

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

**EDWARD HOTEL MICHIGAN, LLC d/b/a
EDWARD HOTEL & CONVENTION CENTER
d/b/a EDWARD HOTEL, EDWARD HOTEL
DETROIT, LLC, EDWARD HOTEL
MANAGEMENT, LLC, EDWARD HOTEL
HOLDINGS, INC., A SINGLE EMPLOYER,**

Respondents

and

Case 07-CA-240810

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

Charging Party

**COUNSEL FOR THE GENERAL COUNSEL'S
REPLY TO RESPONDENTS' RESPONSE TO THE BOARD'S NOTICE TO SHOW
CAUSE AND OPPOSITION TO RESPONDENTS' MOTION
TO ADJOURN AND/OR STAY CASE PENDING SETTLEMENT**

Pursuant to the Board's August 28, 2019 Notice to Show Cause and Section 102.24 of the Board's Rules and Regulations, Series 8, as amended ("the Board's Rules"), Counsel for the General Counsel Renée D. McKinney files this Reply to Respondents' September 11, 2019¹ Response to the Board's Notice to Show Cause and Motion to Hold Case in Abeyance (styled "Respondent's Response to General Counsel's Motion to Show Cause"), and in support thereof, states as follows:

¹ Respondents failed to serve their Response and Motion to Counsel for the General Counsel or to the Charging Party and its counsel as required by Section 102.5(f) of the Board's Rules and Regulations.

Respondents' Response to the Board's Notice to Show Cause ("the Response") asserts that after closing their business, Respondents were unable to access information necessary to pursue settlement, but now has the information and is interested in pursuing settlement. Thus, Respondents have offered no reason whatsoever why the General Counsel's Motion for Default Judgment should not be granted. What is at issue in this matter before the Board is strictly procedural. Respondents' control of their files and their settlement prospects have no relevance to whether Respondents satisfied the procedural requirements of Section 102.20 of the Board's Rules and Regulations. Respondents failed to file a timely Answer² to the Complaint issued on July 30, 2019. Therefore, Respondents are in default and a Board decision and Order so stating is appropriate in this case.

Further, Respondents move to stay or adjourn this case before the Board pending settlement discussions. In service of the public interest in the timely disposition of cases, Section 102.51 of the Board's Rules and Regulations provides:

At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties have an opportunity to submit to the Regional Director, with whom the charge was filed, for consideration, facts, arguments, offers of settlement, or proposals of adjustment.

Respondents have advanced no basis to stay or adjourn this case before the Board. Respondents may make a settlement offer to the Charging Party or General Counsel—or may respond to any pending settlement offers—without delaying the timely disposition of this case by the Board.

WHEREFORE, Counsel for the General Counsel again respectfully moves:

² To the extent that Respondents are seeking in their Response an extension of the time to answer the Complaint, they have failed to follow the procedures set forth in Section 102.22 of the Board's Rules and Regulations to make such a request. Further, in a letter signed by the Regional Director for Region 7 on August 15, 2019, Respondents were offered just such an opportunity prior to Counsel for the General Counsel's Motion for Default Judgment being filed on August 28, 2019—and failed to respond. Finally, Respondents not only have failed to answer the Complaint to date, but they have also failed to offer any good cause to explain their failure to answer.

1. That all allegations of the Complaint be deemed to be admitted to be true, and so found by the Board, and that Respondents 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.

2. 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 Respondents and the prayer for relief set forth therein.

Respectfully submitted this 17th day of September 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 REPLY TO RESPONDENTS' RESPONSE TO THE BOARD'S NOTICE TO SHOW CAUSE AND OPPOSITION TO RESPONDENTS' MOTION TO ADJOURN AND/OR STAY CASE PENDING SETTLEMENT** to be served upon the following via the NLRB's e-filing system on September 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 e-mail or U.S. Mail on September 17, 2019:

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Respectfully Submitted,

/s/ Renée D. McKinney

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