

**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

**GENERAL COUNSEL’S OPPOSITION TO RESPONDENT’S
FIRST AMENDED MOTION TO EXTEND THE HEARING DATE**

On May 21, 2018, Respondent’s counsel filed with the Chief Administrative Law Judge an amended motion to reschedule the hearing in the above-referenced matter from its current date of June 18, 2018 to either the late fall or winter 2018. On May 21, 2018, Counsel for the General Counsel William Hearne received an e-mail from the Division of Judges attaching a copy of the motion and requesting that he e-file the Region’s position as soon as possible.

The Region has considered the contentions contained in Respondent’s motion and respectfully requests that the motion be denied. The basis for the Region’s position regarding the postponement request is set forth in the attached Order.

Dated: May 21, 2018

/s/ William T. Hearne

William T. Hearne, Counsel for the General
Counsel
National Labor Relations Board, Region 15
80 Monroe Avenue, Suite 350
Memphis, TN 38103

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2018, a copy of the General Counsel's Opposition to Respondent's First Amended Motion to Extend the Hearing Date was filed by e-filing with the Division of Judges on the Board's website.

I further certify that on May 21, 2018, a copy of the General Counsel's Opposition to Respondent's First Amended Motion to Extend the Hearing Date was served by e-mail on the following:

Mark Flora, Partner
(Respondent's Counsel)
mflora@constangy.com

Walter Evans
(Charging Party)
evanswalt@aol.com

/s/William T. Hearne

William T. Hearne, Counsel for the General
Counsel
National Labor Relations Board, Region 15
80 Monroe Avenue, Suite 350
Memphis, TN 38103

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Cases 15-CA-179071
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15-CA-195183

ORDER DENYING MOTION TO EXTEND HEARING DATE

On May 11, 2018, Respondent’s counsel filed a motion to reschedule the hearing in the above-referenced matter from its current date of June 18, 2018 to either the late fall or winter 2018. In the motion, Respondent’s counsel contends that rescheduling the hearing is necessary because he is retiring and moving in June 2018, and the case is being reassigned to an attorney who has (1) no prior involvement in this three-year-old matter and (2) a scheduled fishing trip that conflicts with the current trial date. After due consideration,

IT IS HEREBY ORDERED that Respondent’s request to reschedule the hearing to a later date is denied. As Respondent is well aware, this case involves claims that Respondent disciplined the Charging Party and discharged him on two separate occasions in violation of the Act. The most recent discharge occurred over a year ago on March 20, 2017. As Respondent notes, the hearing in this matter has been postponed twice thus far: once in order to investigate an ultimately meritorious charge that Respondent discharged the Charging Party a second time; and the other because Respondent filed a motion to dismiss the complaint which the Region was compelled to oppose and submit to the Board for consideration and a decision.

Since this matter is viewed by the Region and the Agency as a high priority case because it involves the discharge of an employee, and it was necessary to move the trial date twice before as a result of Respondent's actions, Respondent's request to reschedule the hearing to a later date is denied. Therefore, the hearing in this matter is scheduled to and will commence on June 18, 2018, at 9:00 a.m. in the hearing room, National Labor Relations Board, 80 Monroe Avenue, Suite 350, Memphis, Tennessee.

Dated: May 18, 2018

/s/

**M. KATHLEEN MCKINNEY
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 15
600 S. MAESTRI PLACE, 7TH FLOOR
NEW ORLEANS, LA 70130-3413**

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

VOLVO PARTS OF NORTH AMERICA -
GROUP TRUCKS OPERATIONS

and

Cases 15-CA-179071
15-CA-184912
15-CA-195183
15-CA-204842

WALTER EVANS, an Individual

AFFIDAVIT OF SERVICE OF: Copy of Order Denying Motion To Extend Hearing Date, dated May 18, 2018.

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on May 18, 2018, I served the above-entitled document(s) by **first class mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Onur Ocnur, Director
Volvo Parts of North America - Group
Trucks Operations
100 Gateway Drive
Byhalia, MS 38611

Mark Flora, Partner
Constangy Brooks & Smith, LLP
8911 N Capital of Texas Highway Bldg 3
Ste 3350
Austin, TX 78759

Walter Evans
875 West Poplar Avenue #115
Collierville, TN 38017

May 18, 2018

DONNA M. SIMMONS, Designated
Agent of NLRB

Name

/s/

Signature