

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

UNITED SITE SERVICES OF CALIFORNIA, INC.

and

Cases 20-CA-139280; 20-CA-149509

TEAMSTERS LOCAL 315

JOINT MOTION TO ADD DOCUMENTS TO THE FORMAL RECORD

Since the completion of the second round of briefing to the Board on this matter, the Charging Party disclaimed interest in representing the bargaining unit at issue. See Attachment 1. Thereafter, the Charged Party and Counsel for the General Counsel moved jointly to dismiss an injunction that had been issued in the Eastern District Court of California. See Attachment 2.

In order to update the record in relation to the Charging Party's status vis-à-vis the pertinent unit; and in order update the Board on the status of the injunction proceeding in this matter, the parties hereby MOVE for the attached documents to be added to and be considered a part of the formal record in this proceeding.

Respectfully submitted.

_____/s/ Richard J. McPalmer_____
Richard J. McPalmer
Counsel for the General Counsel
Dated: ____4/30/2019_____

Jonathan E. Kaplan
Counsel for Respondent
Dated: _____

Susan K. Garea
Counsel for Charging Party
Dated: _____

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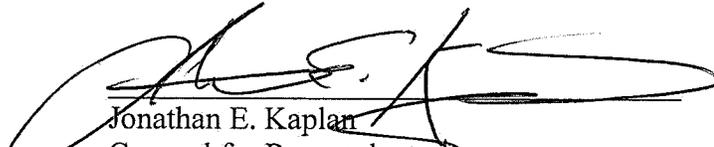
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_____/s/ Richard J. McPalmer_____
Richard J. McPalmer
Counsel for the General Counsel
Dated: ____4/30/2019____


Jonathan E. Kaplan
Counsel for Respondent
Dated: ____May 9, 2019____

Susan K. Garea
Counsel for Charging Party
Dated: _____

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_____/s/ Richard J. McPalmer_____
Richard J. McPalmer
Counsel for the General Counsel
Dated: ____4/30/2019____

Jonathan E. Kaplan
Counsel for Respondent
Dated: _____


Susan K. Garea
Counsel for Charging Party
Dated: ____5/7/19____

ATTACHMENT 1

ROBERT BONSALE
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CATHERINE E. HOLZHAUSER
JOHN C. PROVOST
ANDREW H. BAKER
SHEILA K. SEXTON
DALE L. BRODSKY
COSTA KERESTENZIS
PETER M. McENTEE
SUSAN K. GAREA
SARAH SANDFORD-SMITH
CHRISTOPHER HAMMER
STEPHANIE PLATENKAMP
LORRIE E. BRADLEY
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SARAH S. KANBAR

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June 15, 2018

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—
OF COUNSEL
DUANE B. BEESON

abaker@beesontayer.com

Sent by Email & U.S. Mail

Jonathan E. Kaplan, Esq.
Littler Mendelson, P.C.
3725 Champion Hills Drive, Suite 3000
Memphis, TN 38125

Re: Teamsters Local 315 and United Site Services of California, Inc.

Dear Mr. Kaplan:

This office represents Teamsters Local 315. Please be advised that by this letter Teamsters Local 315 hereby disclaims interest in the bargaining unit previously certified in NLRB Case No. 20-RC-113900 at the Employer's Benicia, California, facility.

Very truly yours,

Andrew H. Baker

AHB/tg

cc: Richard McPalmer, NLRB Region 20 (via email)
Don E. Garcia, Teamsters Local 315 (via email)

ATTACHMENT 2

1 RICHARD J. MCPALMER, CA BAR 244962
National Labor Relations Board, Region 20
2 901 Market Street, Suite 400
San Francisco, California 94103-1735
3 (628) 221-8863
richard.mcpalmer@nlrb.gov
4 Attorney for Petitioner

5 TARA L. PRESNELL, CA BAR 234123
Littler Mendelson, P.C.
6 1255 Treat Blvd., Suite 600
Walnut Creek, CA 94597
7 (925) 932-2468
tpresnell@littler.com
8 Attorney for Respondent

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11
12 JILL COFFMAN, Regional Director of
Region 20 of the National Labor Relations
13 Board, for and on behalf of the
NATIONAL LABOR RELATIONS
14 BOARD,¹

15 Petitioner,

16 vs.

17 UNITED SITE SERVICES OF
CALIFORNIA, INC.,

18 Respondent.
19

Case No. 2:15-CV-01360-TLN-CKD

**STIPULATION AND ORDER OF
DISMISSAL OF ACTION PURSUANT TO
FED. R. CIV. P. 41(a)(1)(A)(ii)**

20
21 IT IS HEREBY STIPULATED AND AGREED by and between Petitioner Jill Coffman,
22 Regional Director of Region 20 of the National Labor Relations Board, and Respondent United
23 Site Services of California, Inc. (collectively “the Parties”), by their respective attorneys, pursuant
24 to Federal Rule of Civil Procedure Rule 41(a)(1)(A)(ii) and Local Civil Rule 143, as follows:

25 1) WHEREAS, on June 26, 2015, Petitioner filed with this Honorable Court a
26 Petition for Injunction Under Section 10(j) of the National Labor Relations Act, as Amended [29

27
28 ¹ Jill Coffman has succeeded Joseph F. Frankl as Regional Director of Region 20 of the National
Labor Relations Board. See Fed. R. Civ. P. 25(d).

1 U.S.C. §160(j)] (Docket No. 1);

2 2) WHEREAS, on March 14, 2016, this Court issued its Temporary Injunction Order
3 requiring Respondent to cease and desist from taking certain actions and to take certain
4 affirmative actions (Docket No. 31);

5 3) WHEREAS, on April 8, 2016, pursuant to the Court's March 14 Temporary
6 Injunction Order, Respondent filed a sworn declaration affirming that it had complied with the
7 affirmative provisions of the Temporary Injunction Order (Docket No. 33);

8 4) WHEREAS, by letter dated June 15, 2018, Teamsters, Local 315 ("Union"), the
9 heretofore exclusive collective-bargaining representative of the bargaining unit employees of
10 Respondent at issue in the administrative complaint underlying this matter, formally disclaimed
11 interest in representing said bargaining unit. As a result of that action, the Union no longer
12 represents the bargaining unit employees in collective bargaining with Respondent, thereby
13 mooted any on-going obligation Respondent would have under the Court's March 14 Temporary
14 Injunction Order to recognize and bargain with the Union;

15 5) WHEREAS, Respondent's compliance with the affirmative provisions of the
16 Court's March 14 Temporary Injunction Order and the Union's disclaimer of interest in
17 representing Respondent's bargaining unit have obviated and extinguished the need for continued
18 injunctive relief;

19 ///

20 ///

21 ///

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1 THE PARTIES HEREBY STIPULATE AND AGREE that the Court's March 14
2 Temporary Injunction Order should be VACATED and that this action be, and hereby is,
3 DISMISSED without prejudice.

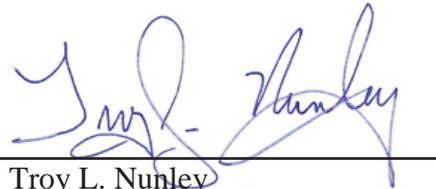
4
5 /s/ Richard J. McPalmer
6 Richard J. McPalmer
7 Counsel for Petitioner
8 901 Market Street, Suite 400
9 San Francisco, California 94103-1735
10 (628) 221-8863

11 Dated this 24th day of July, 2018.

12 /s/ Tara L. Presnell
13 Tara L. Presnell
14 Counsel for Respondent
15 Littler Mendelson, P.C.
16 1255 Treat Blvd., Suite 600
17 Walnut Creek, CA 94597
18 (925) 932-2468
19 tpresnell@littler.com

20 Dated this 8th day of August, 2018.

21 IT IS SO ORDERED at Sacramento, California, this 10th day of August, 2018.

22
23 

24 Troy L. Nunley
25 United States District Judge
26
27
28