

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

National Labor Relations Board

Petitioner,

v.

**Claridge Operations, LLC d/b/a
Claridge Health Care Center**

Respondent.

Case No. 20-2294

**Agency Case No.
13-CA-243715**

**National Labor
Relations Board**

**RESPONDENT CLARIDGE OPERATIONS, LLC d/b/a CLARIDGE HEALTH
CARE CENTER'S FIFTH MOTION FOR EXTENSION OF TIME TO FILE
ITS OBJECTIONS TO PROPOSED JUDGMENT**

NOW COMES Respondent, Claridge Operations, LLC d/b/a Claridge Health Care Center ("Respondent" or "Claridge") by its attorney, Laner Muchin, Ltd., through Kevin Frey, and pursuant to Fed. R. App. P. 26(b) and Circuit Rule 26 respectfully move this Honorable Court to extend the time for the filing of the objections of Respondent from October 30, 2020 to and including November 30, 2020.

In support thereof, the Respondent states as follows:

1. On July 17, 2020, Petitioner, National Labor Relations Board ("Petitioner" or "NLRB") filed its Application for Summary Entry of a Judgment Enforcing an Order of the National Relations Board. Petitioner's application requested that this Court enter its proposed order requiring Respondent to perform certain acts.

2. On July 17, 2020, this Court issued an order stating that if any party had objections to the Petitioner's proposed judgment, that the party file its objections on or before August 7, 2020.

3. On August 11, 2020, this Court granted Respondent's First Motion for Extension of Time, extending the deadline until August 21, 2020 for Respondent to file objections to Petitioners proposed judgment.

4. On August 21, 2020, this Court granted Respondent's Second Motion for Extension of Time, extending the deadline until September 11, 2020 for Respondent to file objections to Petitioner's proposed judgment.

5. On September 11, 2020, this Court granted Respondent's Third Motion for Extension of Time, extending the deadline until October 2, 2020 for Respondent to file objections to Petitioner's proposed judgment.

6. On October 2, 2020, this Court granted Respondent's Fourth Motion for Extension of Time, extending the deadline until October 30, 2020 for Respondent to file objections to Petitioner's proposed judgment.

7. Respondent is in the process of drafting multiple objections to the entry of the Petitioner's proposed judgment as Respondent has already completed a number of the remedies requested by Petitioner. Thus, there would no need to enter Petitioner's proposed judgment.

8. In addition, undersigned counsel has reached out to Petitioner in an attempt to resolve this matter short of this Honorable Court ruling on Petitioner's application. An extension of time would allow the parties to continue to negotiate a settlement short of action by this Honorable Court.

9. This is the fifth request for an Extension of Time that Respondent has requested to file its objections.

10. Petitioner will not be prejudiced by the granting of Respondent's motion, and Respondent does not bring this motion to unreasonably delay the proceedings. Rather, it brings this motion so that the Court may be fully apprised as to the merits of this matter as well as to allow for settlement negotiations to continue.

WHEREFORE, Respondent, CLARIDGE OPERATIONS d/b/a CLARIDGE HEALTH CARE CENTER, respectfully requests that its motion for an extension of time until November 30, 2020 to file its objections to National Labor Relations Board's Proposed Judgment be granted.

Dated: October 30, 2020

Respectfully submitted,

CLARIDGE OPERATIONS d/b/a
CLARIDGE HEALTH CARE CENTER

By: /s/ Kevin Frey
Kevin Frey

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

DECLARATION

I, Kevin Frey, under penalty of perjury, states as follows:

1. I am the attorney representing Respondent, Claridge Operations, LLC d/b/a Claridge Health Care Center (“Respondent” or “Claridge”) in this matter.

2. I have primary responsibility for the preparation of the objections of Respondent in this matter.

3. Undersigned counsel is in the process of drafting multiple objections to the entry of the Petitioner’s proposed judgment as Respondent has already completed a number of the remedies requested by Petitioner. Thus, there would no need to enter Petitioner’s proposed judgment.

4. In addition, undersigned counsel has been in communication with Petitioner in an attempt to resolve this matter short of this Honorable Court ruling on Petitioner’s application.

5. On Wednesday, August 5, 2020, undersigned counsel spoke with Nakisha Skinner from the National Labor Relations Board, Region 13, about what tasks Respondent would have to complete for Petitioner to withdraw its application for proposed judgment.

6. On Friday, August 7, 2020, undersigned counsel provided Ms. Skinner with a spreadsheet delineating the payments made to Respondent’s employees as set forth in the collective bargaining agreement and the dates those payments were

made.

7. On Monday, August 10, 2020, undersigned counsel provided Ms. Skinner with a copy of the collective bargaining agreement that was executed by the Respondent and a photograph of the Notice of Posting to Employees that had been posted in the employee break room.

8. On Tuesday, August 11, 2020, undersigned counsel provided Ms. Skinner with the Certificate of Compliance that had been executed by Respondent.

9. On Wednesday, August 12, 2020, undersigned counsel provided Ms. Skinner with five more photographs of the posted Notice to Employees along with the requested statement that the Respondent did not communicate with its employees through electronic means.

10. On Wednesday, August 19, 2020, NLRB Compliance Supervisor David Turner, Jr. sent an e-mail to undersigned counsel requesting certain payroll records and information for Respondent's employees who are in the bargaining unit. Respondent is the process of gathering the requested records.

11. On Thursday, September 10, 2020, undersigned counsel provided to Mr. Turner and Ms. Skinner, payroll records related to the May 1, 2018, May 1, 2019 and May 1, 2020 wage increases set forth in the CBA. In addition, undersigned counsel provided responses to the Petitioner's information requests related to the above-referenced wage increases and the Notice of Posting Confirmation.

12. On Tuesday, September 15, 2020, Ms. Skinner sent another request for information and documentation regarding the payroll records for 27 employees of the

Respondent.

13. On October 13, 2020, Respondent submitted documents responsive to the requests of Mr. Turner and Ms. Skinner, which included the contact information for all bargaining unit employees employed by Respondent since May 1, 2018, as well as the 2018 payroll records for 27 of Respondent's employees.

14. This is the fifth request for an Extension of Time that Respondent-Appellee have requested to file its Objections.

15. This request is not made for dilatory reasons; rather, it is made in good faith to enable the undersigned attorney to develop Respondent's objections while simultaneously allowing undersigned counsel to work with the Petitioner to hopefully resolve this matter short of further action by this Court.

/s/ Kevin Frey
Kevin Frey

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2020, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Kevin Frey
Kevin Frey