

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

**AMPERSAND PUBLISHING, LLC
d/b/a SANTA BARBARA NEWS-PRESS**

**Cases 31-CA-028589
 31-CA-028661
 31-CA-028667
 31-CA-028700
 31-CA-028733
 31-CA-028734
 31-CA-028738
 31-CA-028799
 31-CA-028889
 31-CA-028890
 31-CA-028944
 31-CA-029032
 31-CA-029076
 31-CA-029099
 31-CA-029124**

and

**GRAPHIC COMMUNICATIONS CONFERENCE,
INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

**ORDER GRANTING GENERAL COUNSEL'S
APPLICATION TO OBTAIN TESTIMONY BY VIDEOCONFERENCE**

On or about November 20, 2019, Counsel for the General Counsel filed an application to obtain the testimony of Ayesha Wright via video conference. The application was premised on Ms. Wright's need to remain in the Washington, DC area during the week of December 3, 2019, her ability to present herself for video testimony at the NLRB Washington Resident Office on December 10, from 2-6 p.m. and December 11, from 11:00 to 3:00 EST, and the assertion that she is not "the principal witness to the events or allegations that are the subject of the hearing." The application was also premised on the assurances of counsel for the General Counsel that "effective safeguards" would be in place and that Respondent would be permitted to designate a representative to be physically present at the location if so desired.

On November 21, 2019, Respondent filed its opposition to the taking of video conference testimony arguing that testimony via video conference would unfairly inhibit its ability to cross examine the witness. On November 22, 2019, Charging Party filed its Response to Respondent's opposition asserting inter alia that Respondent had not shown any cognizable prejudice as the witness would be testifying live in real time and in fact would be better prepared since General Counsel disclosed Ms. Wright as a potential witness. On November 22, 2019, General Counsel filed a response to Respondent's opposition asserting that any perceived disadvantage created by video testimony could be alleviated through various accommodations offered Respondent.

Although video testimony is not generally the preferred method, common sense balancing of competing factors sometimes warrants its use and approval. Section 102.35(c) of the Board's Rules specifically provides for such upon a showing of good cause, compelling circumstances and appropriate safeguards. Ms. Wright, whose testimony is limited to that of background information and authentication of documents, has obligations in Washington during the week in question thus satisfying the good cause requirement. Compelling circumstances are found in the burden that further delays would cause (as more fully outlined in Judge Etchingham's denial of Respondent's motion to postpone). Lastly, it appears that appropriate safeguards appear to be in place, as well as other accommodations which have been offered to Respondent to further limit any perceived burden.

After having considered the matter fully, General Counsel's Application for an Order to take the testimony of Ms. Wright via video conference is hereby **GRANTED**.

Dated: December 3, 2019



Dickie Montemayor
Administrative Law Judge

Served by electronic-mail upon the following:

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Subject: 31-CA-028589 - AMPERSAND PUBLISHING, LLC d/b/a SANTA BARBARA NEWS-PRESS: ORDER GRANTING GENERAL COUNSEL'S APPLICATION TO OBTAIN TESTIMONY BY VIDEOCONFERENCE
Attachments: Ampersand ORDER GRANTING GENERAL COUNSEL'S APPLICATION TO OBTAIN TESTIMONY BY VIDEOCONFERENCE.pdf

Dear Counsel,

Please see the attached document.

Brian C. DiCrocco, Legal Tech.
NLRB Division of Judges San Francisco
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