

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

VIRBAC CORPORATION

and

Case 14-CA-222238

DENISE WHITENER

ORDER¹

The Respondent's Motion to Dismiss the Complaint or, in the Alternative, for a More Definite Statement is denied. The Respondent has failed to establish that there are no genuine issues of material fact warranting a hearing and that it is entitled to judgment as a matter of law.²

Dated, Washington, D.C., September 24, 2019.

JOHN F. RING, CHAIRMAN

LAUREN McFERRAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The motion for a more definite statement is denied to the extent the Division of Judge's June 18, 2019 Order did not already resolve it. The portion of the motion to dismiss that requests, in the alternative, deferral to contractual grievance and arbitration procedures is also denied. Nothing before the Board establishes that a presently-effective collective-bargaining agreement contains such procedures or whether they would apply to the allegations of the complaint. This denial is without prejudice to the Respondent's right to renew its deferral argument before the administrative law judge, after presenting evidence, and to raise the deferral issue before the Board on any exceptions that may be filed to the judge's decision, if appropriate.