

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

BANNUM PLACE OF SAGINAW, LLC

Respondent

and

**LOCAL 406, INTERNATIONAL BROTHERHOOD OF
TEAMSTERS (IBT)**

**Cases 07-CA-207685
07-CA-215356**

Charging Party Local 406

and

ERNIE AHMAD, an Individual

Case 07-CA-211090

Charging Party Ahmad

**COUNSEL FOR THE GENERAL COUNSEL'S RESPONSE TO
RESPONDENTS' MOTION TO POSTPONE HEARING**

On February 19, 2020, Respondent filed a motion to postpone trial in the above entitled matter (Attachment A). Pursuant to Section 102.16 and 102.24(b) of the Board's Rules and Regulations (Rules), Counsel for the General Counsel opposes this Motion for the following reasons:

1. Hearing in this matter is currently scheduled for February 24, 2020.
2. The charge in case 07-CA-207685 was filed by Charging Party Local 406 on October 6, 2017, and amended on November 13, 2017 and March 30, 2018. The charge in case 07-CA-211090 was filed by Charging Party Ahmad on December 4, 2017, and amended on January 11, 2018 and April 4, 2018. The charge in case 07-CA-215356 was filed by Charging Party Local 406 on February 22, 2018, and amended on April 5, 2018.
3. The Consolidated Complaint and Notice of Hearing (Complaint) issued on October 22, 2019. The delay in issuing Complaint in this case was in large part due to ongoing subpoena issues caused by Respondent's refusal to cooperate in the investigation (See Board Order attached as Attachment B).

4. Respondent seeks a postponement due to the asserted unavailability of one of its witnesses. It asserts a conflict with an audit being conducted by the Federal Bureau of Prisons (BOP) on February 25-28, 2020. However, this trial has been scheduled since October 2019. Given that this audit was just recently scheduled, this conflict should be addressed with the BOP.
5. Mr. Price has been prejudiced by the continual delays in this case because he was unlawfully discharged in September 2017. This delay has caused him a harsh burden and he opposes this request for postponement.
6. Charging Party Ahmad would also be prejudiced by a delay because he was unlawfully discharged in November 2017. This delay would cause him an undue burden, and he also opposes this request to postpone.
7. Charging Party Local 406 joins Counsel for the General Counsel in opposing this postponement request.

Dated in Detroit, Michigan, this 20th day of February, 2020.



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