

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES
SAN FRANCISCO BRANCH OFFICE**

NEWPORT MEAT SOUTHERN
CALIFORNIA, INC.

and

GENERAL TRUCK DRIVERS, OFFICE,
FOOD & WAREHOUSE UNION,
LOCAL 952, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS

Cases 21-CA-209861
21-CA-214652
21-CA-217903

**ORDER DENYING RESPONDENT'S NOTICE OF UNAVAILABILITY AND MOTION
TO ADJUST TWO DAYS OF HEARING**

After I issued an order re-setting the hearing start date and time as well as a scheduling order, Respondent filed a notice of unavailability and motion to adjust days May 20 and 21, 2019 of the hearing. After I issued an order to show cause, the General Counsel filed an opposition to Respondent's notice and motion, and Respondent filed a reply.

During the parties' prehearing conference call on April 26, 2019, held at 5 p.m. due to the parties' general unavailability that entire week and with all parties represented on the prehearing conference call, I informed the parties that the hearing start date and time would be moved from May 13, 2019, at 1 p.m., to May 14, 2019, at 9 a.m. Thereafter, I questioned the parties as to how long their case-in-chief would take. Counsels for the General Counsel estimated four to five days for their case-in-chief due to an expected approximately 13 witnesses in which at least 7 witnesses will need interpreters. Counsels for the General Counsel also stated that additional time may be needed based on documents to be received based on the *subpoena duces tecum*. When I questioned how long Respondent anticipated their case-in-chief to take, Respondent's counsel could not provide an estimated number. Thus, I concluded that Respondent's counsel likely will need the same amount of time for its case-in-chief as Counsels for the General Counsel. In sum, the hearing was estimated to take 8 to 10 days. I also suggested that to reduce the number of days needed for this hearing the parties consider stipulations of facts as well as joint exhibits.

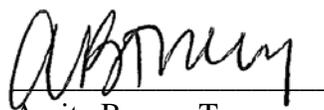
To set the days for the hearing, I informed the parties that due my unavailability on Mondays and Fridays, the hearing would need to take place generally on Tuesdays, Wednesdays, and Thursdays except for Thursday, May 23, 2019, for my previously scheduled leave. Based upon the aforementioned, I announced the hearing would take place on May 14, 15, 16, 21, 22, 28, 29, 30, and June 4, 5, 6, 2019, for a total of 11 days of hearing. During this call, Respondent's counsel, albeit a substitute counsel, never mentioned any unavailability for May 21 and 22, 2019.

Now, however, Respondent's counsel states that he is unavailable on May 21 and 22, 2019 due to a pending matter in Region 19 which was scheduled on February 21, 2019. At no time did Respondent's counsel mention this unavailability during the pre-hearing conference call after I announced the hearing dates. Nor is it apparent that Respondent's counsel informed Counsels for the General Counsel of the May 21 and 22, 2019 hearing in Region 19 prior to the filing of the notice of unavailability and motion to adjust two days of hearing. Moreover, as the parties' have indicated that this matter will take between 8 to 10 days of hearing time, Respondent's counsel would still have had a conflict with the hearing days of May 21 and 22, 2019 as this matter was scheduled to take place for two weeks beginning on May 13, 2019. Finally, I take judicial notice that Respondent's law firm has many attorneys where proper arrangements for coverage of these hearings can take place.

Considering the above as well as the many times this matter has been rescheduled by the Regional Director, I deny Respondent's request to cancel the hearing dates of May 21 and 22, 2019. The hearing will commence on May 14, 2019 at 9 a.m., and take place on May 14, 15, 16, 21, 22, 28, 29, 30, and June 4, 5, 6, 2019, as needed.

SO ORDERED.

Date: May 3, 2019, San Francisco, California.



Amita Baman Tracy
Administrative Law Judge

Served by facsimile and/or email upon the following:

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From: Lee, Vanise J.

Sent: Friday, May 3, 2019 12:39 PM

To: Silverman, Ami <Ami.Silverman@nlrb.gov>; Castaneda, Edith <Edith.Castaneda@nlrb.gov>; Adlong, Daniel A. <daniel.adlong@ogletree.com>; Stublely, Mark <Mark.Stublely@ogletreedeakins.com>; Hayes, Brian E. <brian.hayes@ogletreedeakins.com>; Stublely, Mark <mark.stublely@ogletree.com>; Fern Steiner <FSteiner@ssvwlaw.com>

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Subject: Newport Meat Order of So. California 21-CA-209861 et al. Re: motion to cancel two hearing dates, dd., 5/3/19.

Importance: High

Good afternoon please see the attached Order which was faxed to your offices.

Regards,

Vanise J. Lee, Legal Tech.

NLRB Division of Judges San Francisco Branch

Main – 415.356.5255

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-----Original Message-----

Sent: Friday, May 3, 2019 12:25 PM

To: Lee, Vanise J. <Vanise.Lee@nlrb.gov>

Subject: Re: [NASS] Scan-to-FAX Delivery - [REPORT]

Number of faxes : 4
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Duration : 53 sec.
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Sent : 2019-05-03-15.24.54
Remote CSID: 619 501 8194
Duration : 101 sec.
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