

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12**

INTERNATIONAL ALLIANCE OF THEATRICAL
STAGE EMPLOYEES, MOVING PICTURE
TECHNICIANS, ARTISTS, AND ALLIED CRAFTS
OF THE UNITED STATES, ITS TERRITORIES AND
CANADA, AFL-CIO, CLC, LOCAL 835
(FREEMAN DECORATING CO.;
GLOBAL EXPERIENCE SPECIALISTS, INC.)

and

DAWN GENTRY, an Individual

Case 12-CB-233694

and

LUIS LUGO, an Individual

Case 12-CB-233788

**GENERAL COUNSEL'S OPPOSITION TO
RESPONDENT'S MOTION FOR HEARING CONTINUANCE**

On July 23, 2019, International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists, and Allied Crafts of the United States, its Territories and Canada, AFL-CIO, CLC, Local 835 (Respondent or IATSE Local 835), filed a Motion for Hearing Continuance (Motion) in Cases 12-CB-233694 and 12-CB-233788. The General Counsel opposes Respondent's motion and the hearing should proceed on August 7, 2019, as scheduled.

An Order Consolidating Cases, Consolidated Complaint and Notice of Hearing (Complaint) issued on April 29, 2019, which, among other things, set the hearing in this matter for August 7, 2019. Despite more than three months advanced notice of the hearing date, Respondent

waited until just fifteen days prior to the hearing date to seek a postponement because one of its witness' will be unavailable because of a "long-planned vacation."¹

As an initial matter, Ms. Gentry is available to attend the August 7, 2019 hearing; however, should the hearing be postponed until September or later, which is traditionally a busier time in the Orlando exhibition industry, she may be forced to miss significant work opportunities. Should the hearing be postponed, Ms. Gentry may be forced to forego work opportunities to attend the hearing and she has informed Counsel for the General Counsel that she opposes postponing the hearing. Furthermore, Charging Party Luis Lugo is scheduled to begin working out of state around the beginning of August, but postponed his starting date in order to attend the hearing. Postponing the hearing may result in Mr. Lugo being unavailable or might result in him missing future work opportunities. Accordingly, Respondent's postponement request should not be granted as doing so may impose an unwarranted burden on the Charging Parties.

Furthermore, postponing the hearing frustrates the purposes of the Act by delaying resolution of the unfair labor practices at issue here. The General Counsel has alleged that Respondent has unlawfully refused to provide Dawn Gentry and Luis Lugo with requested information. The requested information becomes less useful to the Charging Parties as time passes. Thus, postponement prejudices both Charging Parties. Moreover, a prompt resolution and remedy of Respondent's unfair labor practices is necessary to ensure that Respondent fulfills its duty of fair representation and that other employees represented by Respondent are not chilled in the exercise of their rights.

¹ In its motion, Respondent represents that Counsel for the General Counsel believes that the hearing could be rescheduled without substantial delay. However, Counsel for the General Counsel merely informed Respondent's counsel that his calendar is largely open. Counsel for the General Counsel is not aware of the available hearing dates and whether the Charging Parties will be able to attend the hearing on those dates. Thus, Counsel for the General Counsel does not know whether the hearing can be rescheduled without substantial delay.

In summary, Respondent's Motion for Hearing Continuance unduly delay the proceedings, and frustrate the purposes of the Act. Accordingly, Counsel for the General Counsel respectfully submits that Respondent's Motion for Hearing Continuance should be denied in its entirety.

Dated: July 25, 2019.

Respectfully submitted,

/s/ Steven Barclay

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document, General Counsel's Opposition to Respondent's Motion for Hearing Continuance in Cases 12-CB-233694 and 12-CB-233788, has been electronically served on this 25th day of July, 2019, as follows:

By electronic filing at www.nlrb.gov to:

National Labor Relations Board
Division of Judges
Hon. Robert A. Giannasi
Chief Administrative Law Judge
Attn: Hon. Christine Dibble
Administrative Law Judge
Division of Judges
1015 Half Street SE
Washington, DC 20570

By electronic mail to:

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