

### Index of Exhibits

Exhibit A	Nebraska Secretary of State, Business Entity Search result
Exhibit B	<i>NLRB v. Anderson Excavating, Co.</i> , 925 F.3d 970 (8th Cir. 2019)
Exhibit C	<i>Anderson Excavating Co.</i> , 365 NLRB No. 63 (Apr. 20, 2017)
Exhibit D	Letter from NLRB to Anderson Excavating, Co., July 25, 2019
Exhibit E	Letter from NLRB to Anderson Excavating, Co., September 30, 2019
Exhibit F	Subpoena <i>Duces Tecum</i> B-1-17AF905
Exhibit G	Proof of delivery of Subpoena
Exhibit H	Courtesy copy of Subpoena for attorney for Anderson Excavating, Co.
Exhibit I	Affidavit in support of exhibits by Elliott Becker

## **AFFIDAVIT OF ELLIOTT BECKER**

I, Elliott Becker, declare as follows:

1. I am a trial attorney in the Contempt, Compliance, and Special Litigation Branch of the National Labor Relations Board (Board).

2. I have read the foregoing Application, Brief, and Exhibits appended to it and know the contents. The statements here are made upon personal knowledge, are true, and those made upon information and belief, I believe to be true.

3. Pursuant to Local Rule 7.1(2)(C) of the United States District Court for the District of Nebraska, all exhibits submitted are made on my personal knowledge and set forth facts that would be admissible in evidence.

4. All exhibits are related to the Application of the National Labor Relations Board for Order Enforcing Subpoena Duces Tecum, Brief in Support thereof, [Proposed] Order to Show Cause.

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

Executed on October 30, 2020.

# **Exhibit I**

s/ Elliott Becker

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Elliott Becker

Trial Attorney

National Labor Relations Board

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

NATIONAL LABOR RELATIONS BOARD,	:	
	:	
Applicant,	:	
	:	
v.	:	Civil No. 20-cv-00456
	:	
ANDERSON EXCAVATING COMPANY,	:	
	:	
Respondents.	:	

**[PROPOSED] ORDER TO SHOW CAUSE**

The National Labor Relations Board (Board), an administrative agency of the Federal Government, having filed its Application for an Order requiring that Respondent Anderson Excavating Company obey and comply with the subpoena *duces tecum*, properly served on Respondent as set forth in the Application, and good cause appearing, therefore it is hereby

ORDERED that Respondents, appear and show cause, if any there be, in Court Room \_\_\_\_\_ at the \_\_\_\_\_ Building and United States Courthouse in \_\_\_\_\_, Nebraska on the \_\_\_\_ day of \_\_\_\_\_ 2020, at \_\_\_\_\_ or as soon thereafter as counsel can be heard, why an Order of this Court should not issue directing them to appear before an agent of the Board at 1015 Half

Street, S.E., Washington, DC 20003 on a date certain or at such date and time as the Board shall designate, and then and there produce documents and respond to interrogatories as requested in said subpoenas in connection with the investigation of *Anderson Excavating Company*, Case 14-CA-156092 (8th Cir. No. 17-2516), as set forth in the Application of the Board, and it hereby is

FURTHER ORDERED that service on Respondent of a copy of this Order to Show Cause and of the Application and supporting documents upon which it is issued, be made on or before \_\_\_\_\_ 2020, and that Respondent shall file and serve their Answer to the Application no later than \_\_\_\_\_ 2020.

Service of a copy of this Order to Show Cause, the Application and supporting documents, in any manner provided for by the Rules of Civil Procedure for District Courts of the United States, or by registered mail by an agent of Applicant, shall be deemed good and sufficient service, and proof of such service shall be filed with the Court.

Done at \_\_\_\_\_, Nebraska this \_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_

UNITED STATES DISTRICT JUDGE