katie Takaesu, Designated Agent of NLRB

Name

/s/ Katie Takaesu

Signature

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 GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 20-CA-209925

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.

Monrae Bailey
Director of Human Resources
Foodland Super Market, Ltd.
3536 Harding Avenue, Suite 100
Honolulu, HI 96816-2453

Michael M. Murata
Contract Administrator
International Longshore and Warehouse
Union, Local 142
451 Atkinson Drive
Honolulu, HI 96814-4729

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SUBREGION 37**

FOODLAND SUPER MARKET, LTD.

and

Case 20-CA-209925

**INTERNATIONAL LONGSHORE &
WAREHOUSE UNION, LOCAL 142**

**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 **February 27, 2018**, 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:

Monrae Bailey
Director of Human Resources
Foodland Super Market, Ltd.
3536 Harding Avenue, Suite 100
Honolulu, HI 96816-2453

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED
(#7015-1660-0000-0698-4964)**

Michael M. Murata
Contract Administrator
International Longshore and Warehouse
Union, Local 142
451 Atkinson Drive
Honolulu, HI 96814-4729

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED
(#7015-1660-0000-0698-4971)**

February 27, 2018

Date

Katie Takaesu, Designated Agent of NLRB

Name

/s/ Katie Takaesu

Signature

Tracking Number: 70151660000006984964

Expected Delivery on

WEDNESDAY

28 FEBRUARY
2018 ⓘ

by
8:00pm ⓘ

Status

✓ **Delivered**

February 28, 2018 at 9:41 am
Delivered, Left with Individual
HONOLULU, HI 96816

[Get Updates](#) ▼

Delivered

[Text & Email Updates](#) ▼

[Tracking History](#) ▲

February 28, 2018, 9:41 am

Delivered, Left with Individual
HONOLULU, HI 96816

Your item was delivered to an individual at the address at 9:41 am on February 28, 2018 in HONOLULU, HI 96816.

February 28, 2018, 7:31 am

Out for Delivery
HONOLULU, HI 96816

February 28, 2018, 7:21 am

Sorting Complete
HONOLULU, HI 96816

February 28, 2018, 5:57 am

Arrived at Unit
HONOLULU, HI 96816

February 27, 2018, 11:53 pm

Departed USPS Regional Facility
HONOLULU HI DISTRIBUTION CENTER

February 27, 2018, 9:40 pm

Arrived at USPS Regional Facility
HONOLULU HI DISTRIBUTION CENTER



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 37
300 Ala Moana Blvd Rm 7-245
Honolulu, HI 96850-7245

Agency Website: www.nlr.gov
Telephone: (808)541-2814
Fax: (808)541-2818

March 15, 2018

Monrae Bailey, Director, Human Resources Director
Foodland Super Market, Limited
3536 Harding Avenue, Suite 100
Honolulu, HI 96816-2453

RE: Foodland Super Market, Ltd.
Case 20-CA-209925

Dear Ms. Bailey:

A Complaint and Notice of Hearing in the above matter issued on February 27, 2018 and was received by the Employer on February 28, 2018. An Answer to the Complaint was due on March 13, 2018. Our records do not indicate that an Answer has been filed. This is to remind you that if an Answer is not received by close of business, March 23, 2018, a Motion for Default Judgment will be filed with the Board.

Very truly yours,

JILL H. COFFMAN
Regional Director
National Labor Relations Board
Region 20, By



DALE K. YASHIKI
Officer-in-Charge
National Labor Relations Board
Subregion 37
300 Ala Moana Blvd Rm 7-245
Honolulu, HI 96850-7245