

1 ROBERT A. WINNER
Nevada Bar No. 5167
2 **ROBERT WINNER, LTD.**
4675 Wynn Road
3 Las Vegas, Nevada 89103
(702) 789-5060
4 (702) 789-5063
Attorney for On Demand Sedan, Inc.

5
6 **UNITED STATES OF AMERICA**
7 **BEFORE THE NATIONAL LABOR RELATIONS BOARD**
8 **REGION 28**

9 DESERT CAB, INC. d/b/a ODS
CHAUFFEURED TRANSPORTATION

Case No.: 28-CA-199576
Dept. No:

10
11 and

12
13 PAUL LYONS, an individual
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16 **OPPOSITION TO MOTION TO STRIKE REGARDING SERVICE**

17 COMES NOW Respondent, ON DEMAND SEDAN, INC., by and through its attorney of
18 record, ROBERT A. WINNER, of ROBERT WINNER, LTD., and hereby submits its Opposition to
19 Motion to Strike as follows:

20 **I.**

21 **STATEMENT OF FACTS/ARGUMENT**

22 On Demand Sedan, Inc., hereby opposes General Counsel's Motion to Strike On Demand
23 Sedan Inc.'s Motion and Exceptions appropriately filed on July 20, 2018.

24 Under the Board's Rules and Regulations, Section 102.5(f), General Counsel sites the
25 simultaneous serving on parties. The rule does require that any document filed with the agency be
26 served on other parties, including the regional office. That was done in this case. The only party to
27 the case, as I was aware, was Ms. Oviedo, who appeared to be representing Lyons.
28

1 The undersigned was contacted by the board via e-mail. In responding to the board's email,
2 it was learned that the board wanted Mr. Lyons served personally, not through his quasi-counsel
3 with the NLRB regional office. I had only dealt with General Counsel, and never had any direct
4 contact with Mr. Lyons. In fact I thought it might be unethical to do so, as Lyons appeared to be
5 represented entirely by the General Counsel.

6 As seen in the attached Exhibit 1 in e-mail exchanges between the undersigned and the
7 board, it was requested that I e-mail the Exceptions and Motions to Mr. Lyons. I never had an e-
8 mail with Mr. Lyons. I believed this to be done through his quasi-lawyer, Ms. Oviedo. I asked if I
9 should mail it to Mr. Lyons, and the Board's Representative, as noted in Exhibit 1, suggested I e-mail
10 it and provided an e-mail address and address for Mr. Lyons. As requested by the Board's
11 Representative, I then filed an Amended Certificate of Service, as noted in the Motion.

12 This Motion to Strike seems to be one of form over substance. A very strict reading of the
13 rule might suggest that Mr. Lyons had to be served immediately. It was at the direction of the
14 Board's Representative as evidenced by Exhibit 1 that the undersigned sent copies of the Motion and
15 Exceptions to Mr. Lyons via e-mail that was provided by the board on the same day of the request,
16 July 24, 2018 (see Exhibit 2, Amended Certificate of Service filed with the NLRB on July 24, 2018).
17 On Demand Sedan, Inc, served Lyons as soon as possible, and in the manner as directed by the
18 board. General Counsel's Motion to Strike should be denied.

19 DATED this 8 day of August, 2018.

20
21 ROBERT WINNER, LTD.

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23 
24 ROBERT A. WINNER
25 Nevada Bar No. 5167
26 4675 Wynn Road
27 Las Vegas, Nevada 89103
28 *Attorney for On Demand Sedan, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of August, 2018, I served a true and correct copy of the foregoing **OPPOSITION TO MOTION TO STRIKE**, by submitting the same to the National Relations Labor Board E-file Documents and by electronic mail on the following parties:

Elise F. Oviedo, Attorney
General Counsel
National Labor Relations Board
elise.oviedo@nlrb.gov

Paul Lyons
paulwlyons@hotmail.com



An Employee of Robert Winner, Ltd.

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Robert Winner

From: Carter, La Shan <lashan.carter@nlrb.gov>
Sent: Tuesday, July 24, 2018 11:27 AM
To: Robert Winner
Subject: RE: Desert Cab, Inc. dba ODS Chauffeured Transportation(28-CA-199576)

Here's Mr. Lyons e-mail address and mailing address. Please email him.

paulwlyons@hotmail.com
Paul Winston Lyons
7212 Gates Mill Road
Las Vegas, NV 89128-3110

From: Robert Winner [mailto:raw@winnerlawltd.com]
Sent: Tuesday, July 24, 2018 2:21 PM
To: Carter, La Shan <lashan.carter@nlrb.gov>
Cc: Susan Adams <sma@winnerlawltd.com>
Subject: RE: Desert Cab, Inc. dba ODS Chauffeured Transportation(28-CA-199576)

I don't have his email. I only had the NLRB attorney's
Should I send regular mail?
bob

Robert A. Winner
4675 Wynn Road
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(702) 789-5060
(702) 789-5063

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From: Carter, La Shan [mailto:lashan.carter@nlrb.gov]
Sent: Tuesday, July 24, 2018 11:19 AM
To: Robert Winner <raw@winnerlawltd.com>
Subject: RE: Desert Cab, Inc. dba ODS Chauffeured Transportation(28-CA-199576)

Ok,

I wanted to let you know, that Charging Party Mr. Paul Winston Lyons was not served with the 2 filings that were e-filed with the Board on July 20, 2018. Mr. Lyons should have been emailed the exceptions and the motion to reopen the record to offer evidence of public postings. Please serve Mr. Lyons and e-file an amended certificate of service with the board showing that he has been served.

Thanks

From: Robert Winner [<mailto:raw@winnerlawltd.com>]
Sent: Tuesday, July 24, 2018 2:12 PM
To: Carter, La Shan <lashan.carter@nlrb.gov>
Subject: RE: Desert Cab, Inc. dba ODS Chauffeured Transportation(28-CA-199576)

Hello,
There's something wrong with our phones. Hopefully fixed soon.
I'll call but I don't know when they'll be fixed.
Is that okay?
bob

Robert A. Winner
4675 Wynn Road
Las Vegas, NV 89103
(702) 789-5060
(702) 789-5063

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From: Carter, La Shan [<mailto:lashan.carter@nlrb.gov>]
Sent: Tuesday, July 24, 2018 10:55 AM
To: Robert Winner <raw@winnerlawltd.com>
Subject: Desert Cab, Inc. dba ODS Chauffeured Transportation(28-CA-199576)

Hello Mr. Winner,

Please give me call in regards to the above subject case matter.

LaShan Carter
Paralegal Specialist
National Labor Relations Board
Office of Executive Secretary
Phone Number 202-273-3854
Fax Number 202-273-4270
LaShan.Carter@nlrb.gov

1 ROBERT A. WINNER
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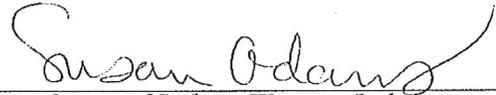
11 and

13 PAUL LYONS, an individual

17 **AMENDED CERTIFICATE OF SERVICE**

18 I HEREBY CERTIFY that on the 24th day of July, 2018, I served a true and correct copy of
19 the foregoing **EXCEPTION and MOTION**, by submitting the same on the following parties:
20

21
22 *Via e-mail:*
23 *paulwlyons@hotmail.com*
24

25
26 
27 *An Employee of Robert Winner, Ltd.*
28

Susan Adams

From: ExecSec@nlrb.gov <e-Service@service.nlrb.gov>
Sent: Tuesday, July 24, 2018 12:57 PM
To: Susan Adams
Subject: RE: 28-CA-199576-Service Documents

Confirmation Number: 1000223059

You have successfully accomplished the steps for E-Filing document(s) with the NLRB Office of the Executive Secretary. This E-mail notes the official date and time of the receipt of your submission. Please save this E-mail for future reference.

Date Submitted: 7/24/2018 3:51:24 PM (UTC-05:00) Eastern Time (US & Canada)
Case Name: Desert Cab, Inc., d/b/a ODS Chauffeured Transportation
Case Number: 28-CA-199576
Filing Party: Charged Party / Respondent
Name: Winner, Robert
Email: raw@winnerlawltd.com
Address: 4675 Wynn Road
Las Vegas, NV 89103
Telephone: (702) 789-5060
Fax:
Additional Email: sma@winnerlawltd.com
Attachments: Service Documents: Amended Certificate of Service.pdf

DO NOT REPLY TO THIS MESSAGE. THIS IS A POST-ONLY NOTIFICATION.
MESSAGES SENT DIRECTLY TO THE EMAIL ADDRESS LISTED ABOVE WILL NOT BE READ.
