UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8

HEADLANDS CONTRACTING & TUNNELLING, INC. AND CHARDON CONCRETE, INC., A SINGLE EMPLOYER AND ALTER EGOS	
and	**Case 08-CA-212613**
INDIANA/KENTUCKY/OHIO REGIONAL COUNCIL OF CARPENTERS, UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA	

MOTION TO THE NATIONAL LABOR RELATIONS BOARD FOR DEFAULT JUDGMENT

Pursuant to Sections 102.24 and 102.50 of the Rules and Regulations of the National Labor Relations Board (Board), Counsel for the General Counsel (General Counsel) respectfully requests that the allegations of the Complaint in this matter be found to be true, that the Board make findings of fact and conclusions of law based upon those allegations and that the Board issue an appropriate Decision and Order.

MEMORANDUM IN SUPPORT

I. FACTS

On October 30, 2018, the Regional Director for Region 8 of the Board, pursuant to Section 10(b) of the National Labor Relations Act (Act) and Section 102.15 of the Board's Rules and Regulations, issued and served a Complaint and Notice of Hearing (Complaint) on Headlands Contracting & Tunnelling, Inc., (Respondent Headlands), and Chardon Concrete, Inc., (Respondent Chardon), a single employer and alter egos (collectively Respondents) by certified mail. The Complaint and Notice of Hearing is attached as Exhibit A and the Affidavit of Service of the Complaint is attached as Exhibit B. Respondent Headlands signed for certified

receipt of the Complaint on October 31, 2018; Respondent Chardon signed for certified receipt of the Complaint on October 31, 2018. (Exhibits C and D). The Complaint duly notified Respondents that its respective Answers to the Complaint must be received by the Regional Office on or before November 13, 2018, or postmarked on or before November 11, 2018. Respondents failed to file any Answer to the Complaint by the November 13, 2018 deadline.

On November 20, 2018, the General Counsel sent letters to Respondent Headlands and Respondent Chardon (*by regular and certified mail)* advising Respondents that no Answers to the Complaint have been filed. The certified mail register is attached as Exhibit E. These letters further notified Respondents that if no answers were filed by the close of business on November 28, 2018, the General Counsel would move the Board for default judgment in this matter. (Exhibits F and G). Copies of the Complaint were enclosed with the above letters to Respondents.

To date, Respondents have not responded to the General Counsel's communications, nor have they filed an Answer to the Complaint.

II. LEGAL ANALYSIS

Section 102.20 of the Board's Rules and Regulations provides that a respondent must, in its answer to a complaint, specifically admit, deny or explain each of the facts alleged in the complaint, and if no answer is filed, the allegations contained in the complaint shall be deemed to be admitted to be true.

Respondents have been given ample time to file appropriate answers and have failed to do so. The General Counsel duly notified Respondents that it received no Answers to the Complaint, provided the language of Section 102.20 and gave Respondents an extension of time for the filing of appropriate answers. Counsel for the General Counsel advised the Respondent

that if an answer in accordance with the Board's Rules and Regulations was not timely filed, Counsel for the General Counsel may file for default judgment with the Board. Respondent has not filed a timely Answer to the Complaint.

Respondents are proceeding without legal representation. While the Board, in assessing the merits of default judgment, gives some leniency towards pro se respondents, the Board has issued default judgments in the absence of good cause to show why a sufficient and timely answer has not been filed. Kenco Electric & Signs, 325 NLRB 1118 (1998). In situations where a pro se respondent's timely answer can be reasonably interpreted to deny the substance of the complaint allegations, the Board will generally not preclude a determination on the merits. A.P.S. Production / A. Pimental Steel, 326 NLRB 1296, 1297 (1998); Harborview Electric Construction Co., 315 NLRB 301 (1994).

The Board, however, has granted default judgments where an unrepresented respondent fails to establish good cause for failing to file a timely answer. Newark Symphony Hall, 323 NLRB 1297 (1997). Here, there is nothing to support an argument that Respondent warrants special consideration as Respondents have not provided any cause or any explanation for their failure to file an appropriate answer.

Accordingly, as the Respondents have failed to admit, deny, or claim a lack of knowledge of any of the allegations in the Complaint, Counsel for the General Counsel respectfully requests that the Board deem all of the Complaint allegations as admitted and grant default judgment as a matter of law.

CONCLUSION

Based upon Respondents failure to file appropriate answers to the Complaint, despite notice given by the Region as well as an extension of time to file their answers, the General Counsel respectfully requests that the Board to grant this Motion for Default Judgment finding the allegations in the Complaint to be true and to issue an appropriate Decision and Order.

Dated at Cleveland, Ohio this 19th day of December 2018.

/s/ Jonathan R. King

Jonathan R. King
Counsel for the General Counsel
National Labor Relations Board
1240 E. 9th St., Room 1695
Cleveland, OH 44199
Office: (216) 303-7374
Fax: (216) 522-2418
jonathan.king@nlrb.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically and served by regular mail on December 19, 2018, upon the following:

Brian J. Allen
Headlands Tunnelling & Contracting, Inc.
9398 Morgan Road
Montville, OH 44064

Brian J. Allen
Chardon Concrete, Inc.
9398 Morgan Road
Montville, OH 44064

Brian J. Allen
Headlands Tunnelling & Contracting, Inc.
7521 Devon Lane
Chesterland, OH 44026

Brian J. Allen
Headlands Tunnelling & Contracting, Inc.
150 Parker Court
Chardon, OH 44024

Brian J. Allen
Headlands Tunnelling & Contracting, Inc.
P.O. Box 214
Chardon, OH 44024

Indiana/Kentucky/Ohio Regional
Council of Carpenters
771 Greenwood Springs Drive
Greenwood, IN 46143

Paul T. Berkowitz, Esq.
Paul T. Berkowtiz & Associates
123 W Madison Street, Suite 600
Chicago, IL 60602

Respectfully submitted,

/s/ Jonathan R. King

Jonathan R. King
Counsel for the General Counsel
National Labor Relations Board
1240 E. 9th St., Room 1695
Cleveland, OH 44199
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jonathan.king@nlrb.goc

List of Exhibits for Counsel for the General Counsel's Motion for Default Judgment

Exhibit A	Complaint and Notice of Hearing, issued October 30, 2018.
Exhibit B	Affidavit of Service of Complaint and Notice of Hearing.
Exhibit C	Respondent Headlands Certified Mail Receipt, signed October 31, 2018.
Exhibit D	Respondent Chardon Certified Mail Receipt, signed October 31, 2018.
Exhibit E	Certified Mail Register, dated November 20, 2018, for Counsel for the General Counsel's November 20, 2018 letter.
Exhibit F	Counsel for the General Counsel's letter to Respondent Headlands, dated November 20, 2018.
Exhibit G	Counsel for the General Counsel's letter to Respondent Chardon, dated November 20, 2018.

EXHIBIT A

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8

HEADLANDS CONTRACTING & TUNNELLING, INC. AND CHARDON CONCRETE, INC., A SINGLE EMPLOYER AND ALTER EGOS	
and	**Case 08-CA-212613**
INDIANA/KENTUCKY/OHIO REGIONAL COUNCIL OF CARPENTERS, UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA	

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by the Indiana/Kentucky/Ohio Regional Council of Carpenters, United Brotherhood of Carpenters and Joiners of America (Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Headlands Contracting & Tunnelling, Inc., (Respondent Headlands), and Chardon Concrete, Inc., (Respondent Chardon), a single employer and alter egos (collectively Respondents), have violated the Act as described below.

1. (A) The charge in this proceeding was filed by the Union on January 8, 2018, and a copy was served on Respondents by U.S. mail on January 9, 16 and 23, 2018.

(B) The first amended charge in this proceeding was filed by the Union on October 30, 2018 and a copy was served on Respondents concurrently with this Complaint and Notice of Hearing.

2. (A) At all material times, Respondent Headlands has been an Ohio corporation with an office and place of business in Montville, Ohio (Respondent Headlands' facility), and has been a subcontractor in the construction industry engaged in building reinforced cast-in-place concrete and the use of concrete for applications including sewer tunnels, shafts, retaining walls, headwalls, bridge abutments, water tank foundations and commercial and residential concrete work.

(B) At all material times, Respondent Chardon has been an Ohio corporation with an office and place of business in Montville, Ohio (Respondent Chardon's facility), and has been a subcontractor in the construction industry engaged in building reinforced cast-in-place concrete and the use of concrete for applications including sewer tunnels, shafts, retaining walls, headwalls, bridge abutments, water tank foundations and commercial and residential concrete work.

3. (A) At all material times, Respondent Headlands and Respondent Chardon have been affiliated business enterprises with common officers, ownership, directors, management, and supervision; have administered a common labor policy; have shared common premises and facilities; have provided services for and made sales to each other; have interchanged personnel with each other; have interrelated operations with common businesses of building reinforced concrete structures, equipment, administration, purchasing, and payroll; and have held themselves out to the public as a single-integrated business enterprise.

(B) Based on its operations described above in paragraph 3(A), Respondent Headlands and Respondent Chardon constitute a single-integrated business enterprise and a single employer within the meaning of the Act.

4. (A) At all material times, Respondent Headlands and Respondent Chardon have had substantially identical management, business purposes, operations, equipment, customers, supervision, and ownership.

(B) About December 12, 2015, Respondent Chardon was established by Respondent Headlands as a disguised continuation of Respondent Headlands.

(C) Respondent Headlands established Respondent Chardon, as described above in paragraph 4(B), for the purposes of evading its responsibilities under the Act.

(D) Based on the operations and conduct described above in paragraphs 4(A), 4(B), and 4(C), Respondents are, and have been at all material times, alter egos and a single employer within the meaning of the Act.

5. (A) During the calendar year ending December 31, 2016, Respondent Headlands, in conducting its business operations described above in paragraph 2(A), provided services valued in excess of $50,000 to Mr. Excavator, Inc., an enterprise within the State of Ohio that is directly engaged in interstate commerce.

(B) At all material times, Respondent Headlands has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

6. (A) During the calendar year ending December 31, 2017, Respondent Chardon, in conducting its business operations described above in paragraph 2(B), provided services valued in excess of $50,000 to Fechko Excavating, Inc., an enterprise within the State of Ohio that is directly engaged in interstate commerce.

(B) At all material times, Respondent Chardon has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

7. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

8. (A) At all material times, Brian Allen held the positions of owner, president, and supervisor of Respondent Headlands and has been a supervisor of Respondent Headlands within the meaning of Section 2(11) of the Act and an agent of Respondent Headlands within the meaning of Section 2(13) of the Act.

(B) At all material times, Brian Allen held the positions of owner, president, and supervisor of Respondent Chardon and has been a supervisor of Respondent Chardon within the meaning of Section 2(11) of the Act and an agent of Respondent Chardon within the meaning of Section 2(13) of the Act.

9. (A) The following employees of Respondent Headlands (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

> All employees who perform the work of Carpenters and Resilient and Soft Floor Layers, Sanders, Carpet Layers and Plastic Tile Workers in Ashland, Ashtabula, Belmont, Carroll, Columbiana, Coshocton, Cuyahoga, Erie, Geauga, Harrison, Holmes, Huron, Jefferson, Knox, Lake, Lorain, Mahoning, Medina, Monroe, Morrow, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas and Wayne Counties in Ohio and by Pile Drivers in all of the foregoing counties except for Jefferson and Columbiana and by Millwrights in all of the foregoing counties plus Hancock, Marshall, Ohio and Brook Counties in West Virginia.

(B) About September 19, 2002, Respondent Headlands, an employer engaged in the construction industry, entered into the Carpenters' Agreement (Carpenters' Agreement) whereby it agreed to be bound by the master collective-bargaining agreement between the Union and The Carpenter Contractors' Association of Cleveland, Ohio; The Ohio Building Chapter – AGC, Cleveland Division; The Construction Employers' Association; The Builders' Association of Eastern Ohio and Western Pennsylvania; The Ohio Valley Construction Employers Council,

Inc.; The Akron Division, Ohio Building Chapter, Associated General Contractors of America, Inc.; and The Builders Exchange of East Central Ohio, Labor Relations Division, effective May 1, 2001 to April 30, 2005 (Master) and agreed to be bound to such future agreements unless timely notice of its intent to terminate the agreement was given.

(C) By entering into the Carpenters' Agreement described above in paragraph 9(B), Respondent Headlands recognized the Union as the exclusive collective-bargaining representative of the Unit without regard to whether the Union's majority status had ever been established under Section 9(a) of the Act. Such recognition has been embodied in successive Master collective-bargaining agreements, the most recent of which was effective from June 1, 2013 through April 30, 2018.

(D) Since about September 19, 2002 until timely notice is given of intent to terminate the agreement and based on the facts described above in paragraphs 3 and 4, and their subparagraphs, the Union has been the designated exclusive collective-bargaining representative of the Unit.

10. (A) Respondent Headlands engaged in its business operations as described above in paragraph 2(A) until about May 9, 2016, when it ceased performing its construction operations.

(B) Respondent Headlands engaged in the conduct described above in paragraph 10(A) because its employees were represented by the Union, and in order to avoid its obligations under the Act and its collective bargaining agreement with the Union, as described in paragraphs 9(B) and 9(C).

(C) Since about May 9, 2016, Respondent Chardon has continued the business operations of Respondent Headlands, as described above in paragraph 2(A), in disguised form in order to avoid its collective bargaining obligation to the Union.

(D) At all material times, Respondents have failed and refused to recognize and bargain with the Union as the exclusive collective-bargaining representative of the Unit.

(E) Since about May 9, 2016, and at all material times, Respondents have failed to abide by the collective bargaining agreement, as described above in paragraphs 9(B) and 9(C), and have failed to apply the provisions of the agreement to the operations of Respondent Chardon.

11. By the conduct described above in paragraph 10 and its subparagraphs, Respondents have been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of their employees in violation of Section 8(a)(1) and (5) of the Act.

12. The unfair labor practices of Respondents described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the consolidated complaint. The answer must be **received by this office on or before November 13, 2018, or postmarked on or before November 11, 2018**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlrb.gov, click on **E-File Documents,** enter the NLRB Case Number,

and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the consolidated complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on the 25th day of February 2019, at 10:00 a.m., in a hearing room of the National Labor Relations Board, 1695 AJC Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and

present testimony regarding the allegations in this consolidated complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request

Dated at Cleveland, Ohio this 30th day of October 2018.

/s/ Allen Binstock

ALLEN BINSTOCK
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 08
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE

Case 08-CA-212613

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

(1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).

(2) Grounds must be set forth in ***detail***;

(3) Alternative dates for any rescheduled hearing must be given;

(4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and

(5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Brian J. Allen
Headlands Tunnelling & Contracting, Inc.
9398 Morgan Road
Montville, OH 44064

Brian J. Allen
Chardon Concrete, Inc.
9398 Morgan Road
Montville, OH 44064

Indiana/Kentucky/Ohio Regional
Council of Carpenters
771 Greenwood Springs Drive
Greenwood, IN 46143

Paul T. Berkowitz, Esq.
Paul T. Berkowtiz & Associates
123 W Madison Street, Suite 600
Chicago, IL 60602

Brian J. Allen
Headlands Tunnelling & Contracting, Inc.
7521 Devon Lane
Chesterland, OH 44026

Brian J. Allen
Headlands Tunnelling & Contracting, Inc.
150 Parker Court
Chardon, OH 44024

Brian J. Allen
Headlands Tunnelling & Contracting, Inc.
P.O. Box 214
Chardon, OH 44024

Procedures in NLRB Unfair Labor Practice Hearings

The attached consolidated complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative**. If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlrb.gov, click on "e-file documents," enter the 10-digit case number on the consolidated complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.

- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence**: At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.

- **Exhibits: Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence.** If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts**: An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.

- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

- **Date for Filing Post-Hearing Brief**: Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.

- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.

- **Exceptions to the ALJ's Decision**: The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

EXHIBIT B

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8

HEADLANDS CONTRACTING & TUNNELLING, INC. AND CHARDON CONCRETE, INC., A SINGLE EMPLOYER AND ALTER EGOS	
and	**Case 08-CA-212613**
INDIANA/KENTUCKY/OHIO REGIONAL COUNCIL OF CARPENTERS, UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA	

AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on 10/30/18, I served the above-entitled document(s) by **certified or regular mail,** as noted below, upon the following persons, addressed to them at the following addresses:

Brian J. Allen
Headlands Tunnelling & Contracting, Inc.
9398 Morgan Road
Montville, OH 44064

Indiana/Kentucky/Ohio Regional
Council of Carpenters
771 Greenwood Springs Drive
Greenwood, IN 46143

Brian J. Allen
Chardon Concrete, Inc.
9398 Morgan Road
Montville, OH 44064

Paul T. Berkowitz, Esq.
Paul T. Berkowtiz & Associates
123 W Madison Street, Suite 600
Chicago, IL 60602

Brian J. Allen
Headlands Tunnelling & Contracting, Inc.
7521 Devon Lane
Chesterland, OH 44026

Brian J. Allen
Headlands Tunnelling & Contracting, Inc.
150 Parker Court
Chardon, OH 44024

Brian J. Allen
Headlands Tunnelling & Contracting, Inc.
P.O. Box 214
Chardon, OH 44024

10/30/18	Sharon Zilinskas Designated Agent of NLRB
Date	Name
	/s/ Sharon Zilinskas
	Signature

EXHIBIT C

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Brian J. Allen
Headlands Tunnelling & Contracting, Inc.
9398 Morgan Road
Montville, OH 44064

08-GA-212613; Comp; 10-30-18; 52

9590 9401 0036 5071 0145 23

2. Article Number (Transfer from service label)

7016 0750 0000 9264 9550

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [signature]

☐ Agent
☑ Addressee

B. Received by (Printed Name)

Brian Allen

C. Date of Delivery

10-31-18

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED
2018 NOV 2 AM 9:18
CLEVELAND, OHIO
REGION 8

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
Mail
Mail Restricted Delivery
(over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt

EXHIBIT D

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Brian J. Allen
Chardon Concrete, Inc.
9398 Morgan Road
Montville, OH 44064

8-TA-21265; Comp; 10-30-18; SL

9590 9401 0036 5071 0145 54

2. Article Number (Transfer from service label)

7016 0750 0000 9264 9536

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [signature]

☐ Agent
☒ Addressee

B. Received by (Printed Name)

Brian Allen

C. Date of Delivery

10-31-18

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED
HEAR REGION 8
2018 NOV -2 AM 9:18
CLEVELAND, OHIO

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Mail
☐ Mail Restricted Delivery (over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, April 2015 PSN 7530-02-000-9053 Domestic Return Receipt

EXHIBIT E

Name and Address of Sender
ALRB 1695 FOB
11/20/18

Check type of mail or service:
- [x] Certified
- [ ] COD
- [ ] Delivery Confirmation
- [ ] Express Mail
- [ ] Insured
- [ ] Recorded Delivery (International)
- [ ] Registered
- [ ] Return Receipt for Merchandise
- [ ] Signature Confirmation

Affix Stamp Here
If issued as a certificate of mailing, or for additional copies of this bill)
Postmark and Date of Receipt

Article Number	Addressee (Name, Street, City, State, & ZIP Code)	Postage	Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	DC Fee	SC Fee	SH Fee	RD Fee	RR Fee
1. 7018 0040 0000 2085 8014	BRIAN ALLEN HEADLANDS TUNNELING P.O. BOX 314 CHARDON, OH 44024	.47	6.20				8-CA-212613 JK/CS LTR - NO ANS					
2. 7018 0040 0000 2085 8007	BRIAN ALLEN HEADLANDS TUNNELING 150 PARKER CT. CHARDON, OH 44024	.47	6.20									
3. 7018 0040 0000 2085 7994	BRIAN ALLEN HEADLAND TUNNELING 7591 DEVON LANE CHESTERLAND, OH 44026	.47	6.20									
4. 7018 0040 0000 2085 7987	BRIAN ALLEN CHARDON CONCRETE 9398 MORGAN ROAD MONTVILLE, OH 44064	.47	6.20									
5. 7018 0040 0000 2085 7970	BRIAN ALLEN HEADLANDS TUNNELING 9398 MORGAN ROAD MONTVILLE, OH 44064	.47	6.20									
6. 7018 0040 0000 2085 7963	ROBERT SCHLATTER 2552 RIVERVIEW DRIVE MAUMEE, OH 43537	.47	6.20				8-CA-219427 LTR - NO ANS					
7. 7018 0040 0000 2085 7956	ROBERT SCHLATTER 3537 BROOKSIDE ROAD TOLEDO, OH 43606	.47	6.20									
8. 7018 0040 0000 2085 7949	ROBERT SCHLATTER, PRES ART IRON, INC. 860 CURTIS STREET TOLEDO, OH 43609	.47	6.20									

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of receiving employee)

See Privacy Act Statement on Reverse

PS Form 3877, February 2002 (Page 1 of 2)

Complete by Typewriter, Ink, or Ball Point Pen

EXHIBIT F

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 8
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

Agency Website: www.nlrb.gov
Telephone: (216)522-3715
Fax: (216)522-2418

Agent's Direct Dial: (216)303-7380

November 20, 2018

Brian J. Allen
Headlands Tunneling & Contracting, Inc.
9398 Morgan Road
Montville, OH 44064

Re: Headlands Contracting & Tunneling, Inc. and Chardon Concrete, Inc. a single employer and alter egos
Case 08-CA-212613

Dear Mr. Allen,

On October 30, 2018, the Regional Director of National Labor Relations Board Region 8 issued a Complaint and Notice of Hearing in the above-captioned matter. The Answer to the Complaint and Notice of Hearing was due in this office on or before Tuesday, November 13, 2018. To date, our records indicate that you have not filed an Answer to the Complaint and Notice of Hearing.

If an Answer is not received in this office by the close of business on **Wednesday, November 28, 2018**, I may recommend filing a Motion for Default Judgment. Guidelines for the filing of the Answer are set forth in Section 102.20 and 102.21 of the Board's Rules and Regulations (enclosed).

Please feel free to contact me at (216) 303-7380 or (202) 615-2894 if you have any questions or concerns.

Sincerely,

/s/ Jonathan R. King

Jonathan R. King
Counsel for the General Counsel

Enclosure

Enclosure to Letter Dated November 20, 2018
Case 08-CA-212613

Boards Rules and Regulations, Part 102

Answer

§102.20 Answer to complaint; time for filing; contents; allegations not denied deemed admitted.

The Respondent must, within 14 days from the service of the complaint, file an answer. The Respondent must specifically admit, deny, or explain each of the facts alleged in the complaint, unless the Respondent is without knowledge, in which case the Respondent must so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the Respondent states in the answer that the Respondent is without knowledge, will be deemed to be admitted to be true and will be so found by the Board, unless good cause to the contrary is shown.

§102.21 Where to file; service upon the parties; form.

An original and four copies of the answer shall be filed with the Regional Director issuing the complaint. Immediately upon the filing of the answer, Respondent shall serve a copy thereof on the other parties. An answer of a party represented by counsel or nonattorney representative shall be signed by at least one such attorney or non-attorney representative of record in his/her individual name, whose address shall be stated. A party who is not represented by an attorney or non-attorney representative shall sign his/her answer and state his/her address. Except when otherwise specifically provided by rule or statute, an answer need not be verified or accompanied by affidavit. The signature of the attorney or non-attorney party representative constitutes a certificate by him/her that he/she has read the answer; that to the best of his/her knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If an answer is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the action may proceed as though the answer had not been served. For a willful violation of this section an attorney or non-attorney party representative may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

EXHIBIT G

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 8
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

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Telephone: (216)522-3715
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November 20, 2018

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Sincerely,

/s/ Jonathan R. King

Jonathan R. King
Counsel for the General Counsel

Enclosure

Enclosure to Letter Dated November 20, 2018
Case 08-CA-212613

Boards Rules and Regulations, Part 102

Answer

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