

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

Darling Ingredients, Inc.)	
)	
Employer)	
)	Case No. 28-RC-254808
and)	
)	
Teamster, Chauffeurs, Warehouseman and Helpers, Local 631)	
)	
Petitioner)	
)	
)	

DARLING INGREDIENTS, INC.’S MOTION TO RESCHEDULE HEARING

Pursuant to Sections 102.16(a) and 102.24 of the National Labor Relations Board’s Rules and Regulations, the Employer, Darling Ingredients, Inc. (“Darling”), submits this Motion to Reschedule Hearing in the above-referenced case. In support of its Motion, Darling states as follows:

1. The Notice of Representation Hearing was issued on January 17, 2020, setting the hearing for Monday, January 27, 2020.
2. Darling is requesting that the hearing date be rescheduled to January 29, 2020, or, in the alternative, January 28, 2020.
3. The Petitioner filed the petition on Friday, January 17, 2020 and named General Manager, Cheri Tuccelli, as the Employer’s Representative. As a result, the copy of the petition sent by Petitioner and the initial correspondence from the Region regarding this matter were both sent to Ms. Tuccelli’s work email on January 17.

4. Ms. Tuccelli was in Orlando, Florida in the midst of a family vacation at Disney World on January 17. The Petitioner was aware that Ms. Tuccelli was off work on family vacation in Florida when the petition was filed, yet they named her as the Employer Representative in an apparent attempt to delay Darling's ability to respond to the petition.
5. The Petitioner's devious tactic worked, as Darling's knowledge of the petition being filed was significantly delayed as a result of Ms. Tuccelli's absence on family vacation.
6. The federal holiday on Monday, January 20, 2020 further delayed Darling's ability to respond to the petition, as Region 28 was closed on Monday, as were the offices of Jackson Lewis, Darling's legal counsel in this matter.
7. Ms. Tuccelli ended her family vacation early to travel back to Las Vegas to address the petition. However, Ms. Tuccelli did not arrive back in the office until this afternoon—January 22, 2020.
8. The attorney handling the hearing for Darling, Ross Gardner, was just retained to handle this matter on Monday afternoon, January 20, 2020, and had no previous involvement with this matter.
9. Darling is requesting to reschedule the hearing to: (a) allow the Parties additional time to negotiate a potential Stipulated Election Agreement; (b) allow Darling additional time to coordinate with Ms. Tuccelli upon her return to the office and substantively respond to the petition; and (c) allow additional time for attorney Gardner to familiarize himself with the case and prepare for a potential hearing.
10. The Petitioner previously indicated to Field Attorney Katherine Leung that they were retaining legal counsel in this matter. However, the undersigned consulted with Field

Attorney Leung prior to filing this Motion, and Petitioner still had not identified legal counsel. As such, Petitioner's response to this Motion is unknown.

11. This Motion is being electronically filed consistent with the NLRB E-Filing System protocols.

12. A copy of this Motion is being served simultaneously by electronic mail on Petitioner.

WHEREFORE, pursuant to Sections 102.16(a) and 102.24 of the Board's Rules and Regulations, Darling respectfully requests that the Region reschedule the hearing in the above-referenced matter as requested in Paragraph 2 above, or in the alternative, on another date mutually convenient for the parties and the Region.

Date: January 22, 2020

Respectfully submitted,

By: /s/ Ross Gardner .

Ross Gardner
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Attorney for Respondent

FILED ELECTRONICALLY

January 22, 2020

COPIES mailed this same date to:

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By: /s/ Ross Gardner _____.
Ross Gardner