

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
DIVISION OF JUDGES

KLB INDUSTRIES, INC. d/b/a  
NATIONAL EXTRUSION AND  
MANUFACTURING COMPANY

and

CASE NO. 8-CA-37672  
8-CA-37835

INTERNATIONAL UNION, UNITED AUTOMOBILE,  
AEROSPACE AND AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA, UAW

**MOTION TO POSTPONE HEARING**

Pursuant to 29 C.F.R. § 102.16(b), Respondent KLB Industries, Inc. (“KLB”) respectfully requests that the compliance hearing currently scheduled for May 11, 2018 be continued indefinitely. In the alternative, KLB requests that the hearing be postponed until May 30, May 31, June 4, June 8, or some other mutually agreeable date. This continuance is needed so the settlement can be finalized.<sup>1</sup>

The parties have reached a settlement that would be joined by all three parties and eliminate the need for any hearing. The parties have finished three of the settlement documents (the formal compliance stipulation, the personal guarantee agreement subject to two typographical corrections, and the installment payment schedule). The Region only circulated the security agreement and confession of judgment documents yesterday. The Region still has not circulated a mortgage document which KLB understands is the final settlement document.

A hearing under these circumstances would be pointless. KLB and Charging Party need time to review and finalize the security agreement and confession of

---

<sup>1</sup> Until this afternoon, KLB and Charging Party had been under the impression that the Region would issue an order postponing the hearing. Otherwise, KLB and Charging Party would have filed this motion earlier.

judgment. KLB and Charging Party do not even have the final settlement document. KLB believes it will take about a week to execute the settlement documents once they are finished because KLB's owners and counsel are in different locations.

Under these circumstances, the hearing should be postponed indefinitely.<sup>2</sup> In the highly unlikely event that the settlement fell apart, a hearing can be scheduled at that point. If an indefinite postponement is not granted, the hearing should be postponed until May 30, May 31, June 4, June 8, or some other mutually agreeable date.

KLB has been authorized to state that the Charging Party agrees with this motion. Counsel for KLB has contacted the Region regarding the continuance, but has not received an answer as to the Region's position.

For each and all of the foregoing reasons, KLB respectfully requests that its motion to postpone the hearing be granted.

Respectfully submitted,

/s/ Kerry P. Hastings

Kerry P. Hastings  
Taft Stettinius & Hollister LLP  
425 Walnut Street, Suite 1800  
Cincinnati, Ohio 45202  
Phone: (513) 381-2838  
Fax: (513) 381-0205

Attorney for Respondent  
KLB Industries, Inc. d/b/a  
National Extrusion and Manufacturing  
Company

---

<sup>2</sup> KLB and Charging Party support regular calls with the Court to monitor the parties' progress in the event of an indefinite postponement.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing motion has been served upon the following by e-mail this 9th day of May, 2018.

Shira Roza (SRoza@uaw.net)  
Assistant General Counsel  
International Union, United Automobile,  
Aerospace and Agricultural Implement  
Workers of America, UAW  
8000 East Jefferson Avenue  
Detroit, MI 48214

Karen Neilsen (Karen.Neilsen@nlrb.gov)  
National Labor Relations Board  
Region 8  
1240 East 9<sup>th</sup> Street, Room 1695  
Cleveland, OH 44199-2086

/s/ Kerry P. Hastings  
Kerry P. Hastings  
Taft Stettinius & Hollister LLP  
425 Walnut Street, Suite 1800  
Cincinnati, Ohio 45202

Attorney for Respondent  
KLB Industries, Inc. d/b/a  
National Extrusion and Manufacturing  
Company