

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Washington, D.C.**

GARDNER TRUCKING, INC.

and

**Cases 31-CA-191361
31-CA-192297
31-CA-192299
31-CA-195175
31-CA-197884
31-CA-201430
31-CA-201995**

TEAMSTERS LOCAL NO. 63

**JOINT MOTION TO SEVER AND PARTIALLY REMAND CASES TO THE
REGIONAL DIRECTOR BASED ON AN INFORMAL SETTLEMENT AGREEMENT**

Pursuant to Section 102.24 of the Board's Rules and Regulations, Counsel for the General Counsel and Counsel for Respondent Gardner Trucking, Inc. (Respondent) respectfully move to sever Case 31-CA-191361 of the Consolidated Complaint issued on September 28, 2017 (the Complaint) from the remaining cases in the Complaint, all of which were transferred to the Board on April 11, 2018, and to remand the following cases to the Regional Director of Region 31 (the Regional Director): 31-CA-192297, 31-CA-192299, 31-CA-195175, 31-CA-197884, 31-CA-201430, and 31-CA-201995. Counsel for the General Counsel and counsel for Respondent make this motion pursuant to an Informal Settlement Agreement, addressed in more detail below, approved by the Regional Director, which Charging Party Teamsters Local No. 63 (Charging Party) did not join. Counsel for the Charging Party has been informed of this motion, and Charging Party does not oppose.

The Complaint in the captioned cases was litigated before the Honorable Andrew S. Gollin (ALJ Gollin) on November 28-30, 2017 and January 9-11, 2018. On April 11, 2018, ALJ Gollin issued his Decision finding that Respondent violated Section 8(a)(1) of the Act by interrogating employees about their union membership, activities, and sympathies, and that it violated Section 8(a)(3) and (1) of the Act by discharging employees Ray Correa, Richard Dellorfano, Tony Nava, Kurt Leo Rojo, Gilbert Sanchez, and Michael Talbot because of the employees' union activities and/or to discourage others from engaging in those activities; these allegations are the subject of Cases 31-CA-192297, 31-CA-192299, 31-CA-195175, 31-CA-197884, 31-CA-201430, and 31-CA-201995. In his Decision, ALJ Gollin also found that Respondent did not otherwise violate the Act; i.e. he did not find merit to the allegations in Case 31-CA-191361. Following ALJ Gollin's Decision and the transfer of these cases to the Board, Respondent entered into an Informal Settlement Agreement on September 10, 2018 (the Agreement), which the Regional Director approved on September 20, 2018, addressing the allegations in Cases 31-CA-192297, 31-CA-192299, 31-CA-195175, 31-CA-197884, 31-CA-201430, and 31-CA-201995; as noted above, the Charging Party did not join the Agreement, but it did not file objections thereto. Pursuant to the terms of the Agreement, Respondent agreed to pay the six discriminatees identified above an agreed-upon amount in lieu of reinstatement and to post a notice consistent with the proposed notice in ALJ Gollin's Decision. In light of this resolution, the Agreement provides that upon the Regional Director's approval of the same, the Complaint in Cases 31-CA-192297, 31-CA-192299, 31-CA-195175, 31-CA-197884, 31-CA-201430, and 31-CA-201995 would be deemed withdrawn and that the parties to the Agreement would file a motion with the Board to have these cases transferred to Region 31 to ensure and monitor compliance with the Agreement.

For the foregoing reasons and consistent with the parties' Agreement, Counsel for the General Counsel and counsel for Respondent jointly request that: Case 31-CA-191361 be severed from the remaining cases in the Complaint and that the Board issue an Order adopting ALJ Gollin's Decision to dismiss Case 31-CA-191361; and Cases 31-CA-192297, 31-CA-192299, 31-CA-195175, 31-CA-197884, 31-CA-201430, and 31-CA-201995 be remanded to the Regional Director to ensure and monitor compliance with the Agreement.

Dated at Los Angeles, California this 22nd day of October, 2018.

Respectfully Submitted,

/s/ Roufeda Ebrahim
Roufeda Ebrahim
Counsel for the General Counsel

/s/ A. Jack Finklea
A. Jack Finklea
Counsel for Respondent