

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 3**

MICHAEL CETTA, INC. d/b/a
SPARKS RESTAURANT,

Respondent,

v.

UNITED FOOD AND COMMERCIAL
WORKERS LOCAL 342,

Complainant.

Case Nos.: 02-CA-142626 and
02-CA-144852

RESPONDENT’S MOTION FOR APPOINTMENT OF A SETTLEMENT JUDGE

Comes now RESPONDENT, pursuant to Section 102.35(b) of the National Labor Relations Board’s Rules and Regulations, and brings the following Motion for Appointment of a Settlement Judge in this matter.

The above-captioned Compliance Specification is dated April 8, 2020. Respondent has Answered timely; and Counsel for the General Counsel filed a Motion for Partial Summary Judgment on July 9, 2020.

Region 3 previously did not object to the appointment of a Settlement Judge, however, the undersigned was unable to confirm this prior to the formal initiation of this process. No representative of the Union has responded to our settlement efforts.

Respondent believes that this matter has a very high probability of settlement, particularly if the parties were brought together to discuss outstanding issues. Respondent agrees that it will readily avail itself for any such discussions.

Accordingly, Respondent respectfully submits that the Chief Administrative Law Judge appoint a Settlement Judge to this matter as contemplated by the Rules and Regulations.¹

Dated: July 14, 2020

Respectfully submitted,

/s/ Michael P. MacHarg

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Attorneys for Respondent

¹ Respondent will simultaneously file to the Board, with this Motion as an Exhibit, a request that an opportunity to oppose the Motion for Partially Summary Judgment be held in abeyance, pending a formal settlement conference.

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on July 14, 2020, I caused a true and correct copy of the foregoing **Respondent Michael Cetta, Inc. d/b/a Sparks Restaurant's Motion For Appointment Of A Settlement Judge** to be electronically filed with the U.S. National Labor Relations Board (Region 3), Buffalo, New York utilizing the Board's custom electronic file system, which sent notification of such filing to counsel of record:

Brian Cugini
Organizer
United Food & Commercial Workers
Local 342
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Steven Cetta
Owner
Michael Cetta, Inc. d/b/a Sparks Restaurant
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/s/ Michael M. MacHarg

Under penalties as provided by law pursuant to Section-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.