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May 28, 2020

**VIA NLRB E-FILING PORTAL AND EMAIL** ([Ryan.Marx@nlrb.gov](mailto:Ryan.Marx@nlrb.gov))

Ryan Marx, Field Examiner  
National Labor Relations Board, Region 8  
1240 East 9th Street, Room 1695  
Cleveland, OH 44199-2086

Re: National Lime & Stone Company, 08-RC-260727

Dear Mr. Marx:

Per our discussion this week, I write to request a brief continuance of the June 3, 2020 representation hearing in the referenced matter. Specifically, National Lime & Stone Company (the “Employer”) proposes to set the hearing date for June 5, 2020. I have spoken to Timothy Fadel, counsel for IUOE Local 18 (“Union”), and he has no objection to a two-day continuance. The reasons for my request are set forth below.

I am lead counsel for another client of the Firm with an employment discrimination case filed in the United States District Court for the Southern District of Ohio. The case is pending in the Dayton division. On April 29, 2020, Magistrate Judge Ovington issued an order setting the case for a court-conducted mediation, to take place via phone, on June 3, 2020. Counsel for the parties agreed upon the June 3 date during a phone conference with the judge. Judge Ovington will serve as the mediator.

Discovery in the lawsuit has been stayed pending holding of the mediation. When the Court and the parties set the date, they used one of the earliest dates, if not the earliest, the Court had available for the mediation. Thus, there would be substantial delay and expense to the parties in the other matter if I were to seek to move the mediation. Likewise, the Employer in this proceeding would experience unnecessary expense associated with educating a different member of my Firm to handle the hearing if it remained on June 3, which in turn would disrupt and delay the ongoing efforts to obtain a stipulated election agreement.

At this time, I do not need an extension on the pre-hearing position statement or the pre-hearing conference. Given the size of the unit and the 2016 proceeding, we do not

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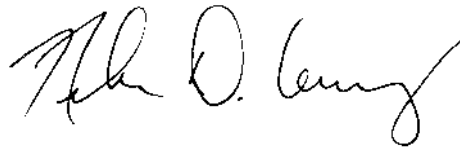
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anticipate a substantial number of issues for the hearing, if any. I anticipate being in touch with you tomorrow to continue the effort to negotiate a stipulated election agreement. If I can provide any further information for the regional office's consideration in connection with my request, please let me know.

Based on the information set forth above, therefore, the Employer requests that the representation hearing currently set for June 3, 2020, be continued and rescheduled to June 5, 2020.

Very truly yours,

A handwritten signature in black ink, appearing to read "Nelson D. Cary". The signature is fluid and cursive, with the first name "Nelson" and last name "Cary" clearly distinguishable.

Nelson D. Cary  
Counsel for Employer

NDC/jlg

cc: Timothy Fadel, Esq. (Counsel for Union)