

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 4**

LEHIGH UNIVERSITY

CASES: 04-CA-243399
04-CA-247234

and

HOLLY FERENO

LEHIGH UNIVERSITY’S MOTION FOR A CONTINUANCE OF HEARING

Pursuant to Sections 102.16 102.24 of the Rules and Regulations of the National Labor Relations Board, as amended, Counsel for Lehigh University (hereinafter “Respondent” or the “University”) hereby requests that the Hearing on the above Consolidated Complaint, currently scheduled for November 4, 2020, be continued and in support thereof avers as follows:

1. Ms. Holly Fereno, former employee of the University, filed a Charge against the University on June 14, 2019 alleging that the University violated Section 8(a)(1) of the National Labor Relations Act. The Charge was given Case No.: 04-CA-243399.

2. On July 30, 2019, the undersigned Counsel for Respondent filed a Response to Charge Against Employer, which Response also contained Affirmative Defenses.

3. On September 27, 2019, Holly Fereno filed an Amended Charge which, *inter alia*, removed from the original Charge the allegation that she was constructively discharged. The Amended Charge continued to allege that Respondent violated Section 8(a)(1).

4. On August 28, 2019, Holly Fereno filed a separate Charge with Region Four in which she alleges that also alleged a violation of Section 8(a)(1) of the National Labor Relations Act. The Charge was give Case No.: 04-CA – 247234.

5. On November 22, 2019, Region Four issued an Order Consolidating the above cases, and in the same document, filed a Consolidated Complaint and Notice of Hearing. The hearing was scheduled to take place on February 18, 2020.

6. On December 6, 2019, the University timely filed its Answer and Affirmative Defenses to Consolidated Complaint.

7. Due to the unprecedented global pandemic of COVID-19, counsel for Holly Fereno, Region Four, and the University agreed to continue the hearing on the Consolidated Complaint indefinitely.

8. By Order of Region Four dated October 6, 2020, the hearing was scheduled for November 4, 2020.

9. A pretrial conference was held by The Honorable Arthur J. Amchan on October 19, 2020.

10. As counsel for Respondent informed Administrative Law Judge Amchan during the pretrial conference, the parties are continuing to explore a potential resolution of this matter. Multiple teleconferences occurred between counsel for Respondent and counsel for Region Four before the pretrial conference and those conferences are continuing at this time.

11. Additionally, the in person fall academic semester at the University concludes November 24, 2020 and most students will leave campus at that time. Therefore, we respectfully request that the hearing currently scheduled for November 4, 2020, be rescheduled for a date after November 24, 2020.

12. In light of those ongoing negotiations which could lead to a resolution of the Consolidated Complaint and in consideration of the University's academic calendar, we respectfully request that the hearing be continued to allow the parties to focus on the ongoing negotiations.

13. Counsel for Region Four, Attorney Bonett, has informed us that he opposes the Motion.

14. Counsel for Charging Party, Attorney Kamber Todd, has not responded to our messages asking for her position with respect to the Motion.

NOW THEREFORE, the University respectfully requests that the hearing currently scheduled for November 4, 2020 at 10:00 by zoom technology be continued and that a new date after November 20, 2020 be ordered.

Respectfully submitted

WHITE AND WILLIAMS, LLP



Dated: October 23, 2020

By: _____

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CERTIFICATE OF SERVICE

I, Nancy Conrad, Esquire, do hereby certify that on this 23rd day of October, 2020, I filed electronically with the Board, and served by email to the following persons a true and correct copy of the forgoing Motion For Continuance:

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