

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8**

ART IRON, INC.

and

Case 08-CA-219427

**INTERNATIONAL ASSOCIATION OF BRIDGE,
STRUCTURAL, ORNAMENTAL & REINFORCING
IRON WORKERS, AFL-CIO, LOCAL 55-S**

GENERAL COUNSEL'S MOTION FOR DEFAULT JUDGMENT

Counsel for the General Counsel, pursuant to Sections 102.20, 102.24 and 102.50 of the Rules and Regulations of the National Labor Relations Board (Board), files this Motion for Default Judgment. In requesting such Motion, Counsel for the General Counsel respectfully requests that the allegations of the Complaint issued 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, pursuant to Section 10(b) of the National Labor Relations Act (Act) and Section 102.15 of the Board's Rules and Regulations, as amended, issued and served a Complaint and Notice of Hearing (Complaint) on Art Iron, Inc. (Respondent), by certified mail. The Complaint is attached as Exhibit A. The Affidavit of Service of the Complaint is attached as Exhibit B. Respondent signed for receipt of

service of the certified mailing of this document at its 860 Curtis Street, Toledo, Ohio address on November 2, 2018. A copy of the signed certified mail receipt is attached as Exhibit C. Respondent's President also accepted service of the certified mailing of this document at his residence on November 7, 2018. Copies of the certified mail receipt and the United States Postal Service tracking confirmation are attached as Exhibits D and E, respectively. The Complaint (Exhibit A), duly notified Respondent that its Answer to the Complaint must be received by the Regional Office on or before November 13, 2018, or postmarked on or before November 11, 2018.

By certified letter dated November 20, 2018, Counsel for the General Counsel notified Respondent that it failed to file an Answer by the November 13, 2018 deadline as required by Section 102.20 of the Board's Rules and Regulations. The letter advised Respondent of the deadline as set forth in Section 102.20 and gave Respondent until the close of business on November 28, 2018 to file a sufficient Answer. The letter further notified Respondent of the Region's intent to file a Motion for Default Judgment if Respondent failed to file a timely and sufficient Answer. Counsel for the General Counsel's November 20, 2018 letter is attached as Exhibit F. Respondent accepted service of the certified mailing of this letter on November 23, 2018. A copy of the United States Postal Service tracking confirmation for receipt of the certified mail by Respondent is attached as Exhibit G.

On October 26, and again on October 29, 2018, Counsel for the General Counsel made unsuccessful attempts, by telephone, to contact Respondent's President, Robert Schlatter. Voicemail messages were left, requesting that Mr. Schlatter return the calls. Mr. Schlatter did not respond at any time subsequent to the issuance of the Complaint.

To date, Respondent has failed to file any 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.

Respondent has been given ample time to file an answer and has failed to do so.¹ Counsel for the General Counsel duly notified Respondent that it failed to submit an answer, provided the language of Section 102.20 and gave Respondent an extension of time for the filing of an appropriate answer. 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 sufficient and timely Answer to the Complaint.

Respondent is 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).

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 Respondent has not provided any good cause or any explanation for its failure to file an appropriate answer. Respondent has been properly notified by the Region of its

¹ The Board has granted default judgment motions when respondents have failed to file a timely answer. See, e.g., Pittsburgh Athletic Association, 363 NLRB No. 76 (January 6, 2016); Apollo Detective, Inc., 358 NLRB No. 1 (January 31, 2012); Rosedale Fabricators, LLC, 340 NLRB 508 (2003); Patrician Assisted Living Facility, 339 NLRB 1153 (2003).

failure to file, given notice of the Board's Rules and Regulations and given additional time to file an appropriate answer. Respondent has failed to do so.

Counsel for the General Counsel respectfully requests that the Motion for Default Judgment be granted. Accordingly, as the Respondent has 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.

III. CONCLUSION

Accordingly, as Respondent has failed to file an answer to the Complaint despite being given additional time, the Board should grant this Motion for Default Judgment finding that the allegations in the Complaint are true and 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@nrlb.gov

CERTIFICATE OF SERVICE

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

Robert P. Schlatter, President
Art Iron, Inc.
860 Curtis Street
Toledo, OH 43609

Robert P. Schlatter
3537 Brookside Road
Toledo, OH 43606

Robert P. Schlatter
2552 Riverview Drive
Maumee, OH 43537

International Association of Bridge,
Structural, Ornamental, and Reinforcing
Iron Workers, AFL-CIO, Local 55-S
c/o Eric Kahle, Business Manager
1080 Atlantic Avenue
Toledo, OH 43609

Ms. Marilyn Widman, Esq.
Widman & Franklin LLC
405 Madison Avenue, Suite 1550
Toledo, OH 43604

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
Office: (216) 303-7374
Fax: (216) 522-2418
jonathan.king@nlrb.gov

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 Certified Mail Receipt, signed November 2, 2018.
- Exhibit D Certified Mail Receipt, signed November 7, 2018.
- Exhibit E USPS Tracking Confirmation, delivery dated November 7, 2018.
- Exhibit F Counsel for the General Counsel's letter, dated November 20, 2018.
- Exhibit G USPS Tracking Confirmation, delivery dated November 23, 2018.

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8**

ART IRON, INC.

and

Case 08-CA-219427

**INTERNATIONAL ASSOCIATION OF BRIDGE,
STRUCTURAL, ORNAMENTAL & REINFORCING
IRON WORKERS, AFL-CIO, LOCAL 55-S**

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by the International Association of Bridge, Structural, Ornamental & Reinforcing Iron Workers, AFL-CIO, Local 55-S (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 Art Iron, Inc. (Respondent) has violated the Act as described below.

1. The charge in this proceeding was filed by the Union on May 1, 2018, and a copy was served on Respondent by U.S. mail on May 2, 2018.
2. At all material times, Respondent has been an Ohio corporation with an office and place of business in Toledo, Ohio (Respondent's facility), and has been engaged in the fabrication of structural steel.
3. In conducting its operations, as described above in paragraph 2, during the calendar year ending December 31, 2017, Respondent sold and shipped from its Toledo, Ohio facility goods valued in excess of \$50,000 directly to points outside the State of Ohio.

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

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

6. At all material times, Robert Schlatter held the position of owner and president and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

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

All production and maintenance employees employed by the Employer at its facility located in Toledo, Ohio, but excluding all office and clerical employees, draftsmen, engineering employees, watchmen, guards, professional employees, supervisors, and employees engaged in erection, installation, or construction work.

(B) Since at least 1988 and at all material times, Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which was effective from September 11, 2015 through September 10, 2018.

(C) Since at least 1988 and at all material times, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

8. (A) On about December 1, 2017, Respondent ceased operations at its Toledo, Ohio, facility.

(B) Since about March 9, 2018, the Union has requested, in writing, that Respondent bargain with the Union over the effects of its decision to layoff all of its bargaining

unit employees, its cessation of operations and business restructuring, and that the Respondent furnish the Union with the following information:

(1) The contract between Art Iron and G2000;

(2) A description of the services performed for Art Iron by G2000;

(3) An inventory of all of Art Iron's equipment as of December 1, 2017;

(4) A list of all Art Iron equipment that has been sold from December 1, 2017 to the present, the purchaser of each piece of equipment, and the amount of money each piece of equipment was sold for;

(5) A list of equipment still owned by Art Iron;

(6) A description of Art Iron's plans for winding-up the business or any other action it intends relative to Art Iron;

(7) Any documents relating to bids Art Iron has made for securing work from December 1, 2017 to the present; and

(8) Any documents / information relating to plans for future operations of Art Iron or any other business you intend to be involved with. If you intend on being involved in another business, please provide the name of the business and the capacity in which you plan to serve that business.

(C) The information requested by the Union, as described above in paragraph 8(B) and its subparagraphs, is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(D) Since about March 9, 2018, Respondent has failed and refused to furnish the Union with the information requested by it as described above in paragraph 8(B) and its subparagraphs.

(E) By engaging in the conduct described above in paragraph 8(D), the Respondent failed and refused to furnish the Union with the information necessary for it to engage in effective representation of Unit employees with respect to the Respondent's cessation of operations and restructuring.

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

10. The unfair labor practices of Respondent 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 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.nlr.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 complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on the 5th day of March, 2019, at 10:00 a.m., in a court room of the Perrysburg Municipal Court, 300 Walnut Street, Perrysburg, 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 complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

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-219427

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.

CERTIFIED RETURN RECEIPT

Robert P. Schlatter, President
Art Iron, Inc.
860 Curtis Street
Toledo, OH 43609

Robert P. Schlatter
3537 Brookside Road
Toledo, OH 43606

Robert P. Schlatter
2552 Riverview Drive
Maumee, OH 43537

CERTIFIED

International Association of Bridge,
Structural, Ornamental, and Reinforcing
Iron Workers, AFL-CIO, Local 55-S
c/o Eric Kahle, Business Manager
1080 Atlantic Avenue
Toledo, OH 43609

REGULAR MAIL

Ms. Marilyn Widman, Esq.
Widman & Franklin LLC
405 Madison Avenue, Suite 1550
Toledo, OH 43604

Procedures in NLRB Unfair Labor Practice Hearings

The attached 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.nlr.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.nlr.gov, click on "e-file documents," enter the 10-digit case number on the 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 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.

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8**

ART IRON, INC.

and

Case 08-CA-219427

**INTERNATIONAL ASSOCIATION OF BRIDGE,
STRUCTURAL, ORNAMENTAL & REINFORCING
IRON WORKERS, AFL-CIO, LOCAL 55-S**

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:

Robert P. Schlatter, President
Art Iron, Inc.
860 Curtis Street
Toledo, OH 43609

International Association of Bridge,
Structural, Ornamental, and Reinforcing
Iron Workers, AFL-CIO, Local 55-S
c/o Eric Kahle, Business Manager
1080 Atlantic Avenue
Toledo, OH 43609

Robert P. Schlatter
3537 Brookside Road
Toledo, OH 43606

Ms. Marilyn Widman, Esq.
Widman & Franklin LLC
405 Madison Avenue, Suite 1550
Toledo, OH 43604

Robert P. Schlatter
2552 Riverview Drive
Maumee, OH 43537

10/30/18

Sharon Zilinskas
Designated Agent of NLRB

Date

Name

/s/ Sharon Zilinskas

Signature

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: Robert P. Schlatter, President
Art Iron, Inc.
860 Curtis Street
Toledo, OH 43609

8-CA-21942T; COMP; 10-30-18-54



9590 9402 1794 6074 2053 79

2. Article Number (Transfer from service label)

7016 0750 0000 9264 9338

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Registered Mail®
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery

USPS TRACKING #



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 1794 6074 2053 79

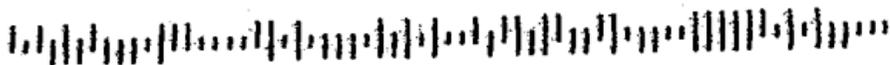
**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 8
1240 East 9th Street - Room 1695
Cleveland, OH 44199-2086
An Equal Opportunity Employer

OFFICIAL BUSINESS
Penalty for Private Use, \$300

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:

Robert P. Schlatter
3537 Brookside Road
Toledo, OH 43606

PCA-219421; COMP; 10/30/18; 52



9590 9402 1794 6074 2053 86

2. Article Number (Transfer from service label)

7016 0750 0000 9264 9321

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X

- Agent
- Addressee

B. Received by (Printed Name)**C. Date of Delivery****D. Is delivery address different from item 1?**

- Yes
- No

If YES, enter delivery address below:

RECEIVED
 ALRB RECEIVED
 2018 NOV -9 AM 9:35
 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
- Registered Mail
- Registered Mail Restricted Delivery (500)

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

USPS TRACKING #



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 1794 6074 2053 86

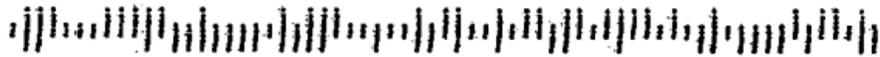
**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 8
1240 East 9th Street – Room 1695
Cleveland, OH 44199-2086
An Equal Opportunity Employer

OFFICIAL BUSINESS
Penalty for Private Use, \$300

EXHIBIT D





FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 70160750000092649321

Remove X

Your item was delivered to an individual at the address at 1:56 pm on November 7, 2018 in TOLEDO, OH 43606.

Delivered

November 7, 2018 at 1:56 pm
Delivered, Left with Individual
TOLEDO, OH 43606

Get Updates

Feedback

Text & Email Updates

Tracking History

Product Information

See Less

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)



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

Robert P. Schlatter
3537 Brookside Road
Toledo, OH 43606

Re: Art Iron, Inc.
Case 08-CA-219427

Dear Mr. Schlatter,

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-219427

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.

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