



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 Penn Square East, Suite 403
Philadelphia, PA 19107

Agency Website: www.nlr.gov
Telephone: (215) 597-7601
Fax: (215) 597-7658

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June 27, 2019
e-filed

Roxanne L. Rothschild
Executive Secretary
National Labor Relations Board
1015 Half Street, S.E.
Washington, DC 20570

Re: Carl R. Bieber, Inc.
Case 04-CA-235770

Dear Ms. Rothschild:

Enclosed please find Counsel for the General Counsel's Motion for Default Judgment (with Exhibits) in the above matter.

Copies of the above documents are being sent as a pdf e-mail attachment to parties listed below.

Very truly yours,

PATRICE TISDALE
Counsel for the General Counsel

cc:
Mr. Steve Haddad, shaddad@biebertourways.com
Joseph D. Richardson, Esquire, jrichardson@wwdlaw.com

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

CARL R. BIEBER, INC.

and

Case 04-CA-235770

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 429**

MOTION FOR DEFAULT JUDGMENT

Pursuant to Sections 102.20, 102.24, and 102.5, of the National Labor Relations Board's Rules and Regulations, Series 8, as amended (the Rules), Counsel for the General Counsel hereby moves that this case be transferred to the National Labor Relations Board (Board) and that the Board grant default judgment against Carl R. Bieber Inc. (Respondent). In support of the Motion, Counsel for the General Counsel respectfully submits the following:

1. The charge in this matter was filed by International Brotherhood of Teamsters Local 429 (the Union) on February 12, 2019 and served on Respondent on February 12, 2019. Copies of the charge and the Affidavit of Service of the charge are attached as Exhibits 1 and 2, respectively.
2. On May 23, 2019, the Regional Director for the Fourth Region of the Board issued a Complaint and Notice of Hearing in this matter alleging, inter alia, that Respondent engaged in conduct in violation of Section 8(a)(1) and (5) of the National Labor Relations Act, as amended (the Act). Respondent was directed to file an Answer to the Complaint within fourteen (14) days from the service of the charge as required by Sections 102.20 and 102.21 of the Rules. The hearing on the Complaint is currently scheduled to begin on August 20, 2019. Copies of the Complaint and Notice of Hearing and the Affidavit of Service are attached as Exhibits 3 and 4, respectively.
3. The time for filing an Answer under the Rules expired on June 6, 2019.
4. By letter dated June 10, 2019, and sent to Respondent by regular first-class mail, Respondent was advised that its Answer was overdue and that a Motion for Default Judgment would be filed if Respondent's Answer was not received by June 17, 2019. A copy of this letter is attached as Exhibit 5.
5. Respondent has failed to respond to the letter or to file an Answer to the Complaint.

6. It is therefore submitted that Respondent has failed to comply with the Rules concerning the filing of an Answer and, accordingly, the allegations of the Complaint should be deemed to be found to be true pursuant to Section 102.20 of the Rules.

WHEREFORE, the undersigned Counsel for the General Counsel moves that: (1) the Complaint in this proceeding be transferred to and continued before the Board; (2) the Board find the allegations of the Complaint to be true; (3) the Board issue a Decision and Order finding and concluding that Respondent has violated Section 8(a)(1) and (5) of the Act as alleged in the Complaint and to post an appropriate Notice; and (4) the Board grant such further relief as may be appropriate.

Signed at Philadelphia, Pennsylvania this 27th day of June 2019.

A handwritten signature in black ink, appearing to read 'Patrice Tisdale', is written over a horizontal line. The signature is stylized and cursive.

PATRICE TISDALE

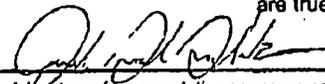
Counsel for the General Counsel
National Labor Relations Board
Fourth Region
(215) 597-9711

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 04-CA-235770	Date Filed 2/12/19

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Carl R. Bieber Inc. d/b/a Bieber Transportation Group	b. Tel. No. 610-683-7333
	c. Cell No. 610-587-3712
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 320 Fair Street, PO Box 180 Kutztown PA 19530	e. Employer Representative Steve Haddad
g. e-mail shaddad@biebertourways.com	
h. Number of workers employed 45	
i. Type of Establishment (factory, mine, wholesaler, etc.) For-Hire Motorcoach	j. Identify principal product or service Transportation
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1st subsections) (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
(1) Within the past six months, the Employer has failed to remit union dues deducted pursuant to a valid authorization.	
(2) Since approximately January 27, 2019, the Employer has failed to pay its employees, which amounts to a wholesale repudiation of its obligation to do so under the status quo terms and conditions of employment.	
(3) Since approximately February 8, 2019, the Employer has failed to pay employees for accrued vacation hours, which amounts to a wholesale repudiation of its obligation to do so under the status quo terms and conditions of employment.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) International Brotherhood of Teamsters Local 429	
4a. Address (Street and number, city, state, and ZIP code) 1055 Spring Street Wyomissing, PA. 19610	4b. Tel. No. 610-320-5521
	4c. Cell No.
	4d. Fax No.
	4e. e-mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) International Brotherhood of Teamsters	
6. DECLARATION	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
 (signature of representative or person making charge)	Joseph Richardson, Esq. (Print/type name and title or office, if any)
Willig, Williams & Davidson, 1845 Walnut St., 24th Fl., Address Philadelphia PA 19103	Tel. No. 215-656-3655
	Office, if any, Cell No. 267-721-4068
Date 2/12/19	Fax No.
	e-mail jrichardson@wwdlaw.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

Exhibit 1

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**CARL R. BIEBER, INC. D/B/A BIEBER
TRANSPORTATION GROUP**

Charged Party

and

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 429**

Charging Party

Case 04-CA-235770

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 12, 2019, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Steve Haddad
Carl R. Bieber Inc. d/b/a Bieber
Transportation Group
320 Fair Street
PO Box 180
Kutztown, PA 19530

February 12, 2019

Date

Jane Peterson, Designated Agent of NLRB

Name

/s/ Jane Peterson

Signature

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

CARL R. BIEBER, INC.

and

Case 04-CA-235770

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 429**

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by International Brotherhood of Teamsters Local 429 (the 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 Carl R. Bieber Inc. (Respondent) has violated the Act as described below.

1. The charge in this proceeding was filed by the Union on February 12, 2019, and a copy was served on Respondent by U.S. mail on February 12, 2019.

2. (a) At all material times, Respondent, a Pennsylvania corporation with an office in Kutztown, Pennsylvania (the Facility), has been engaged in the interstate transportation of passengers.

(b) In conducting its operations described above in subparagraph (a) during the calendar year ending December 31, 2018, Respondent performed services valued in excess of \$50,000 in States other than the Commonwealth of Pennsylvania.

(c) 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.

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

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Steven G. Haddad	-	President
John Kowalski	-	Operations Manager
David Okraska	-	Operations Manager.

5. (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 regularly scheduled full-time bus drivers, mechanics, head mechanic, assistant head mechanic, wash crew and head of the wash crew, but excluding all other employees, including, but not limited to, dispatchers, office employees, casual employees, guards and supervisors within the meaning of the National Labor Relations Act.

(b) 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 March 2, 2014 to March 1, 2018.

(c) At all material times, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

6. (a) Since about October 1, 2018, following the expiration of the collective-bargaining agreement described above in subparagraph 5(b), Respondent has failed to remit to the Union dues deducted pursuant to valid, unexpired, and unrevoked employee checkoff authorizations.

(b) Since about January and February 2019, more precise dates being presently unknown to the General Counsel, Respondent has failed to pay wages to the Unit.

(c) Since about February 9, 2019, Respondent has failed to pay vacation benefits to the Unit.

(d) The subjects set forth above in subparagraphs 6(a) through (c) relate to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(e) Respondent engaged in the conduct described above in subparagraphs 6(a) through (c) without prior notice to the Union and without affording the Union an opportunity to bargain with Respondent with respect to this conduct and the effects of this conduct.

7. By the conduct described above in paragraph 6(a), Respondent has been interfering with, restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

8. By the conduct described above in paragraph 6(a) through (e), 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.

9. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

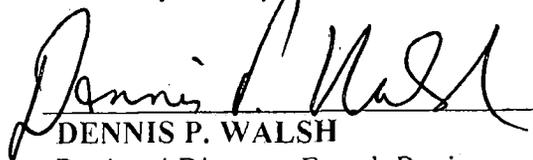
Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before Thursday, June 6, 2019 or postmarked on or before Wednesday, June 5, 2019.** Respondent should file 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 **Tuesday, August 20, 2019** at 10:00 a.m. 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 Regional Office in The Wanamaker Building, 100 Penn Square East, Suite 403, Philadelphia, Pennsylvania. 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.

Signed at Philadelphia, Pennsylvania this 23rd day of May, 2019.



DENNIS P. WALSH
Regional Director, Fourth Region
National Labor Relations Board

Attachments

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 4

CARL R. BIEBER, INC

and

Case 04-CA-235770

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 429

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 May 23, 2019, 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:

Mr. Steve Haddad
Carl R. Bieber Inc.
320 Fair Street
P.O. Box 180
Kutztown, PA 19530

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

Joseph D. Richardson, Esquire
Willig, Williams & Davidson
1845 Walnut Street, 24th Floor
Philadelphia, PA 19103

FIRST CLASS MAIL

International Brotherhood of
Teamsters Local 429
1055 Spring Street
Wyomissing, PA 19610-1747

CERTIFIED MAIL

May 23, 2019

Date

Lorraine Y Murray
Designated Agent of NLRB

Name

/s/ Lorraine Y. Murray

Signature

Exhibit

4



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 Penn Square East, Suite 403
Philadelphia, PA 19107

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Fax: (215) 597-7658

Agent's Direct Dial: (215) 597-9711

June 10, 2019

Mr. Steve Haddad
Carl R. Bieber, Inc.
320 Fair Street
P.O. Box 180
Kutztown, PA 19530

Re: Carl R. Bieber, Inc.
Case 04-CA-235770

Dear Mr. Haddad:

On May 23, 2019, a Complaint and Notice of Hearing issued in the above-captioned matter. The Answer was due on June 6, 2019 but to date, no Answer has been received. This is to advise you that unless an Answer is filed by **Monday, June 17, 2019**, I will recommend that a Motion for Default Judgment be filed with the Board. I have enclosed a copy of the Complaint as well as the Board's Rules and Regulations Section 102.20 and 102.21 which set forth the requirements for Answers to Complaints.

Thank you.

Very truly yours,

/s/ Richard P. Heller

RICHARD P. HELLER
Regional Attorney

Enclosures

EXHIBIT 5