

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
WASHINGTON, D.C.**

RINGO SERVICES, INC.,

Respondent

**Cases 07-CA-209485
07-CA-214290**

and

**LOCAL 324, INTERNATIONAL UNION OF
OPERATING ENGINEERS (IUOE), AFL-CIO,**

Charging Party

**COUNSEL FOR THE GENERAL COUNSEL'S
MOTIONS TO TRANSFER CASES TO AND CONTINUE PROCEEDINGS BEFORE
THE BOARD AND FOR DEFAULT JUDGMENT**

Pursuant to Sections 102.24 and 102.50 of the Board's Rules and Regulations, Series 8, as amended, Counsel for the General Counsel Renée D. McKinney files these Motions to Transfer Cases to and Continue Proceedings Before the Board and Motion for Default Judgment, and in support of the Motions, states as follows:

1. (a). The charge in Case 07-CA-209485 was filed by the Charging Party on November 7, 2017; and a copy was served on Respondent by U.S. mail on November 8, 2017. A copy of the charge and the affidavit of service for the charge are attached as Exhibits A and B, respectively.

(b). The amended charge in Case 07-CA-209485 was filed by the Charging

Party on January 30, 2018, and a copy was served on Respondent by U.S. mail on January 31, 2018. A copy of the amended charge and the affidavit of service for the amended charge are attached as Exhibits C and D, respectively.

(c). The charge in Case 07-CA-214290 was filed by the Charging Party on February 5, 2018, and a copy was served on Respondent by U.S. mail on February 6, 2018. A copy of the charge and the affidavit of service for the charge are attached as Exhibits E and F, respectively.

2. On May 14, 2019, the Regional Director for Region Seven issued and served upon Respondent by certified mail at Respondent's last known address, a Reissued Consolidated Complaint and Order Revoking Settlement (Complaint); a Compliance Specification; an Order Consolidating Reissued Consolidated Complaint, as Amended (Order), and Compliance Specification; and a Notice of Hearing. Respondent was notified that it must file an answer to the Complaint and Compliance Specification on or before June 4, 2019. A copy of the Complaint, Order, Compliance Specification and Notice of Hearing; the certificate of service of the Complaint, Order, Compliance Specification, and Notice of Hearing; a copy of a February 11, 2019 e-mail message from President, Treasurer, Secretary and Registered Agent of Respondent Dan Ringo to the Charging Party with a new address listed; and the United States Postal Service Tracking Results are attached as Exhibits G, H, I, and J, respectively.

3. Further, on May 22, 2019, Counsel for the General Counsel also served upon Respondent by regular mail at Respondent's address registered with the State of Michigan for service of process a copy of the Complaint, Order, Compliance Specification, and Notice of Hearing. A copy of the internal request for mailing and confirmation of mailing is attached as

Exhibit K. A copy of the online State of Michigan corporate record for Respondent is attached as Exhibit L.

4. Respondent failed to file an answer on or before June 4, 2019.

5. On June 7, 2019, the Regional Director for Region Seven wrote and served upon Respondent a letter by regular mail advising Respondent that it had not filed an answer to the Complaint and Consolidated Compliance Specification. Respondent was further advised that unless it filed an appropriate answer by June 14, 2019, a Motion for Default Judgment would be filed with the Board. A copy of the letter is attached as Exhibit M.

5. To date, no answer to the Complaint and Compliance Specification has been filed by Respondent, nor has Respondent filed any document purporting to be an appropriate answer or a request for an extension of time to file an answer.

6. In the Complaint, Compliance Specification, and Notice of Hearing served upon Respondent, as noted above, Respondent was advised as follows:

Respondent is notified that, pursuant to Sections 102.20, 102.21, and 102.56 of the Board's Rules and Regulations, it must file an answer to the consolidated complaint as amended and compliance specification. The answer must be received by this office on or before June 4, 2019. Respondent should file an original and four copies of the answer with this office 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 and compliance specification are true.

7. Section 102.20 of the Board's Rules and Regulations, Series 8, as amended, provides, in pertinent part: "All allegations in the complaint, if no answer is filed . . . 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." Because no answer has been filed to the Complaint, all of the allegations of the Complaint should be deemed to be admitted and found to be true. *SDS Distributing Corp.*, 245 NLRB 322 (1979); *Neal B. Scott Commodities, Inc.*, 238 NLRB 32 (1978). Based on the

foregoing, it is clear that a merits hearing in this matter is not necessary and it is appropriate for the Board to issue a Decision and Order without further proceedings.

8. Section 102.56(c) of the Board's Rules and Regulations, Series 8, as amended, provides, in pertinent part:

If the Respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the Respondent, find the specification to be true and enter such order as may be appropriate.

Because no answer has been filed to the Compliance Specification, all of the allegations of the Compliance Specification should be deemed to be admitted and true. *Campaign for the Restoration & Regulation of Hemp, THCF, & Presto Quality Care Corp., as Single and/or Joint Employers*, 366 NLRB No. 15, slip op. at 1 (February 5, 2018). Based on the foregoing, no compliance proceeding on the General Counsel's calculation of gross backpay in this matter is necessary, and it is appropriate for the Board to issue a Decision and Order as to the liquidated backpay and fringe benefit contributions due, plus interest, without further proceedings.

WHEREFORE, Counsel for the General Counsel respectfully moves:

1. That these Cases and these Motions be transferred to the Board and ruled on immediately so that in the event they are granted, the necessity and expense of a hearing involving Respondent will be obviated.

2. That all allegations of the Complaint be deemed to be admitted to be true, and so found by the Board, and that Respondent be found by the Board to have violated Section 8(a)(5) of the National Labor Relations Act, as amended, without taking evidence in support of the Complaint.

3. That the Board issue a Decision containing findings of fact, conclusions of law, and an Order, all consistent with the allegations in the Complaint against Respondent and the prayer for relief set forth therein.

4. That the backpay and fringe benefits set forth in the Compliance Specification be deemed reasonable, and so found by the Board, and that Respondent be found by the Board to owe the amounts of liquidated backpay and fringe benefit contributions set forth in the Compliance Specification, plus interest.

5. That the Board issue a Decision containing findings of fact, conclusions of law, and an make-whole Order, all consistent with the facts set forth in the Compliance Specification and the prayer for relief set forth therein.

Respectfully submitted this 17th day of June 2019,

/s/ Renée D. McKinney

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CERTIFICATE OF SERVICE

I certify that I have caused a true and correct copy of the foregoing **COUNSEL FOR THE GENERAL COUNSEL'S MOTIONS TO TRANSFER CASE TO AND CONTINUE PROCEEDINGS BEFORE THE BOARD AND FOR DEFAULT JUDGMENT** to be served upon the following via the NLRB's e-filing system on June 17, 2019:

Roxanne L. Rothschild, Executive Secretary
Office of the Executive Secretary
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

I further certify that I have caused a true and correct copy of the above-referenced documents to be served on the following by U.S. Mail on June 17, 2019:

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Respectfully Submitted,

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