

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 13**

**ZEIGLER NORTH RIVERSIDE, LLC  
D/B/A/ZIEGLER FORD OF NORTH RIVERSIDE**

**and**

**ZEIGLER LINCOLNWOOD D/B/A ZEIGLER  
BUICK GMC OF LINCOLNWOOD & CADILLAC  
OF LINCOLNWOOD**

**and**

**LOCAL LODGE 701, INTERNATIONAL  
ASSOCIATION OF MACHINISTS &  
AEROSPACE WORKERS, AFL-CIO (LOCAL 701)**

**Cases 13-CA-225984  
13-CA-230635  
13-CA-233695  
13-CA-233700  
13-CA-235867**

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**ZEIGLER NORTH RIVERSIDE, LLC  
D/B/A/ZIEGLER FORD OF NORTH RIVERSIDE**

**and**

**ZEIGLER LINCOLNWOOD D/B/A ZEIGLER  
BUICK GMC OF LINCOLNWOOD & CADILLAC  
OF LINCOLNWOOD**

**And**

**TEAMSTERS LOCAL 731, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS, AFL-CIO  
(LOCAL 731)**

**Cases 13-CA-230375  
13-CA-235144  
13-CA-235147**

**COUNSEL FOR THE GENERAL COUNSEL'S MOTION IN OPPOSITION TO  
RESPONDENTS' MOTION TO BIFURCATE HEARING**

Respondents' Motion to Bifurcate Hearing must be dismissed. To sever a consolidated complaint the moving party must show that the General Counsel arbitrarily abused his discretion in consolidating the complaint. *Service Employees Local 87 (Cresleigh Management)*, 324 NLRB 774, 774 (1997). The Respondents do not meet their burden of proof, and nowhere in their motion do they articulate any basis that shows an abuse of discretion.

Respondents want all charges filed by IAM Local 701 heard separately from all charges filed by Teamsters Local 731. They claim there are no similarities between these units and consolidated cases. But their claim is untrue. These cases were consolidated because they involve many of the same set of facts needed to establish successorship and, in some cases, direct dealing. In February of 2018, Zeigler Lincolnwood purchased the business of Grossinger Auto Group. In June of 2018, Zeigler North Riverside purchased the business of McCarthy Ford. At the time of each purchase, the auto mechanics were represented by Charging Party IAM, Local 701, and the parts and counter employees with whom the mechanics worked with daily were represented by Charging Party Teamsters Local 731. The transition at each facility occurred under the leadership of Aaron Zeigler. Before and after the transitions, staff meetings were held by the respective Zeigler purchaser for all employees, including 701- and 731-unit employees. What occurred at these meetings help to establish the successorship and direct dealing allegations alleged in the complaint. Severing the complaint by bargaining unit will only result in greater costs to the Agency because we would have two hearings for unfair labor practices that occurred from a common set of facts.

Additionally, while the Respondents claim that a consolidated complaint places an undue hardship on them given the short notice of hearing, they fail to identify what specific hardship they will incur if the consolidated complaint moves forward. In fact, it is to their benefit that the matters be consolidated. They share a principal agent, Aaron Zeigler, who is the president at both locations, and they share a legal representative Jim Hendricks who served (and is serving) as the chief negotiator for each property with the respective Union.

Severing these cases will impose greater administrative costs for the Board and an unnecessary delay for all involved parties. “The General Counsel has wide discretion in deciding whether to consolidate proceedings. Although that discretion is not unbounded, generally the General Counsel may do as he thinks best, and his decision about whether or not to consolidate is subject to review only for arbitrary abuse of discretion.” *McDonalds USA, LLC*, 363 NLRB No. 91 slip op. at 1 (2016). Thus, absent proof by the Respondents that the General Counsel has abused his wide discretion given to him pursuant to Section 102.33 of the Board’s Rules and Regulations, this motion must be dismissed, and the proceeding must move forward as consolidated.

Respectfully Submitted:

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