UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

UNITE HERE LOCAL 5 (HYATT CORP.
D/b/a HYATT REGENCY WAIKIKI),
Respondent Union,

and

STEVEN TAONO, MARK TAMOSIUNAS,
AGNES DEMARKE AND WAYNE YOUNG,
Charging Parties.

Case Nos. 20-CB-127565
20-CB-127695

CHARGING PARTIES’ OPPOSITION TO RESPONDENT
UNION’S THIRD EXTENSION OF TIME REQUEST

Charging Parties vehemently oppose the Union’s *third* extension of time request,

and oppose any and all further extension of time requests in this matter.

**Background:** In *Tamosiunas v. NLRB*, 892 F.3d 422 (2018), the D.C. Circuit

granted Charging Parties’ petition for review, vacating and remanding the Board’s
decision in *UNITE HERE Local 5 (Hyatt Corp. d/b/a Hyatt Regency Waikiki)*, 364 NLRB
No. 94 (August 25, 2016). By Order dated September 6, 2018, the Board accepted the
remand of the D.C. Circuit in *Tamosiunas*, and sought “statements of position with
respect to the issues raised by the remand.”

The D.C. Circuit found the “Board’s decision falls far short of the substantial
evidence needed to satisfy its own governing legal standard,” *Tamosiunas*, 892 F.3d at
429, and noted with apparent sarcasm “. . . the Union . . . argues that even a theft by union
officials would fall outside the Act unless accompanied by a threat of termination. . . .

Thankfully, that is not the law.” *Tamosiunas*, id. at 431.

The D.C. Circuit’s remand order in *Tamosiunas* leaves the Board with little to do, other than to find that the Union did, in fact, restrain and coerce the Charging Parties and a class consisting of scores of similarly-situated discriminatees. In addition to the Board officially making that legal finding against the Union, it must also craft a remedial order commensurate with the unit-wide scope of the violations.

Faced with this simple, clear and obvious end to this case, which most assuredly does not require any extended litigation or additional briefing, the Union has filed a third dilatory and frivolous motion for an extension of time, to further postpone its day of reckoning. Despite the Union’s claims, there is no “alternative dispute resolution” that can properly end this case, contrary to the assertions in the Union’s third motion to extend the deadline. Charging Parties stress that they have never been contacted by anyone -- neither the Union, the Region, nor the so-called ADR program -- about a negotiated end to this case, and they have no interest in participating in such futile efforts. What can end this case is the Board’s issuance of a simple, final order providing for a complete remedy.

Wherefore, Charging Parties vehemently oppose any further extension of time requests in this matter. Charging Parties’ Statement of Position with respect to the remand will be filed *today*, contemporaneous with the filing of this opposition, and the
Union should be required to adhere to the current deadline that it sought, of November 16, 2018. Charging Parties will not play the Union’s game in this case any further.

Respectfully submitted,

/s/ Glenn M. Taubman

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CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2018 a true and correct copy of the foregoing Opposition was e-mailed to the following individuals:

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