

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

777 ETHNIC DINING CONCEPT CORP.

and

Case 28-CA-236521

ARPIT PATEL, an Individual

**MOTION TO TRANSFER AND CONTINUE CASE BEFORE
THE BOARD AND MOTION FOR DEFAULT JUDGMENT**

The General Counsel, pursuant to the provisions of Sections 102.24 and 102.50 of the Rules and Regulations of the National Labor Relations Board, Series 8, as amended (the Board's Rules), files with the National Labor Relations Board (the Board) this motion to transfer and continue before the Board and for default judgment, and in support of said motions alleges as follows:

1. The charge in this proceeding was filed by Arpit Patel, an Individual, against 777 Ethnic Dining Concept Corp. (Respondent) on February 20, 2019, and a copy was served on Respondent by U.S. mail on February 25, 2019, at its facility located at 700 Fremont Street, Las Vegas, Nevada 89101 (Respondent's facility). Copies of the charge and affidavit of service of the charge are attached as **G CX 1** and **G CX 2**, respectively.
2. The first amended charge in this proceeding was filed by Patel on June 12, 2019, and a copy was served on Respondent by U.S. mail on June 13, 2019 at Respondent's facility. Copies of the first amended charge and affidavit of service of the first amended charge are attached as **G CX 3** and **G CX 4**, respectively.
3. The charge, as amended, alleges that Respondent has engaged in and is engaging in certain unfair labor practices that interfere with, restrain, and coerce its employees in

the exercise of their Section 7 rights and affect commerce as set forth and defined in the National Labor Relations Act, as amended, 29 U.S.C. § 151 et. seq. (the Act).

4. Based on the charges described in paragraphs 1 – 3, the General Counsel, by the Regional Director for Region 28, pursuant to Section 10(b) of the Act and Section 102.15 of the Board’s rules, issued a Complaint and Notice of Hearing (Complaint) on June 25, 2019, which was duly served on Respondent by certified mail on the same date at Respondent’s facility. Copies of the Complaint and the affidavit of service of the Complaint are attached as **GCX 5** and **GCX 6**, respectively.

5. In the paragraph of the Complaint titled “Answer Requirement,” Respondent was notified that, pursuant to Sections 102.20 and 102.21 of the Board’s Rules, it was required to file an answer to the complaint within 14 days from the date of service, which was July 9, 2019, and that failure to do so could result in all the allegations of the Complaint being deemed admitted to be true and so found by the Board. Respondent failed to file an Answer by July 9, 2019.

6. On July 16, 2019, the General Counsel issued a letter informing Respondent that it had until July 23, 2019, to file and serve its Answer. The letter also notified Respondent that the Region would file a Motion for Default Judgment directly with the Board should Respondent fail to file and service its Answer by the deadline date. The letter was duly served upon Respondent by U.S. Mail at Respondent’s facility, as well as by email. To date, Respondent has not filed an Answer to the Complaint. A copy of the letter is attached as **GCX 7**. A copy of the email is attached as **GCX 8**.

7. Section 102.20 of the Board's Rules states the time for respondents to file an answer and the effect of failing to file an answer:

Answer to complaint; time for filing; contents; allegations not denied deemed admitted. — The respondent shall, within 14 days from the service of the complaint, file an answer thereto. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

8. Despite having been advised of the filing requirements, Respondent has failed to file an Answer to the Complaint. Furthermore, Respondent has not shown good cause to justify its failure to file an Answer. This failure, coupled with the specific allegations of the Complaint, provide the basis for filing this Motion for Default Judgment.

9. Based on the failure of Respondent to file an Answer under Section 102.20 of the Board's Rules, it is respectfully submitted that the Board should deem all the allegations of the Complaint to be true and issue an appropriate default judgment order. *Wynn Las Vegas, LLC and Nfinite Entertainment, Inc.*, 367 NLRB No. 107 (2019); *El Rio Bakery, Inc.*, 367 NLRB No. 99 (2019); *On Target Security, Inc.*, 362 NLRB No. 31 (2015); *Pro Works Contracting, Inc.*, 362 NLRB No. 2 (2015); *Fine Fare Supermarkets*, 359 NLRB No. 65 (2013).

NOW THEREFORE, in accordance with Section 102.24(b) and Section 102.50 of the Board's Rules, the General Counsel respectfully requests that the Board transfer and continue this matter before it, find that all of the allegations in the Complaint be deemed to be admitted to be true and so found, and that forthwith, without a hearing, the Board issue a

Decision and Order containing such findings of facts and conclusions of law, and a remedial order in accordance with the allegations in the Complaint.

Dated at Phoenix, Arizona, this 29th day of July 2019.

Respectfully submitted,

/s/ Fernando Anzaldua
Fernando Anzaldua
Counsel for the General Counsel
National Labor Relations Board
Region 28 – Phoenix Office
2600 N Central Avenue, Suite 1400
Phoenix, Arizona 85004
Telephone: (602) 416-4757
Facsimile: (602) 640-2178
E-mail: fernando.anzaldua@nlrb.gov

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION TO TRANSFER AND CONTINUE CASE BEFORE THE BOARD AND MOTION FOR DEFAULT JUDGMENT** in *777 Ethnic Dining Concept Corp.*, Case 28-CA-236521 was filed and served via E-Gov, E-Filing and Email and/or U.S. Mail, on this 29th day of July 2019, on the following as indicated below:

Via E-Gov, E-Filing:

Roxanne L. Rothschild, Executive Secretary
Office of the Executive Secretary
National Labor Relations Board
1015 Half Street SE – Room 5100
Washington, DC 20570-0001

Via U.S. mail and E-mail

Ritesh Patel, Owner
777 Ethnic Dining Concept Corp
700 Fremont Street, Suite A
Las Vegas, NV 89101
E-mail: FOI.Turmeric@gmail.com

Via U.S. mail and E-mail

Arpit Patel
7361 Hawk Shadow Avenue
Las Vegas, NV 89113
Email: akunkuki78@gmail.com



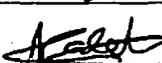
Dawn M. Moore
Administrative Assistant
National Labor Relations Board
Region 28 - Las Vegas Resident Office
Foley Federal Building
300 Las Vegas Boulevard South, Suite 2-901
Las Vegas, Nevada 89101
Telephone: (702) 820-7466
Facsimile: (702) 388-6248
E-Mail: Dawn.Moore@nlrb.gov

UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
28-CA-236521	February 20, 2019

INSTRUCTIONS:

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer 777 Ethnic Dining Concept Corp		b. Tel. No. (702) 906-2700
		c. Cell No. (702) 335-1846
d. Address (street, city, state ZIP code) 700 Freemont Street Las Vegas, NV 89101	e. Employer Representative Ritesh Patel, Owner	f. Fax No.
		g. e-Mail FOI.TURMERIC@gmail.com
		h. Dispute Location (City and State) Las Vegas, NV
i. Type of Establishment (factory, nursing home, hotel) Restaurant	j. Principal Product or Service Indian Food	k. Number of workers at dispute location 10
1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) 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 are unfair 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)		
<p>On or about January 18, 2019, the above-named Employer, through its officers, agents, and representatives has discriminated against employee Arpit Patel by terminating him in retaliation for complaining about terms and conditions of employment and or in order to discourage protected concerted activities.</p> <p>By these and other acts, the above-named Employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.</p>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Arpit Patel		
4a. Address (street and number, city, state, and ZIP code) 7361 Hawk Shadow Avenue Las Vegas, NV 89113		4b. Tel. No.
		4c. Cell No. (702)372-7643
		4d. Fax No.
		4e. e-Mail akunkuki78@gmail.com
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)		
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.		Tel. No.
By: 	Arpit Patel, an Individual	Office, if any, Cell No. (702)372-7643
(signature of representative or person making charge)	Print Name and Title	Fax No.
Address: 7361 Hawk Shadow Avenue, Las Vegas, NV 89113	Date: 02/20/19	e-Mail akunkuki78@gmail.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 will cause the NLRB to decline to invoke its processes. 1-2429809310

RECEIVED
NLRB REGION 28
LAS VEGAS, NEVADA

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

777 ETHNIC DINING CONCEPT CORP

Charged Party

and

ARPIT PATEL

Charging Party

Case 28-CA-236521

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 25, 2019, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Ritesh Patel, Owner
777 Ethnic Dining Concept Corp
700 Fremont Street
Las Vegas, NV 89101

February 25, 2019

Date

Dawn M. Moore, Designated Agent of
NLRB

Name

/s/ Dawn M. Moore

Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case
28-CA-236521

Date Filed
6/12/2019

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 777 Ethnic Dining & Concept Corp		b. Tel. No. (702) 906-2700
		c. Cell No. (702) 335-1846
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 700 Freemont Street Las Vegas, NV 89101	e. Employer Representative Ritesh Patel, Owner	g. e-Mail FOI.TURMERIC@gmail.com
		h. Number of workers employed 10
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Indian Food	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 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 are unfair 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)
During the last six-months the Employer by its officers, agents, and supervisors has interfered with, restrained, and coerced its employees in the exercise of their Section 7 rights by, among other acts, (1) discharging its employee Arpit Patel because he engaged in protected concerted activities; (2) interrogating its employees about their wages discussions; and (3) prohibiting employees from discussing their wages with each other or third parties.

By the above and other acts the Employer has interfered with, restrained, and coerced employees in the exercise of their Section 7 rights under the National Labor Relations Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

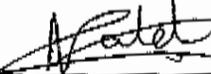
Arpit Patel

4a. Address (Street and number, city, state, and ZIP code) 7361 hawk Shadow Avenue Las Vegas, NV 89113		4b. Tel. No.
		4c. Cell No. (702)372-7643
		4d. Fax No.
		4e. e-Mail akunkuki78@gmail.com

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)

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.

By 
(signature of representative or person making charge)

Arpit Patel, an Individual
(Print/type name and title or office, if any)

Tel. No.
Office, if any, Cell No. (702)372-7643
Fax No.
e-Mail akunkuki78@gmail.com

Address See 4a.

06/12/2019
(date)

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 will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

777 ETHNIC DINING CONCEPT CORP

Charged Party

and

ARPIT PATEL

Charging Party

Case 28-CA-236521

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on June 13, 2019, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Ritesh Patel, Owner
777 Ethnic Dining Concept Corp
700 Fremont Street
Las Vegas, NV 89101

June 13, 2019

Date

Kathleen M. Rourke-Osbourne, Designated Agent
of NLRB

Name

/s/ Kathleen M. Rourke-Osbourne

Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

777 ETHNIC DINING CONCEPT CORP

and

Case 28-CA-236521

ARPIT PATEL, an Individual

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Arpit Patel, an Individual (Arpit Patel). 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 777 Ethnic Dining Concept Corp (Respondent) has violated the Act as described below.

1. (a) The charge in this proceeding was filed by Arpit Patel on February 20, 2019, and a copy was served on Respondent by U.S. mail on February 25, 2019.

(b) The first amended charge in this proceeding was filed by Arpit Patel on June 12, 2019, and a copy was served on Respondent by U.S. mail on June 13, 2019.

2. (a) At all material times, Respondent has been a corporation with an office and place of business in Las Vegas, Nevada (Respondent's facility), and has been operating a public restaurant selling food and beverages.

(b) In conducting its operations during the 12-month period ending February 20, 2019, Respondent derived gross revenues in excess of \$500,000.

(c) During the 12-month period February 20, 2019, Respondent, in conducting its operations described above in paragraph 2(a), purchased and received at

Respondent's facility goods valued in excess of \$50,000 directly from points outside the State of Nevada.

(d) 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 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:

Ritesh Patel	-	Owner
Harish Kanan	-	Kitchen Manager
Vishal Patel	-	Restaurant Manager

4. (a) On a date in about mid-October 2018, a more precise date being unknown to the General Counsel, Respondent, by Ritesh Patel, at Respondent's facility, directed employees not to discuss their wages with other people.

(b) On a date in about early-November 2018, a more precise date being unknown to the General Counsel, Respondent, by Ritesh Patel, at Respondent's facility, interrogated employees about their protected concerted activities.

(c) On dates in about early-November 2018 and about January 18, 2019, more precise dates being unknown to the General Counsel, Respondent's employee Arpit Patel engaged in concerted activities with other employees for the purposes of mutual aid protection, by discussing wages and tips.

(d) About January 21, 2019, Respondent discharged Arpit Patel.

(e) About January 21, 2019, Respondent refused to provide Arpit Patel with the full amount of his wages owed.

(f) Respondent engaged in the conduct described above in paragraphs 4(d) and 4(e), because Arpit Patel engaged in the conduct described in paragraph 4(c), and to discourage employees from engaging in these or other concerted activities.

(g) Respondent engaged in the conduct described above in paragraphs 4(d) and 4(e) because Respondent believed Charging Party engaged in the conduct described above in paragraph 4(c), and to discourage employees from engaging in these or other concerted activities.

5. By the conduct described above in paragraph 4, 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.

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

As part of the unfair labor practice alleged above in paragraph 4(d), (f), and (g), the General Counsel seeks an Order requiring the named employee be made whole, including, but not limited to, by payment for consequential economic harm the employee incurred as a result of Respondent's unlawful conduct. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

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 July 9, 2019, or postmarked on or before July 8, 2019.** Respondent should file an original copy 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 **File Case 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 September 4, 2019, at 9:00 a.m. (local time), at the Hearing Room in the Las Vegas Resident Office of the National Labor Relations

Board, 300 Las Vegas Boulevard South, Suite 2-901, Las Vegas, Nevada, 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 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.

Dated at Phoenix, Arizona, this 25th day of June 2019.

/s/ Cornele A. Overstreet
Cornele A. Overstreet, Regional Director

Attachments

**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE**

Case 28-CA-236521

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Ritesh Patel, Owner
777 Ethnic Dining Concept Corp
700 Fremont Street, Suite A
Las Vegas, NV 89101

Arpit Patel
7361 Hawk Shadow Avenue
Las Vegas, NV 89113

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing.

If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

777 ETHNIC DINING CONCEPT CORP

and

Case 28-CA-236521

ARPIT PATEL, an Individual

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 **June 25, 2019**, I served the above-entitled document(s) by **certified mail or Email**, as noted below, upon the following persons, addressed to them at the following addresses:

Ritesh Patel, Owner
777 Ethnic Dining Concept Corp
700 Fremont Street, Suite A
Las Vegas, NV 89101
Certified – 7017 3040 0000 4205 3185

Arpit Patel
7361 Hawk Shadow Avenue
Las Vegas, NV 89113
Email: akunkuki78@gmail.com

June 25, 2019

Date

Dawn M. Moore,
Designated Agent of NLRB

Name

/s/ Dawn M. Moore

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28
2600 North Central Avenue, Suite 1400
Phoenix, AZ 85004

Agency Website: www.nlr.gov
Telephone: (602)640-2160
Fax: (602)640-2178

Agent's Direct Dial: (602) 416-4769
July 16, 2019

Ritesh Patel, Owner
777 Ethnic Dining Concept Corp
700 Fremont Street, Suite A
Las Vegas, NV 89101
E-mail: FOI.Turmeric@gmail.com

Re: 777 Ethnic Dining Concept Corp.
Case 28-CA-236521

Dear Mr. Patel:

This is to advise you that it appears 777 Ethnic Dining Concept Corp. (Respondent) failed to file an Answer to the Complaint and Notice of Hearing (Complaint) in the above-captioned matter. Region 28 of the National Labor Relations Board (the Board) issued the Complaint on June 25, 2019. Pursuant to the Rules and Regulations of the Board, an Answer to the Complaint was due to be filed with the Region by July 9, 2019. To date, no Answer has been received.

Please be advised that if Respondent fails to file and serve an Answer to the Complaint by Friday, **July 23, 2019**, the Region will file a Motion for Default Judgment directly with the Board seeking to have the Board find that the allegations of the Complaint are admitted as true based on Respondent's failure to file an Answer.

Enclosed are Form NLRB-4668 and Sections 102.20-102.23 of the Board's Rules and Regulations to assist Respondent in preparing its Answer as well as additional copies of the Complaint for Respondent's convenience.

Should you have any questions, you can reach me by phone at (602) 416-4769 or by e-mail at kylerscheid@nlrb.gov.

Best,

/s/ Kyler A. Scheid

Kyler A. Scheid
Field Attorney

Enclosure

GCX 7

From: [Scheid, Kyler A.](#)
To: foi.turmeric@gmail.com
Subject: 28-CA-236521 (777 Ethnic Dining Concept Corp.)
Date: Tuesday, July 16, 2019 4:39:00 PM
Attachments: [CPT.28-CA-236521.Complaint and Notice of Hearing.pdf](#)
[LTR.28-CA-236521.Letter to Respondent about failure to file Answer 7.16.19 .pdf](#)
[NLRB Form 4668.pdf](#)
[Section 102.20-102.23 of Boards Rules and Regulations.pdf](#)

Good afternoon Mr. Patel:

Please see the attached letter and documents relating to the above-captioned case. Should you have any questions please give me a call at (602) 416-4769 or send me an e-mail.

Best,

Kyler A. Scheid
Field Attorney
National Labor Relations Board - Region 28
2600 North Central Avenue, Suite 1400
Phoenix, AZ 85004
Cell: (202) 679-4032
Direct Dial: (602) 416-4769
Facsimile: (602) 640-2178
kyler.scheid@nrlb.gov

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The NLRB has converted to an electronic file system.

Please file documents electronically through our online E-File system:

E-File Case Documents: <https://apps.nrlb.gov/eservice/efileterm.aspx>

E-File New Charge or Petition: <https://apps.nrlb.gov/eservice/efileterm.aspx?app=chargeandpetition>