

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

NICHOLSON TERMINAL & DOCK COMPANY

Respondent

and

Case 07-CA-187907

STEVE LAVENDER, an Individual

Charging Party

**COUNSEL FOR THE GENERAL COUNSEL'S RESPONSE TO THE BOARD'S
NOTICE TO SHOW CAUSE AND MOTION TO SEVER AND REMAND ALLEGATIONS
IN THE COMPLAINT TO PROCESS A PENDING REQUEST TO WITHDRAW THOSE
ASPECTS OF THE CHARGE**

On March 20, 2020, the Board issued a Notice to Show Cause in Case 07-CA-187907 regarding why the Board should not sever and remand to the administrative law judge for further proceedings consistent with Board's decision in *Caesars Entertainment d/b/a Rio All-Suites Hotel & Casino*, 368 NLRB No. 143, slip op. at 8-9 (2019), including reopening the record if necessary, the Complaint allegations that Respondent violated Section 8(a)(1) of the National Labor Relations Act by maintaining Personnel Handbook Rule III.Q and the email usage rule set forth in Attachment A to the handbook.

In response to the Board's Notice to Show Cause and pursuant to Board Rules and Regulations Section 102.17, Counsel for the General Counsel moves to sever, remand, and withdraw the allegations that Respondent violated Section 8(a)(1) of the National Labor Relations Act by maintaining Personnel Handbook Rule III.Q and the email usage rule set forth in Attachment A to the handbook. The withdrawal of the above-referenced portions of Complaint Paragraph 6 does not affect the remaining meritorious allegations in the Complaint. Charging Party Steve Lavender has agreed to withdraw the allegations described above.

Further, Counsel for the General Counsel requests that the remaining allegations be retained by the Board for a decision on the merits.

Dated at Detroit, Michigan, this 25th day of March 2020.

Respectfully Submitted,

/s/ Renée D. McKinney

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CERTIFICATE OF SERVICE

I certify that I have caused a true and correct copy of the foregoing **COUNSEL FOR THE GENERAL COUNSEL'S RESPONSE TO THE BOARD'S NOTICE TO SHOW CAUSE AND MOTION TO SEVER AND REMAND ALLEGATIONS IN THE COMPLAINT TO PROCESS A PENDING REQUEST TO WITHDRAW THOSE ASPECTS OF THE CHARGE** to be served upon the following via the NLRB's e-filing system on March 25, 2020:

Roxanne L. Rothschild, Executive Secretary
Office of the Executive Secretary
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

I further certify that I have caused a true and correct copy of the above-referenced documents to be served on the following by e-mail or U.S. Mail on March 25, 2020:

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Dated at Detroit, Michigan
this 25th day of March, 2020.