

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
WASHINGTON, D.C.**

**WISMETTAC ASIAN FOODS, INC.,**

**Employer,**

**and**

**Case No. 21-RC-204759**

**INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 630,**

**Petitioner.**

**EMPLOYER’S SECOND MOTION TO REQUEST EXTENSION OF TIME  
FOR EMPLOYER TO FILE REQUEST FOR REVIEW OF  
THE REGIONAL DIRECTOR’S DECISION**

On March 26, 2020, Regional Director William B. Cowen, of Region 21, issued the DECISION TO OVERRULE THE EMPLOYER’S EXCEPTIONS AND OVERRULE THE UNION’S EXCEPTIONS, ADOPT THE ADMINISTRATIVE LAW JUDGE’S RECOMMENDATIONS AND CERTIFICATION OF REPRESENTATIVE (the “Decision”). Pursuant to the National Labor Relations Board’s Rules and Regulations, Section 102.69(c)(2), and as stated within the Decision, “...any party may file with the Board in Washington, DC, a request for review of this Decision.”

By Order of the Regional Director, any request for review was to be received by April 9, 2020. Wismettac Asian Foods, Inc. (the “Employer”), previously requested a thirty (30) day extension of time, to and including, May 8, 2020, in which to file its request for review, which was granted. The Employer now respectfully moves for a final extension of time, to and including, May 11, 2020, in which to file its request for review. Good cause exists for the requested extension,

as set forth in detail in the attached declaration. And, given there is no opposition from the International Brotherhood of Teamsters, Local 630 (“Petitioner”) to this extension.

For these reasons, the Employer, without objection from the Petitioner, respectfully requests that this motion be granted and that the Employer be allowed until May 11, 2020 to file its request for review of the Regional Director’s Decision.

DATED: May 6, 2020

Respectfully submitted,



Scott A. Wilson, Esq.  
LAW OFFICES OF SCOTT A. WILSON  
433 G Street, Suite 203  
San Diego, California 92101-6972  
Telephone: (619) 234-9011  
Facsimile: (619) 234-5853  
E-mail: [scott@pepperwilson.com](mailto:scott@pepperwilson.com)

Attorney for Employer  
WISMETTAC ASIAN FOODS, INC.

**DECLARATION OF SCOTT A. WILSON IN SUPPORT OF EMPLOYER'S SECOND  
MOTION TO REQUEST EXTENSION OF TIME FOR EMPLOYER TO FILE  
REQUEST FOR REVIEW OF THE REGIONAL DIRECTOR'S DECISION**

I, Scott A. Wilson, do hereby declare as follows:

1. I'm an attorney licensed to practice law in the State of California. I have acted as counsel of record for Wismettac Asian Foods, Inc. (hereinafter, "Employer"). I submit this declaration in support of Employer's Second Motion to Request Extension of Time for Employer to File Request for Review of the Regional Director's Decision, to and including, Monday, May 11, 2020. Except as otherwise stated, the matters set forth herein are based upon my personal knowledge, and I could and would testify competently thereto if called upon to do so.

2. On March 26, 2020, Regional Director William B. Cowen, of Region 21, issued the **DECISION TO OVERRULE THE EMPLOYER'S EXCEPTIONS AND OVERRULE THE UNION'S EXCEPTIONS, ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDATIONS AND CERTIFICATION OF REPRESENTATIVE** (the "Decision").

3. On March 27, 2020 the Employer requested a thirty (30) day extension of time until Friday, May 8, 2020, to file a request for review. The Employer's request was granted. The instant motion requests an extension until Monday, May 11, 2020 to file a request for review. As this is the Employer's second request, the Employer will not request any further extensions beyond Monday, May 11, 2020.

4. Counsel for the Employer utilizes the services of an assistant ("Ms. Heath") for general paralegal and support staff work. Ms. Heath has assisted Counsel for the Employer in all matters involving the Employer and is extremely familiar with the facts of this case. For the purposes of this case Ms. Heath's services include, but are not limited to, (a) preparing and maintaining case materials (i.e. case summaries, discovery responses, trial exhibits, trial notes, etc.); and (b) preparing legal documents (i.e. transcribing, formatting, editing, serving and e-filing).

5. Due to a chronic medical condition that would qualify as “serious health condition” under the California Family Rights Act, Ms. Heath has been unable to work from April 27, 2020 through May 5, 2020. Ms. Heath has returned to work as of the date of this filing.

6. On Tuesday, May 5, 2020, I contacted Renée Sánchez, counsel for the International Brotherhood of Teamsters, Local 630 (“Petitioner”), regarding Petitioner’s position on an extension of time to file a request for review until Monday, May 11, 2020. Ms. Sánchez advised the Petitioner would not oppose the instant motion.

I declare the foregoing to be true under penalty of perjury under the laws of the State of California. This declaration is executed on this 6<sup>th</sup> day in May of 2020 in San Diego, California.

LAW OFFICES OF SCOTT A. WILSON



Scott A. Wilson, Esq.  
Attorney for Employer  
WISMETTAC ASIAN FOODS, INC.

## STATEMENT OF SERVICE

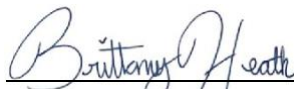
I, Brittany J. Heath, declare and state as follows:

1. I am at least 18 years of age and not a party to this action. I am employed at the Law Offices of Scott A. Wilson, which is located in San Diego, California. My business address is 433 G Street, Suite 203, San Diego, California 92101-6972. My e-mail address is sawfrontoffice@pepperwilson.com.
2. I hereby certify that on the date set forth below, a copy of EMPLOYER'S SECOND MOTION TO REQUEST EXTENSION OF TIME FOR EMPLOYER TO FILE REQUEST FOR REVIEW OF THE REGIONAL DIRECTOR'S DECISION in Case 21-RC-204759 was submitted by E-Filing to the Office of the Executive Secretary of the National Labor Relations Board in Washington, DC.
3. I hereby certify that on the date set forth below, a copy of the document described in item 2 was served by E-Filing to the Regional Director of Region 21 of the National Labor Relations Board in Washington.
4. I hereby certify that on the date set forth below, a copy of the document described in item 2 was served on the interested parties in this action via electronic mail. The parties were addressed as follows:

NAME OF PERSON SERVED	ELECTRONIC SERVICE ADDRESS
Renée Q. Sánchez, Esq. Counsel for the Union, Teamsters Local 630	rqs@sdlaborlaw.com

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

EXECUTED on May 6, 2020 in San Diego, California.

  
\_\_\_\_\_  
Brittany J. Heath  
Legal Assistant to Scott A. Wilson