

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 15**

VOLVO GROUP NORTH AMERICA, LLC

and

WALTER EVANS, an Individual

Cases

15-CA-179071

15-CA-184912

15-CA-195183

15-CA-204842

**RESPONDENT'S FIRST MOTION TO EXTEND HEARING DATE 90-120 DAYS**

NOW COMES Respondent Volvo Group North America, LLC ("Volvo"), and within the timeframe set forth within 29 CFR 102.16, files its First Motion to Extend Hearing Date for the reasons set forth herein.

1. That the third scheduled hearing in this matter is currently set for **June 18, 2018**.
2. That the following chronological events, issues, disciplines and Charge allegations

will need be considered at the hearing:

<u>Date</u>	<u>Action</u>
05/11/15	Evans transferred to Byhalia facility; UAW represented at all times
<b>08/31/15</b>	<b>Evans alleged safety complaint</b>
10/08/15	Location error noted
<b>10/08/15</b>	<b>Evans alleged safety complaint</b>
11/11/15	Location error noted
11/13/15	Mixed location errors noted; Evans counseled
11/18/15	Part number discrepancy
12/04/15	Missing pick faces
12/09/15	Missing pick faces
<b>12/09/15</b>	<b>Evans alleged safety complaint</b>
12/11/15	Kit put-away error

12/15/15	Wrong location error
12/17/15	No pallet error
12/23/15	Disciplinary action report (“DAR”) – Verbal Reminder. Work Rule (“WR”) #5 - safety violation; tipped forklift and dropped engine to floor; no grievance filed
2/24/16	DAR – Written Reminder WR #13 - careless or poor workmanship; no grievance filed
03/22/16	DAR – Written Warning WR #8 - wasting time; no grievance filed
05/03/16	DAR – 30 Day DLO WR #5; Evans failed to inspect forklift and dropped pallet of windshields to floor; grievance filed
05/03/16	DAR – Termination WR #s 9 and 20 - profanity and threats to supervisor Kevin Bush following receipt of DAR for safety violation; grievance filed
06/27/16	<b>Charge #15-CA-179071</b>
06/30/16	Third Step Grievance meeting; Tess Thomas, Director of Labor and Employment for Volvo Logistics and Chuck Davenport, UAW International Regional Representative
07/08/16	Grievances resolved; WR #5/30 day DLO rescinded; WR #s 9 and 20 Termination reduced to 4 <sup>th</sup> Step 30 day DLO; Evans received back pay until his RTW
08/17/16	<b>First Amended #15-CA-179071</b>
09/23/16	<b>Charge #15-CA-184912</b>
03/20/17	DAR – Termination WR #5 – safety violation; observed backing into main aisle
03/21/17	<b>Charge #15-CA-195183</b>
03/22/17	3/27/17 First Hearing postponed indefinitely
05/30/17	<b>First Amended #15-CA-195183</b>
08/22/17	<b>Second Amended #15-CA-195183</b>
10/04/17	Arbitration of second termination
11/03/17	<b>First Amended #15-CA-204842</b>
12/18/17	Arbitration Award denying grievance
01/22/18	1/31/18 Second hearing postponed indefinitely

3. That accordingly the hearing will necessarily involve numerous witnesses and extensive documentary evidence relating to each detailed event beginning the Summer of 2015.

4. That this matter has been set for hearing twice before and twice extended by the Regional Director. In both instances Volvo had spent extensive time and monies in preparation before the hearings were extended upon short notice.

5. That Mark Flora of Constangy, Brooks, Smith & Prophete, LLP has served as Volvo's exclusive counsel in this matter from its inception. In that role he has advised, responded, moved, produced extensive documentation and twice prepared for hearing.

6. That Flora will be **moving** and **retiring** after 44 years of practice in June of this year.

7. That Volvo has selected Constangy, Brooks, Smith & Prophete, LLP partner Terry Clark as his successor. That Clark has had no prior involvement with this three-year-old matter and will require significant time to review and prepare for the hearing.

8. That Clark has scheduled, and paid for, a gulf coast fishing trip from June 14, 2018 through June 19, 2018.

9. That Flora contacted and discussed this Motion with William Hearne, Counsel for the General Counsel. Hearne indicated that he had no authority to agree to Volvo's Motion, but that he understood the basis for it.

10. That Volvo does not seek a prolonged extension of the hearing date, but only a reasonable extension in order to adequately prepare for hearing.

11. That Volvo requests that the hearing be rescheduled for late Fall or Winter 2018.

**WHEREFORE**, Respondent Volvo Group North America, LLC respectfully requests that the June 18, 2018 hearing be extended for good cause shown and that the ends of justice might be served.

Respectfully submitted,



Mark R. Flora  
Constangy, Brooks, Smith & Prophete, LLP  
8911 N. Capital of Texas Highway  
Building 3, Suite 3350  
Austin, Texas 78759  
(512) 382-8800 Telephone  
(512) 382-8801 Facsimile

Attorneys for Volvo Group North America, LLC

Dated: May 11, 2018

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 15**

VOLVO GROUP NORTH AMERICA, LLC

and

WALTER EVANS, an Individual

Cases

15-CA-179071

15-CA-184912

15-CA-195183

15-CA-204842

**CERTIFICATE OF SERVICE**

As evidenced by my signature above, I hereby certify that a copy of Respondent's Motion to Extend Hearing Date has been served electronically through the Agency's website on this 11th day of May, 2018 to the following parties:

M. Kathleen McKinney, Regional Director  
U.S. Government National Labor Relations Board  
Subregion 15  
600 S. Maestri Place, 7th Floor  
New Orleans, Louisiana 70130-3413