

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

**SAMEH H. AKNOUK DENTAL
SERVICES, P.C.,**

and

Case 02-CA-263564

**LOCAL 553, INTERNATIONAL BROTHERHOOD
OF TEAMSTERS**

**MOTION TO TRANSFER PROCEEDINGS TO THE BOARD
AND MOTION FOR DEFAULT JUDGMENT**

Pursuant to Sections 102.24 and 102.50 of the Rules and Regulations of the National Labor Relations Board (the “Board”), Counsel for the General Counsel (the “General Counsel”) files this Motion to Transfer Proceedings to the Board and Motion for Default Judgment. The General Counsel is entitled to default judgment in this matter because Sameh H. Aknouk Dental Services, P.C., (the “Respondent”) has failed to comply with the requirements for filing an answer to complaint as prescribed by Section 102.20 of the Board’s Rules and Regulations. *See e.g., Malik Roofing Corp.*, 338 NLRB 930 (2003); *Headlands Contracting & Tunnelling, Inc.*, 368 NLRB No. 4, slip op. (June 12, 2019). In support of this motion, the General Counsel submits the following:

1. (a) The original charge in this matter was filed by the Local 553, International Brotherhood of Teamsters (the “Union”) on July 24, 2020, and a copy was served on the Respondent by U.S. mail on July 27, 2020. Copies of the original charge and the affidavit of service thereof are attached hereto as Exhibits A and B, respectively.

(b) The first amended charge in this matter was filed by the Union on September 8, 2020, and a copy was served on Respondent by U.S. mail on September 10, 2020. Copies of the

amended charge and the affidavit of service thereof are attached hereto as Exhibits C and D, respectively.

2. On October 30, 2020, the Regional Director for Region 2 of the Board issued and served upon Respondent by certified mail a Complaint and Notice of Hearing (“Complaint”). Copies of the Complaint and the affidavit of service thereof are attached hereto as Exhibits E and F, respectively.

3. In the Complaint served upon the Respondent, the Respondent was advised that, pursuant to Sections 102.20 and 102.21 of the Board’s Rules and Regulations, it must file an answer to the Complaint by November 13, 2020. The Complaint further advised that if no answer was filed, or if an answer was filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Complaint are true. Exhibit E at 5.

4. On November 18, 2020, the undersigned Counsel for the General Counsel sent the Respondent a letter both by U.S. mail and via email to the Respondent’s owner Sameh Aknouk. The letter stated that, to date, the Respondent had yet to file an answer to the Complaint within the time specifications required under the Board’s Rules and Regulations. The letter, which enclosed the Complaint, also notified the Respondent that if an answer was not filed by November 25, 2020, Counsel for the General Counsel would file a Motion for Default Judgment with the Board. Copies of the letter and the covering email are attached hereto as Exhibit G and H, respectively.

5. The Respondent has not been represented by counsel since its attorney of record notified the Region of his withdrawal on September 18, 2020. Attached hereto as Exhibit I is an email exchange between the attorney and Region 2 Senior Field Attorney Jamie Rucker, in which the attorney confirmed his withdrawal and directed the Region to contact the Respondent’s owner directly. The undersigned reconfirmed the attorney’s withdrawal in an email exchange dated

November 16, 2020, attached hereto as Exhibit J. However, in the context of ruling on default judgements, “[a]lthough the Board has shown some leniency toward respondents who proceed without the benefit of counsel, the Board has consistently held that pro se status alone does not establish a good cause explanation for failing to file an answer.” *Headlands Contracting*, 368 NLRB No. 4, slip op. at 1. Therefore, the Respondent’s pro se status here does not constitute good cause.

6. In sum, following the delivery of the Complaint and the letter described above in paragraph 4, Respondent has not filed an answer, and has not offered good cause for its failure to file it. Based on the foregoing, all allegations in the Complaint should be deemed to be admitted and found to be true. *Local 297, National Postal Mailhandlers Union*, 367 NLRB No. 144 slip op. (June 4, 2019); Board’s Rules and Regulations, Section 102.20.

WHEREFORE, the General Counsel respectfully submits that a hearing in this matter is not necessary, and it is appropriate for the Board to issue a Decision and Order without further proceedings. The General Counsel respectfully moves that the Board grant the Motion to Transfer Proceedings to the Board and Motion for Default Judgment, finding all the allegations in the Complaint to be true and issue an appropriate Remedial Order.

Dated: New York, New York
December 3, 2020



Allen M. Rose
Counsel for the General Counsel
National Labor Relations Board
Region 2
26 Federal Plaza, Rm. 3614
New York, NY 10278
Telephone (212) 264-0300
Facsimile (212) 264-2450

Attachments

EXHIBIT A

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case 02-CA-263564	Date Filed 7-24-20
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INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Sameh H. Aknouk Dental Services, P.C.	b. Tel. No. (718) 824-5444
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 1473 West Avenue NY Bronx 10462-____	e. Employer Representative Sameh H Aknouk Principal
	g. e-Mail aknouksameh@gmail.com
	h. Number of workers employed 8
i. Type of Establishment (factory, mine, wholesaler, etc.) Healthcare	j. Identify principal product or service Dental
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3, 5 _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Stephen Malone Title: Local 553 International Brotherhood of Teamsters	
4a. Address (Street and number, city, state, and ZIP code) 265 West 14th Street NY New York 10011-____	4b. Tel. No. (212) 929-6828
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail smalone553@verizon.net
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By Jae W. Chun (signature of representative or person making charge)	Jae W Chun Title: Counsel (Print/type name and title or office, if any)
1500 Broadway 23rd Floor Address New York NY 10036-____	07/24/2020 12:37:00 (date)
	Tel. No. (212) 354-4500
	Office, if any, Cell No. (646) 319-5770
	Fax No. (212) 719-9072
	e-Mail jchun@friedmananspach.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
All full time employees	Reduction of hours	7/20/20

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by promising better working conditions if employees did not join or support a union.

Name of Employer's Agent/Representative who made the statement	Approximate date
Sameh Aknouk	7/15/20

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by interrogating employees about their union activities.

Name of Employer's Agent/Representative who made the statement	Approximate date
Sameh Aknouk	7/15/20

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees.

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by making unilateral changes in terms and conditions of employment.

List Changes	Approximate date of change
Elimination of health care insurance	6/15/20
Reduction of hours	7/20/20
Changes in schedules	7/20/20

EXHIBIT B

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SAMEH H. AKNOUK DENTAL SERVICES, P.C.

Charged Party

and

**LOCAL 553 INTERNATIONAL
BROTHERHOOD OF TEAMSTERS**

Charging Party

Case 02-CA-263564

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 27, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Sameh H. Aknouk Dental Services, P.C.
Attn: Sameh H Aknouk, Principal
1473 West Avenue
Bronx, NY 10462

July 27, 2020

Date

Rhonda Rhodes, Designated Agent of
NLRB

Name

/s/ Rhonda Rhodes

Signature

EXHIBIT C

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
AMENDED CHARGE AGAINST
EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

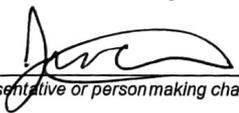
Date Filed

02-CA-263564

9-8-20

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Sameh H. Aknouk Dental Services, P.C.	b. Tel. No. (718) 824-5444
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 1473 West Avenue NY Bronx 10462-_____	e. Employer Representative Sameh H Aknouk Principal
	g. e-Mail aknouksameh@gmail.com
	h. Number of workers employed 8
i. Type of Establishment (factory, mine, wholesaler, etc.) Healthcare	j. Identify principal product or service Dental
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3, 5 _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Stephen Malone Title: Local 553 International Brotherhood of Teamsters	
4a. Address (Street and number, city, state, and ZIP code) 265 West 14th Street NY New York 10011-_____	4b. Tel. No. (212) 929-6828
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail smalone553@verizon.net
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By: Jae W. Chun  (signature of representative or person making charge)	Title: <u>Counsel</u> (Print/type name and title or office, if any)
1500 Broadway 23rd Floor Address New York NY 10036-_____	Tel. No. (212) 354-4500
	Office, if any, Cell No. (646) 319-5770
	Fax No. (212) 719-9072
	e-Mail jchun@friedmananspach.com
	 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
All full time employees	Reduction of hours	7/20/20

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by promising better working conditions if employees did not join or support a union.

Name of Employer's Agent/Representative who made the statement	Approximate date
Sameh Aknouk	7/15/20

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening employees with discharge if they continued to object to changes in working conditions.

Name of Employer's Agent/Representative who made the statement	Approximate date
Sameh Aknouk	5/18/20

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening employees with unspecified reprisals if they continued to support Local 553, International Brotherhood of Teamsters.

Name of Employer's Agent/Representative who made the statement	Approximate date
Samia Aknouk	7/30/20

8(a)(5)

On or about June 2, 2020 and July 29, 2020, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by dealing directly with employees, to the exclusion of the collective bargaining representative, to change or set working conditions.

8(a)(5)

Within the preceding six months, the Employer has failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees.

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by making unilateral changes in terms and conditions of employment.

List Changes	Approximate date of change
Elimination of health care insurance	6/15/20
Reduction of hours	7/20/20
Changes in schedules	7/20/20

EXHIBIT D

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SAMEH H. AKNOUK DENTAL SERVICES, P.C.

Charged Party

and

**LOCAL 553 INTERNATIONAL
BROTHERHOOD OF TEAMSTERS**

Charging Party

Case 02-CA-263564

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, D. Mahr the undersigned employee of the National Labor Relations Board, being duly sworn, say that on September 10, 2020, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Sameh H. Aknouk Dental Services, P.C.
Attn: Sameh H Aknouk, Principal
1473 West Avenue
Bronx, NY 10462

September 10, 2020

Date

D. Mahr, Designated Agent of NLRB

Name

/s/ D. Mahr

Signature

EXHIBIT E

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

**SAMEH H. AKNOUK DENTAL
SERVICES, P.C.,**

Case No. 02-CA-263564

and

**LOCAL 553, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS**

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Local 553, International Brotherhood of Teamsters (“Charging Party” or “Union”). It is issued pursuant to Section 10(b) of the National Labor Relations Act (“the Act”), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (“the Board”) and alleges that Sameh H. Aknouk Dental Services, P.C. (“Respondent”), has violated the Act as described below.¹

1. (a) The original charge was filed by the Union on July 24, 2020, and a copy was served on Respondent by U.S. mail on July 27, 2020.

(b) The first amended charge was filed by the Union on September 8, 2020, and a copy was served on Respondent by U.S. mail on September 10, 2020.

2. (a) At all material times, Respondent, a New York corporation with facilities at 1473 West Avenue, Bronx, NY 10462 and 853 Broadway, New York, NY 10003, has been engaged in the business of providing dental care.

(b) Annually, in the course and conduct of its operations, Respondent derives

¹ The Region requested that Respondent cooperate with the administrative investigation of the unfair labor practice charge conducted prior to issuance of the instant Complaint. Respondent failed to fully cooperate in the investigation by refusing to make witnesses available or to furnish certain documents relevant to the disposition of the charge.

gross revenue in excess of \$250,000, and purchases and receives at its facilities supplies and materials valued in excess of \$5,000 directly from suppliers located outside the State of New York.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and/or agents of Respondent within the meaning of Section 2(13) of the Act:

Sameh Aknouk	Owner
Samia Aknouk	Manager
Ayman Ibrahim	Consultant

5. (a) At all material times, the following employees of the Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All employees employed by the Employer.

Excluded: Supervisors, guards, and professional employees as defined by the National Labor Relations Act.

(b) Since about 2011 and at all material times, Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which was effective from April 17, 2017 through April 16, 2020.

(c) At all material times based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

6. On about May 18, 2020, Respondent, by Sameh Aknouk, threatened employees with discharge if they continued to protest changes in working conditions.

7. On about July 21, 2020, Respondent, by Samia Aknouk, promised employees improved working conditions if they abandoned their support for or membership in the Union.

8. On about July 30, 2020, Respondent, by Samia Aknouk, threatened employees with unspecified reprisals if they continued to support the Union and engage in other protected activities.

9. (a) On about July 20, 2020 and continuing to date, Respondent reduced the work hours of its employees.

(b) Respondent engaged in the conduct described above in sub-paragraph (a) because the employees of Respondent supported and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

10. On about June 2, 2020, Respondent, by Ayman Ibrahim, bypassed the Union and dealt directly with employees in the Unit by consulting with employees about changing their pension plan and health insurance.

11. On about July 29, 2020, Respondent, by Samia Aknouk, bypassed the Union and dealt directly with employees in the Unit by bargaining directly with employees to change their wages and pension benefits.

12. (a) On about May 18, 2020 and continuing to date, Respondent has failed to make contributions to the health insurance plan covering Unit employees.

(b) On about July 20, 2020 and continuing to date, Respondent reduced the work hours of Unit employees.

(c) The subjects set forth above in sub-paragraph (a) and (b) relate to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(d) Respondent engaged in the conduct described above in subparagraphs (a) and (b) without prior notice to the Union and without affording the Union an opportunity to bargain with Respondent with respect to this conduct.

13. By the conduct described above in paragraphs 6, 7, and 8, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

14. By the conduct described above in paragraph 9, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Sections 8(a)(3) and (1) of the Act.

15. By the conduct described above in paragraphs 10, 11, and 12, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(5) and (1) of the Act.

16. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, the General Counsel seeks all relief as may be just and proper to remedy the unfair labor practices alleged. The General Counsel further seeks, as part of the remedy for the allegations in paragraph 9 and 12 above, that Respondent be required to submit W-2 Forms reflecting backpay paid to the discriminatees/Unit employees to the Regional Director.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and regulations, it must file an answer to the complaint. The answer must be **received by this office on or before November 13, 2020.**

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need- to. be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **January 5, 2021**, and on consecutive days thereafter until concluded, in a hearing room of the National Labor Relations Board, Region 2, 26 Federal Plaza, New York, NY, or in a manner and location otherwise ordered by the Regional Director or the Administrative Law Judge. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: New York, New York
October 30, 2020



John J. Walsh, Jr.
Regional Director
National Labor Relations Board, Region 2
26 Federal Plaza, Suite 3614
New York, NY 10278

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 02-CA-263564

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Sameh H Aknouk , Principal
Sameh H. Aknouk Dental Services, P.C.
1473 West Avenue
Bronx, NY 10462

Stephen Malone
Local 553 IBT
265 West 14th Street
New York, NY 10011

Jae W Chun, Counsel
Friedman & Anspach
1500 Broadway;23rd Floor
New York, NY 10036

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility

of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

EXHIBIT F

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

SAMEH H. AKNOUK DENTAL SERVICES, P.C.

and

Case No. 02-CA-263564

**LOCAL 553 INTERNATIONAL BROTHERHOOD
OF TEAMSTERS**

AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)

I, Lisa Coleman the undersigned employee of the National Labor Relations Board, being duly sworn, say that on 10/30/20, I served the above-entitled document(s) by **e-issue**, as noted below, upon the following persons, addressed to them at the following addresses:

Sameh H Aknouk , Principal **E Issuance**
Sameh H. Aknouk Dental Services, P.C.
1473 West Avenue
Bronx, NY 10462

Email: aknouksameh@gmail.com

Stephen Malone **E Issuance**
Local 553 IBT
265 West 14th Street
New York, NY 10011

Email: smalone553@verizon.net

Jae W Chun , Counsel **E Issuance**
Friedman & Anspach
1500 Broadway
23rd Floor
New York, NY 10036

Email: jchun@friedmananspach.com

10/30/20

Date

Lisa Coleman, Designated Agent of NLRB

Name

Lisa Coleman

Signature

EXHIBIT G



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 2
26 Federal Plaza, Room 3614
New York, New York 10278-0104
Telephone: 212-264-0300
Facsimile: 212-264-2450

Writer's Telephone: 212-776-8616
Writer's E-mail: allen.rose@nlrb.gov

November 18, 2020

VIA EMAIL AND REGULAR MAIL

Sameh H Aknouk, Principal
Sameh H. Aknouk Dental Services, P.C.
1473 West Avenue
Bronx, NY 10462____
Email: aknouksameh@gmail.com

Re: Sameh H. Aknouk Dental Services, P.C.
Case 02-CA-263564

Dear Dr. Aknouk:

A Complaint and Notice of Hearing in the above-captioned matter was issued on October 30, 2020 (a copy is enclosed). Although the answer to this Complaint was due on November 13, 2020, Sameh H. Aknouk Dental Services, P.C. (the "Respondent") has failed to file an answer to the Complaint.

Section 102.20 of the Rules and Regulations of the National Labor Relations Board provide:

The Respondent must, within 14 days from the service of the complaint, file an answer. The Respondent must specifically admit, deny, or explain each of the facts alleged in the complaint, unless the Respondent is without knowledge, in which case the Respondent must so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the Respondent states in the answer that the Respondent is without knowledge, will be deemed to be admitted to be true and will be so found by the Board, unless good cause to the contrary is shown.

Although no answer was filed, the Regional Director, Region 2, will allow you an additional opportunity to file an answer. The answer must be received in this office by no later than the close of business on Wednesday, November 25, 2020. If your answer is not filed by that

Sameh H Aknouk, Principal
Case 02-CA-263564
November 18, 2020
Page 2

date, the Counsel for the General Counsel will be forced to file a motion for default judgment against the Respondent. In the event that such a motion is granted, the Respondent will lose its right to challenge the allegations set forth in the Complaint, and a final order will be issued against Respondent.

If you have any questions, please contact me at the number set forth above.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen M. Rose", with a long horizontal flourish extending to the right.

Allen M. Rose
Counsel for the General Counsel

encl.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

**SAMEH H. AKNOUK DENTAL
SERVICES, P.C.,**

Case No. 02-CA-263564

and

**LOCAL 553, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS**

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Local 553, International Brotherhood of Teamsters (“Charging Party” or “Union”). It is issued pursuant to Section 10(b) of the National Labor Relations Act (“the Act”), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (“the Board”) and alleges that Sameh H. Aknouk Dental Services, P.C. (“Respondent”), has violated the Act as described below.¹

1. (a) The original charge was filed by the Union on July 24, 2020, and a copy was served on Respondent by U.S. mail on July 27, 2020.

(b) The first amended charge was filed by the Union on September 8, 2020, and a copy was served on Respondent by U.S. mail on September 10, 2020.

2. (a) At all material times, Respondent, a New York corporation with facilities at 1473 West Avenue, Bronx, NY 10462 and 853 Broadway, New York, NY 10003, has been engaged in the business of providing dental care.

(b) Annually, in the course and conduct of its operations, Respondent derives

¹ The Region requested that Respondent cooperate with the administrative investigation of the unfair labor practice charge conducted prior to issuance of the instant Complaint. Respondent failed to fully cooperate in the investigation by refusing to make witnesses available or to furnish certain documents relevant to the disposition of the charge.

gross revenue in excess of \$250,000, and purchases and receives at its facilities supplies and materials valued in excess of \$5,000 directly from suppliers located outside the State of New York.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and/or agents of Respondent within the meaning of Section 2(13) of the Act:

Sameh Aknouk	Owner
Samia Aknouk	Manager
Ayman Ibrahim	Consultant

5. (a) At all material times, the following employees of the Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All employees employed by the Employer.

Excluded: Supervisors, guards, and professional employees as defined by the National Labor Relations Act.

(b) Since about 2011 and at all material times, Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which was effective from April 17, 2017 through April 16, 2020.

(c) At all material times based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

6. On about May 18, 2020, Respondent, by Sameh Aknouk, threatened employees with discharge if they continued to protest changes in working conditions.

7. On about July 21, 2020, Respondent, by Samia Aknouk, promised employees improved working conditions if they abandoned their support for or membership in the Union.

8. On about July 30, 2020, Respondent, by Samia Aknouk, threatened employees with unspecified reprisals if they continued to support the Union and engage in other protected activities.

9. (a) On about July 20, 2020 and continuing to date, Respondent reduced the work hours of its employees.

(b) Respondent engaged in the conduct described above in sub-paragraph (a) because the employees of Respondent supported and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

10. On about June 2, 2020, Respondent, by Ayman Ibrahim, bypassed the Union and dealt directly with employees in the Unit by consulting with employees about changing their pension plan and health insurance.

11. On about July 29, 2020, Respondent, by Samia Aknouk, bypassed the Union and dealt directly with employees in the Unit by bargaining directly with employees to change their wages and pension benefits.

12. (a) On about May 18, 2020 and continuing to date, Respondent has failed to make contributions to the health insurance plan covering Unit employees.

(b) On about July 20, 2020 and continuing to date, Respondent reduced the work hours of Unit employees.

(c) The subjects set forth above in sub-paragraph (a) and (b) relate to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(d) Respondent engaged in the conduct described above in subparagraphs (a) and (b) without prior notice to the Union and without affording the Union an opportunity to bargain with Respondent with respect to this conduct.

13. By the conduct described above in paragraphs 6, 7, and 8, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

14. By the conduct described above in paragraph 9, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Sections 8(a)(3) and (1) of the Act.

15. By the conduct described above in paragraphs 10, 11, and 12, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(5) and (1) of the Act.

16. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, the General Counsel seeks all relief as may be just and proper to remedy the unfair labor practices alleged. The General Counsel further seeks, as part of the remedy for the allegations in paragraph 9 and 12 above, that Respondent be required to submit W-2 Forms reflecting backpay paid to the discriminatees/Unit employees to the Regional Director.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and regulations, it must file an answer to the complaint. The answer must be **received by this office on or before November 13, 2020.**

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need- to. be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **January 5, 2021**, and on consecutive days thereafter until concluded, in a hearing room of the National Labor Relations Board, Region 2, 26 Federal Plaza, New York, NY, or in a manner and location otherwise ordered by the Regional Director or the Administrative Law Judge. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: New York, New York
October 30, 2020



John J. Walsh, Jr.
Regional Director
National Labor Relations Board, Region 2
26 Federal Plaza, Suite 3614
New York, NY 10278

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 02-CA-263564

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Sameh H Aknouk , Principal
Sameh H. Aknouk Dental Services, P.C.
1473 West Avenue
Bronx, NY 10462

Stephen Malone
Local 553 IBT
265 West 14th Street
New York, NY 10011

Jae W Chun, Counsel
Friedman & Anspach
1500 Broadway;23rd Floor
New York, NY 10036

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility

of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

EXHIBIT H

Rose, Allen

From: Rose, Allen
Sent: Wednesday, November 18, 2020 1:31 PM
To: aknouksameh@gmail.com
Subject: Sameh H. Aknouk Dental Services, P.C., Case 02-CA-263564
Attachments: LTR.02-CA-263564.Aknouk.11 18 2020.With Enclosures.pdf

Categories: NxGen Uploaded

Dear Dr. Aknouk,

Please see the attached.

Sincerely,

Allen M. Rose
Counsel for the General Counsel
NLRB Region 2

EXHIBIT I

Rose, Allen

From: Martin Gringer <MGringer@franklingringer.com>
Sent: Wednesday, September 23, 2020 11:00 AM
To: Rucker, Jamie
Subject: RE: Dr. Sameh H. Aknouk Dental Services, P.C., Case No. 02-CA-263564

Jamie,

Thanks for the report.

Martin Gringer
Franklin, Gringer & Cohen, PC
666 Old Country Road
Garden City, NY 11530
Phone: 516-228-3131
Cell: 516-448-2831
mgringer@franklingringer.com

From: Rucker, Jamie <Jamie.Rucker@nlrb.gov>
Sent: Wednesday, September 23, 2020 10:57 AM
To: Martin Gringer <MGringer@franklingringer.com>
Subject: RE: Dr. Sameh H. Aknouk Dental Services, P.C., Case No. 02-CA-263564

Dear Mr. Gringer:

Thank you for your efforts. I spoke to Dr. Aknouk yesterday; he called me. I would not characterize the discussion as productive.

Yours truly,

Jamie Rucker

From: Martin Gringer <MGringer@franklingringer.com>
Sent: Wednesday, September 23, 2020 10:55 AM
To: Rucker, Jamie <Jamie.Rucker@nlrb.gov>
Subject: FW: Dr. Sameh H. Aknouk Dental Services, P.C., Case No. 02-CA-263564

Please see below.

Martin Gringer
Franklin, Gringer & Cohen, PC
666 Old Country Road
Garden City, NY 11530
Phone: 516-228-3131
Cell: 516-448-2831
mgringer@franklingringer.com

From: Ayman Ibrahim <aibrahim@aikcpa.com>
Sent: Monday, September 21, 2020 5:51 PM
To: Martin Gringer <MGringer@franklingringer.com>
Cc: 'aknouksameh@gmail.com' <aknouksameh@gmail.com>
Subject: FW: Dr. Sameh H. Aknouk Dental Services, P.C., Case No. 02-CA-263564

Hi Martin,

As per our conversation today, please have Jamie from NLRB call Dr. Aknouk directly at 516 808-0828.

Thank you

Ayman Ibrahim, CPA
Financial Advisor

Avantax
Investment Services™

Tel: 516-827-9412
Cel: 516-428-8872
Fax: 516-977-8873
E-mail: aibrahim@aikcpa.com
Address: 515 Broadhollow Rd, Suite 100, Melville, NY 11747
(EVO Parking Lot by Route 110)

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Ayman Ibrahim, CPA is not a registered broker/dealer or registered advisory firm.

Please note: Avantax policy requires that all investment-related correspondence be sent or copied to Avantax email address (ibrahima@MyAvantax.com) for archiving and supervisory review.

From: Ayman Ibrahim
Sent: Saturday, September 19, 2020 11:17 AM
To: 'aknouksameh@gmail.com' <aknouksameh@gmail.com>
Subject: FW: Dr. Sameh H. Aknouk Dental Services, P.C., Case No. 02-CA-263564

Hi Sameh & Samia,

Please see below for the lawyer.

Thank you

Ayman Ibrahim, CPA
Financial Advisor

Avantax

Investment Services™

Tel: 516-827-9412

Cel: 516-428-8872

Fax: 516-977-8873

E-mail: aibrahim@aikcpa.com

Address: 515 Broadhollow Rd, Suite 100, Melville, NY 11747
(EVO Parking Lot by Route 110)

Securities offered through Avantax Investment ServicesSM, Member [FINRA](#), [SIPC](#) Investment advisory services offered through Avantax Advisory ServicesSM. Insurance services offered through Avantax Insurance AgencySM. 6333 N. State Highway 161, Fourth Floor, Irving, TX 75038, 972-870-6000.

Ayman Ibrahim, CPA is not a registered broker/dealer or registered advisory firm.

Please note: Avantax policy requires that all investment-related correspondence be sent or copied to Avantax email address (ibrahima@MyAvantax.com) for archiving and supervisory review.

From: Martin Gringer <MGringer@franklingringer.com>

Sent: Friday, September 18, 2020 2:07 PM

To: Ayman Ibrahim <aibrahim@aikcpa.com>

Cc: Rucker, Jamie <Jamie.Rucker@nrb.gov>

Subject: FW: Dr. Sameh H. Aknouk Dental Services, P.C., Case No. 02-CA-263564

Ayman,

As you can see from below, Jamie Rucker from the NLRB, who is copied here, wants to speak to you regarding the pending unfair labor practice charge. I have given him your contact information.

Martin Gringer
Franklin, Gringer & Cohen, PC
666 Old Country Road
Garden City, NY 11530
Phone: 516-228-3131
Cell: 516-448-2831
mgringer@franklingringer.com

From: Rucker, Jamie <Jamie.Rucker@nrb.gov>

Sent: Friday, September 18, 2020 1:44 PM

To: Martin Gringer <MGringer@franklingringer.com>

Subject: Dr. Sameh H. Aknouk Dental Services, P.C., Case No. 02-CA-263564

Dear Mr. Gringer:

Thank you for returning my call earlier this afternoon and for confirming you are not currently representing the above-named Employer in this unfair labor practice proceeding (though you noted that may change). Thank you also for offering to put me in touch with someone associated with the Employer who may be able to assist in resolving the alleged unfair labor practices. Please either send that person's contact information to me or forward my information to that person. Thank you.

Yours truly,

Jamie Rucker
Field Attorney

The NLRB now requires electronic filing of documents, including affidavits, correspondence, position statements, and documentary or other evidence. This requirement does not apply to ULP charges, or to petitions and showings of interest in representation cases. This requirement applies to parties with cases before the Agency, as well as to their attorney and non-attorney representatives. Parties who do not have necessary access to the Agency's E-filing system may provide a statement explaining the circumstances or why requiring them to e-file would impose an undue burden.

See GC 20 01: <https://apps.nlr.gov/link/document.aspx/09031d4582dfa410>

E-filing link: <https://www.nlr.gov/cases-decisions/filing>

Written instructions for the Agency's E-Filing System: <https://apps.nlr.gov/myAccount/assets/E-Filing-System-User-Guide.pdf>

Video demonstration with instructions:

https://apps.nlr.gov/myAccount/assets/My%20Account%20Portal%20Overview/story_html5.html

Frequently Asked Questions: <https://apps.nlr.gov/myAccount/#/FileCaseDocument/FAQ>

CONFIDENTIALITY NOTICE OFFICIAL GOVERNMENT BUSINESS

THIS COMMUNICATION IS INTENDED FOR THE SOLE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS COMMUNICATION IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

EXHIBIT J

Rose, Allen

From: Martin Gringer <MGringer@franklingringer.com>
Sent: Monday, November 16, 2020 5:06 PM
To: Rose, Allen
Subject: RE: Dr. Sameh H. Aknouk Dental Services, P.C., Case No. 02-CA-263564

Yes, that is my current understanding.

Martin Gringer
Franklin, Gringer & Cohen, PC
666 Old Country Road
Garden City, NY 11530
Phone: 516-228-3131
Cell: 516-448-2831
mgringer@franklingringer.com

From: Rose, Allen <Allen.Rose@nrb.gov>
Sent: Monday, November 16, 2020 4:03 PM
To: Martin Gringer <MGringer@franklingringer.com>
Subject: Dr. Sameh H. Aknouk Dental Services, P.C., Case No. 02-CA-263564

Dear Mr. Gringer,

I am Counsel for the General Counsel in this matter. A complaint issued against the Respondent Employer in this case, and it is scheduled for hearing before an administrative law judge on January 5, 2021. I write to confirm our records that you are not representing the Respondent Employer in this matter.

Thank you in advance for your prompt response,

Allen M. Rose
Counsel for the General Counsel
NLRB Region 2
212-776-8616