

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**ARAKELIAN ENTERPRISES, INC.,
d/b/a ATHENS SERVICES,**

Respondent,

-and-

**INTN'L BHD OF TEAMSTERS,
LOCAL 396,**

Charging Party.

Cases: 31-CA-223801
31-CA-226550
31-CA-232590
31-CA-237885

**RESPONDENT'S OPPOSITION
TO THE COUNSEL FOR THE GENERAL COUNSEL'S
REQUEST FOR EXTENSION OF TIME TO FILE A REPLY BRIEF**

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Arakelian Enterprises, Inc. d/b/a Athens Services

Respondent Arakelian Enterprises, Inc. d/b/a Athens Services' ("Athens"), by and through its attorneys Epstein Becker & Green, P.C., hereby files its Opposition to the Counsel for the General Counsel's Request for an Extension of Time to file a Reply Brief to the Answering Briefs in cases 31-CA-223801, 31-CA-226550, 31-CA-232590, and 31-CA-237885.

I. PROCEDURAL HISTORY.

Following a 10-day hearing and subsequent briefing on the Teamsters Local 396's ("Union" or "Charging Party") blocking charges, Administrative Law Judge Jeffrey Wedekind ("Judge Wedekind" or "ALJ") issued a decision on December 30, 2019, a full 18 months after employees filed the RD Petitions, that essentially completely exonerated Athens ("ALJ Decision").

On January 13, 2020, the Counsel for the General Counsel requested an Extension of Time to file Exceptions and Briefs in support of the Exceptions. This request was granted by the Board and the deadline to file Exceptions and Briefs in support of Exceptions was extended by over two weeks until February 14, 2020. On February 14, 2020, both the Counsel for the General Counsel and the Union filed Exceptions to the ALJ Decision.

On February 25, 2020, Athens filed a Request for an Extension of Time to file Answering Briefs. The Board granted a one week extension until March 6, 2020. Athens' filed an Answering Brief to both the Counsel for the General Counsel's Exceptions and the Union's Exceptions to the ALJ Decision on March 6, 2020.

Today, March 13, 2020, the Counsel for the General Counsel filed a Request for an Extension of Time to file a Reply Brief. However, this request should be denied.

II. ANALYSIS.

The National Labor Relations Board's Rules and Regulations unequivocally state that **"No extensions of time will be granted for the filing of reply briefs, nor will permission be granted to exceed the 10-page limit."** Current NLRB Rules and Regulations § 102.46(e). Accordingly, there is no leeway here, and the Counsel for the General Counsel's Request for an Extension of Time to file a Reply Brief should be denied.

Further, the Counsel for the General Counsel lists in their request under "Reason for Extension of Time" as "Complexity of the issues and the length of the record." However, the responsibility for the complexity of the issues and length of the record rests squarely on the shoulders of the Counsel for the General Counsel and Region 31 ("Region"). The Region allowed the Union to file frivolous allegation after frivolous allegation, effectively blocking three RD petitions filed by employees of Athens.¹ This resulted in multiple delays, until four cases, which involved 12 allegations at three different Athens' locations, were finally consolidated into one case and ended in a 10 day hearing held before Judge Wedekind. Moreover, as noted above, the Counsel for the General Counsel is limited to a 10-page reply, on a case in which they already had a full month and a half to write their Exceptions and supporting Brief to the Exceptions. Finally, with the extensions that have already been granted the General Counsel will have over 70 days

¹ One such petition (31-RD-223309), filed over 20 months ago, is still blocked by these meritless charges.

from the date of the ALJ's decision to fully understand the issues (raised by its own exceptions) before filing within the statutory time limits – which again are explicitly ineligible for extension.

Accordingly, no additional time should be granted.

III. CONCLUSION.

Consequently, for the reasons stated above, the Counsel for the General Counsel's Request for an Extension of Time should be denied.

Respectfully submitted,

EPSTEIN, BECKER and GREEN, P.C.

By:  _____

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My business address is 1925 Century Park East, Suite 500, Los Angeles, CA 90067-2506.
3. I served copies of the following documents (specify the title of each document served):

**RESPONDENT'S OPPOSITION TO THE COUNSEL FOR THE GENERAL
COUNSEL'S REQUEST FOR EXTENSION OF TIME TO FILE A REPLY BRIEF**

4. I served the documents listed above in item 3 on the following persons at the addresses listed:

Counsel for the General Counsel

*Counsel for the International
Brotherhood of Teamsters, Local 396*

Amanda W. Laufer Christina Flack Steven Wyllie National Labor Relations Board, Region 31 11500 W. Olympic Blvd., Ste. 600 Los Angeles, CA 90064 Tel: (310) 307-7337 Fax: (310) 235-7420 amanda.laufer@nrlb.gov Christine.Flack@nrlb.gov Steven.Wyllie@nrlb.gov
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Paul L. More David Barber Attorney at Law McCracken, Stemerma & Holsberry LLP 595 Market Street, Suite 800 San Francisco, CA 94105 pmore@msh.law dbarber@msh.law

5.
 - a. **By Personal Service.** I personally delivered the documents on the date shown below to the persons at the addresses listed above in item 4.
 - By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 4 and:

1. placed the envelope for collection and mailing on the date shown below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Los Angeles, California.

- By messenger service.** I served the documents on the date shown below by placing them in an envelope or package addressed to the person on the addresses listed in item 4 and providing them to a professional messenger service for service. (A

declaration by the messenger must accompany this proof of service or be contained in the Declaration of Messenger below.)

By e-mail or electronic transmission. I caused the documents to be sent on the date shown below to the e-mail addresses of the persons listed in item 4. I did not receive within a reasonable time after the transmission any electronic message or other indication that the transmission was unsuccessful.

2. I served the documents by the means described in item 5 on (*date*): **March 13, 2020**.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

3/13/20
DATE

Stephanie Alvarez
(TYPE OR PRINT NAME)

/s/ Stephanie Alvarez
(SIGNATURE OF DECLARANT)