

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12**

TROPICAL WELLNESS CENTER, LLC

and

**Cases 12-CA-167884
12-CA-171371**

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS, AFL-CIO**

MOTION TO POSTPONE HEARING

Pursuant to Section 102.24(a) of the Board's Rules and Regulations, Counsel for the General Counsel, by its undersigned, moves to postpone the hearing in the above-captioned matter which is currently scheduled to resume on May 7, 2018. In support thereof, Counsel for the General Counsel states as follows:

1. The hearing in this matter opened on July 10, 2017. Respondent failed to appear and produce documents pursuant to subpoenas duces tecum. The hearing was adjourned to allow Counsel for the General Counsel to file for subpoena enforcement in District Court.
2. On December 19, 2017, United States District Court Judge Robin L. Rosenberg issued an Order on Subpoenas Duces Tecum directing Respondent to appear before an Administrative Law Judge of the Board, on a date and time directed by the Administrative Law Judge, and furnish all documents responsive to subpoenas duces tecum nos. B-1737417, B-1-737418, and B-WXVNAH.
3. On January 8, 2018, Administrative Law Judge Elizabeth M. Tafe issued an Order

directing Respondent to furnish all documents responsive to the subpoenas described above in paragraph 2, by no later than 3:00 p.m. February 15, 2018. Respondent failed to furnish the documents as ordered.

4. On March 20, 2018, Counsel for the General Counsel filed a Motion for an Adjudication in Civil Contempt and for Other Civil Relief (the Motion) as a result of Respondent's failure and refusal to Comply with the District Court's December 19, 2017 Order on Subpoenas Duces Tecum.

5. On March 26, 2018, United States District Court Judge Robin L. Rosenberg issued an Order to Show Cause issued upon Motion for an Adjudication in Civil Contempt and for Other Civil Relief (the Order).

6. On April 17, 2018, Respondent was served with the Motion and the Court's Order. Pursuant to the Order, Respondent had until May 1, 2018 to comply or file a response. Respondent did neither.

7. Counsel for the General Counsel will be moving to have its Motion for Adjudication in Civil Contempt granted by default.

8. Counsel for the General Counsel also needs additional time to locate a witness who has moved and left no forwarding address.

9. The Charging Party does not oppose this motion. Counsel for the General Counsel unsuccessfully attempted to reach Respondent in order to ascertain its position regarding this request.

WHEREFORE, Counsel for the General Counsel respectfully submits that this postponement request be granted and the hearing be rescheduled for August 27, 2018.

Dated at Miami, Florida this 2nd day of May 2018.

Respectfully submitted,

/s/ Marinelly Maldonado

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CERTIFICATE OF SERVICE

I hereby certify that the **Motion to Postpone Hearing** in Cases 12-CA-167884 and 12-CA-171371 was served as follows on the 2nd day of May 2018.

By electronic filing:

Robert A. Giannasi
Chief Administrative Law Judge
National Labor Relations Board
Division of Judges
1015 Half Street SE
Washington, DC 20570-0001

By electronic mail, regular mail, and certified mail:

Lee Stein
Tropical Wellness Center
4700 Dixie Highway, Suite 101
Palm Bay, FL 32905

David Mahler
141 NW 20th Street
Suite F-7
Boca Raton, FL 33431

Lee Stein
9325 Cherry Hills TE
Boca Raton, FL 33498

David Mahler
6628 NW 25th Court
Boca Raton, FL 33496

By electronic mail:

Ramon Garcia, Grand Lodge Representative
International Association of Machinists and
Aerospace Workers (IAM), AFL-CIO
690 E Lamar Blvd, Suite 580
Arlington, TX 76011

Kevin DiMeco, Organizer
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/s/ Marinelly Maldonado

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