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*Attorneys for Petitioner,
NVPU*

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 19**

National Veterinary Professionals Union

Petitioner,

and

BluePearl (North Seattle) Specialty + Emergency
Pet Hospital

Employer.

Case No. 19-UC-239832

NVPU'S OPPOSITION TO BLUEPEARL'S REQUEST FOR EXTENSION OF TIME

National Veterinary Professionals Union (“NVPU”) submits this opposition to BluePearl (North Seattle) Specialty and Emergency Pet Hospital’s (“BluePearl”) August 12, 2019 request for a two (2) week extension of time to file a request for review of the Regional Director’s August 1, 2019 Decision and Order Clarifying Unit for the following reasons:

- (1) BluePearl’s lead counsel *in this matter* is not out of the country. BluePearl was represented in this hearing by Bryan P. O’Connor and April Upchurch Fredrickson. Mr. O’Connor and Ms. Upchurch Fredrickson are the only attorneys who appeared at the hearing for BluePearl and the only attorneys listed on BluePearl’s post-hearing brief. Neither Mr. O’Connor nor Ms. Upchurch Fredrickson are out of the country. Rather, it is BluePearl’s lead negotiator, Richard Vitarelli, who is currently out of the country. Because Mr. Vitarelli did not represent BluePearl in this proceeding, his unavailability does not support an extension of the filing deadline.
- (2) The parties have already reviewed and analyzed the record in this case to prepare their post-hearing briefs. Given that BluePearl “may not raise any issue or allege any facts not timely presented to the regional director,” 29 C.F.R. § 102.67(e), BluePearl cannot raise any new factual or legal arguments not already set forth in its 53-page post-hearing brief. The volume of the record, thus, does not support an extension of the filing deadline.
- (3) While the factual record is significant, this case does not present any “complex issues.” Rather, this proceeding consisted of a straightforward question of whether or not several employees are § 2(11) supervisors.
- (4) A two (2) week extension of the filing deadline will pose a hardship for NVPU. If the extension is granted, NVPU’s opposition will be due on September 5, 2019. Union

counsel Emily M. Maglio will either be travelling or in contract negotiations from August 29 through September 5 and Union counsel Elizabeth R. Gropman will be on a pre-paid, non-refundable vacation from August 31 through September 3 and, thus, will not have sufficient time to prepare an opposition.

For the foregoing reasons, NVPU respectfully requests that BluePearl's request for an extension of time to submit its request for review of the Regional Director's August 1, 2019 Decision and Order Clarifying Unit be denied.

Respectfully submitted,

LEONARD CARDER LLP



Emily M. Maglio
Elizabeth R. Gropman

Attorneys for NVPU

Dated: August 12, 2019

PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 years old and not a party to the within action; my business address is 1188 Franklin Street, Suite 201, San Francisco, CA 94109.

I hereby certify that on **August 12, 2019**, I caused the following document(s):

NVPU’S OPPOSITION TO BLUEPEARL’S REQUEST FOR EXTENSION OF TIME

to be filed electronically with the National Labor Relations Board, and a true and correct copy of the same was served on all interested parties in this action as follows:

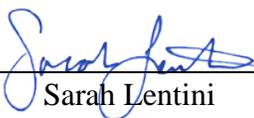
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BY E-MAIL: I caused the documents to be sent to the person at the electronic notification address(es) listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under the penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **August 12, 2019** at San Francisco, California.



Sarah Lentini