



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 29
Two Metro Tech Center
Suite 5100
Brooklyn, NY 11201-3838

Agency Website: www.nlr.gov
Telephone: (718)330-7713
Fax: (718)330-7579

October 8, 2020

The Honorable Lauren Esposito
Administrative Law Judge
New York Division of Judges
National Labor Relations Board

Re: New York Paving
Cases 29-CA-254799

Dear Judge Esposito:

On October 8, 2020, Construction Council Local 175 (“the Union”) requested a postponement from October 13, 2020 to November 2 or November 9, 2020.¹ The Region opposes this request.

On October 5, 2020, Respondent’s counsel Ana Getiashvili told the Region that it did not need an additional three weeks to prepare for trial and was prepared to proceed on October 13, 2020 in the event that the Board denied the Special Appeal before Friday, October 9 at 3:00 p.m. The Union’s counsel Mr. Chaikin was invited to that call but did not attend. Based on that conversation, the Region, and presumably all other parties, expected to open the hearing on October 13 if the Board denied the Special Appeal. There is no reason for any additional postponement at this time.

Second, the Complaint in this matter issued on April 20, 2020, alleging, *inter alia*, that Respondent New York Paving laid off 35 employees in December 2019, in violation of Section 8(a)(3) and (5) of the Act. The hearing was initially scheduled for July 27, 2020. After a request by the Region, and upon mutual agreement of the parties, the hearing was postponed to September 1 to accommodate Counsel for the General Counsel’s schedule. The trial was postponed again from September 1 to October 13, upon representations from Construction Council Local 175 (“the Union”) and New York Paving, Inc. (“Respondent”) that the parties needed additional time to explore a “global settlement.” Over the last week, Respondent and Local 175 have both represented that they are extremely close to an agreement, but they have not provided any details about that portion of the agreement that relates to the instant unfair labor practices. Without knowing the terms of the settlement between the parties, and because the hearing in this matter has already been postponed twice, the Region must oppose any additional

¹ If Your Honor grants an adjournment, the undersigned Counsel for the General Counsel requests that the hearing begin as soon as possible and is available any time other than November 23 through November 27, 2020 (Thanksgiving week).

postponement. Respondent assures us that its lead counsel Jonathan Farrell will be available on Monday, October 12, and is thus able to review any Order on the Special Appeal before the hearing commences on the following day. Moreover, since Respondent has repeatedly stated that it is actively preparing for the hearing regardless of its Special Appeal, any additional postponement is plainly unwarranted and will simply prolong the economic harm Respondent caused the thirty-five discriminatees when it unlawfully laid them off in January 2020.

For these reasons, the Region requests that the Administrative Law Judge proceed with pretrial preparations as soon as possible to preserve the possibility that the hearing can begin as scheduled on Tuesday, October 13, 2020.

Sincerely,

/s/

John Mickley
Erin Schaefer
Field Attorneys
Region 29
National Labor Relations Board
2 MetroTech Center, Suite 5100
Brooklyn, NY 11201
John.mickley@nlrb.gov