

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

ALARIS HEALTH AT THE
ATRIUM,

Respondent.

Board Case No.: 22-CA-206004

Civil Action No.: 19-3451

MOTION FOR EXTENSION OF TIME

To the Honorable Judges of the United States Court of Appeals for the Third Circuit:

Respondent Alaris Health at the Atrium (“Respondent”) respectfully moves this Court for an order extending Respondent’s time to respond to the National Labor Relations Board’s (“Petitioner” or “Board”) Application for Summary Entry of a Judgment Enforcing an Order of the National Labor Relations Board (“Application”). In support of its Motion to Extend Time (“Motion”), Respondent shows:

1. Petitioner filed the underlying Application on October 23, 2019. (Document: 003113385718).
2. On November 1, 2019, Respondent filed an Entry of Appearance for David F. Jasinski, Esq.; an Agency Information Statement; and a Disclosure Statement

(Document: 003113393463; Document: 003113393475; Document: 003113393476; and Document: 003113393485, respectively).

3. Respondent's Answer/Opposition to Petitioner's Application was initially due on Friday, November 15, 2019.

4. On November 13, 2019, Respondent filed an Uncontested Motion to Extend Time to Respond to Petitioner's Application for Summary Entry of a Judgment Enforcing an Order of the National Labor Relations Board. Respondent's Counsel sought this extension because Respondent was diligently working to amicably resolve the issues set forth in Petitioner's Application and was in communication with Petitioner regarding same.

5. The Court granted Respondent's request and extended the deadline to answer or oppose Petitioner's Application to December 16, 2019.

6. Respondent's Counsel provided Petitioner with the information requested by December 12, 2019.

7. Specifically, Respondent provided Petitioner with all requested payroll records as well as a completed Certificate of Compliance.

8. On December 12, 2019, Respondent filed an Unopposed Motion for an Extension of Time to Respond to Petitioner's Application, seeking a one month adjournment of its deadline to allow Petitioner sufficient time to review the information supplied and to meet with the Union.

9. On December 17, 2019, the Court granted this application and extended the deadline to January 16, 2020. The Text Order granting the application also directed that “the parties may renew the request for an extension of time provided that any renewed motion sets forth the progress of the efforts to resolve this matter.” (Text Only Order, December 17, 2019, General Docket, Case No. 19-3451).

10. To date, Respondent’s Counsel has provided Petitioner all of the information requested by the Petitioner.

11. Since providing the requested information, the parties have remained in regular contact. Presently, there is only one issue that remains outstanding involving a prior employee handbook. The dispute involving holiday pay has been resolved.

12. Yesterday, Respondent spoke with Petitioner and the parties agreed upon a plan to resolve the issue involving the prior employee handbook.

13. As such, Respondent believes the remaining issue can be resolved by the parties within the next month.

14. We recognize that the Court disfavors Motions for Extensions of Time; however, under the circumstances described above as well as Respondent’s desire and belief that this matter may be resolved without the need for additional proceedings and for good cause shown, we respectfully urge the Court to grant this Motion.

15. Respondent does not make this Motion for the purpose of delay.

16. As such, Respondent seeks a one (1) month extension to Answer/Oppose Petitioner's Application.

17. This is Respondent's third request for an extension of time to file its Answer/Opposition.

WHEREFORE, Respondent respectfully requests that is Motion be granted, and Respondent's time to Answer/Oppose Petitioner's Application be extended through February 17, 2020.

Dated: January 15, 2020

Respectfully submitted,
JASINSKI, P.C.

By: /s/ David F. Jasinski
DAVID F. JASINSKI
60 Park Place, 8th Floor
Newark, New Jersey 07102
T: 973-824-9700
F: 973-824-6061
djasinski@jplawfirm.com