

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5

LYLES CLEANING SERVICES, LLC
Employer

and

Case: 05-RC-252336

UNITED FOOD AND COMMERCIAL WORKERS
UNION, LOCAL 27, a/w UNITED FOOD AND
COMMERCIAL WORKERS INTERNATIONAL
UNION

Petitioner

AMENDED MOTION FOR STAY OF ENFOCEMENT PENDING REVIEW

COMES NOW, the undersigned attorney and pursuant to NLRB Rule and Regulation 102.26, and the NLRB's rules and practice, Employer **LYLES CLEANING SERVICES LLC.**, files this their Amended Motion for Stay of Proceedings pending Review on the behalf of the Employer, **LYLES CLEANING SERVICES, LLC**, in the above styled cause and as grounds in support would state as follows:

That the employer **LYLES CLEANING SERVICES, LLC.**, has filed a Petition for Review of the Boards Decision Order and Direction in ***LYLES CLEANING SERVICES LLC, 05-RC-252336***, seeks a stay of the Board's Order of January 3, 2020 derived from a Hearing held on December 6, 2019 in Baltimore Maryland.

Pursuant to § 102.67(d) and (e) of the National Labor Relations Board's Rules and regulations this instant request for review is predicated upon the conduct of the Hearing in that the employer was denied substantial due process, in the scheduling and conduct of the Hearing, in that;

- a) The Employer was not afforded sufficient notice of the Hearing

- b) The Employer was not afforded sufficient time to prepare for the Hearing
- c) The Hearing was held over the employers' objections and in disregard of his request for a continuance to obtain counsel.

Specifically, it was determined at a Hearing that the employer was a qualified employer and directed that an election be held in this matter.

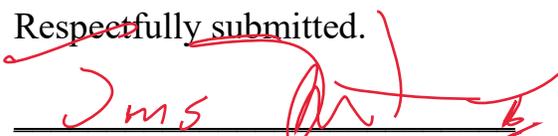
The employer was granted less than twelve (12) days notice of the Hearing in this matter. The employer received a Notice of Hearing dated November 25th 2019 from the National Labor Relations Board letter noticing the hearing for December 6th 2019. It should be noted that Thanksgiving that year fell on the 28th of November, giving the employer less than six (6) business days to obtain counsel or prepare for the Hearing.

At the Hearing employer appearing without the benefit of counsel requested a continuance so that they could obtain legal representation, this request was denied.

That the totality of the circumstances of this case including the length of notice given the employer the denial of the employer's request for extension and other due process violations related to the employers rights to be heard and adequately put on a defense to this matter entitle the employer to a stay pending review, *Electronic Components Corp. v. N.L.R.B.*, 546 F.2d 1088 (4th Cir. 1976), *Beverly Enterprises, West Virginia, Inc. v. Nat'l Labor Relations Bd.*, 165 F.3d 307 (4th Cir. 1999).

Irreparable harm and prejudice will befall the employer if the issues raised by the employer are not heard, without prejudicing the employee's rights, balancing of the equities should entitle the employer to a stay of these proceedings.

Respectfully submitted.


James Sweeting III, Esquire
Law Office of
James Sweeting III, LLC

306 N. Howard Street
Baltimore, MD 21201
443-267-7534
Bar ID: 20573
james@sweetinglaw.com
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true and correct copy of the foregoing has been furnished by regular U.S. mail to Nancy Wilson, Acting Regional Director, National Labor Relations Board, Region 05, Bank of America Center, Tower, II, 100 S. Charles Street, Suite 600, Baltimore, MD 21201, on this 3rd day of February, 2020.


James Sweeting III, Esquire