

Exhibit M

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACECase
22-CA-272676Date Filed
Feb 12, 2021**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 Exela Enterprise Solutions		b. Tel No. 609-860-9901	
		c. Cell No.	
d. Address (Street, city, state and ZIP code) 1 Squibb Drive New Brunswick, NJ 08901		e. Employer Representative Karen Brewer Human Resource Manager	
		f. Fax No.	
		g. e-Mail Karen.brewer@exelaonline.com	
		h. Number of workers employed 12	
i. Type of Establishment (factory, mine, wholesaler, etc.) Management services company		j. Identify principal product or service Subcontracted office administrative and mailroom services at a pharmaceutical research facility	
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) <u>(5)</u> 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 clear and concise statement of facts constituting the alleged unfair labor practices) Within the 10(b) period, the above-named Employer has violated Section 8(a)(5) of the Act by its continued refusal to engage in collective bargaining with the United Steelworkers, despite request, and despite the Board's final order in Case No. 22-RC-237040.			
3. Full name of party filing charge (if labor organization, give full name, including local name and number) United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-Industrial and Service Workers International Union, AFL-CIO/CLC			
4a. Address (Street and number, city, state and ZIP code) 60 Boulevard of the Allies, Room 807 Pittsburgh, PA 15222		4b. Tel. No. 412.562.2554	
		4c. Cell No.	
		4d. Fax No. 412.562.2429	
		4e. e-Mail kshaw@usw.org	
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). United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-Industrial and Service Workers International Union, AFL-CIO/CLC			
6. DECLARATION		Tel. No. 412.526.2554	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Office, if any, Cell No.	
By <u>s/Katharine J. Shaw</u> (signature of representative of person making charge)		Fax No. 412.562.2429	
Katharine J. Shaw Associate General Counsel (Print/type name and title or office, if any)		e-Mail kshaw@usw.org	
60 Boulevard of the Allies, Room 807 Address Pittsburgh, PA 15222		February 12, 2021 (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.

Exhibit N

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

EXELA ENTERPRISE SOLUTIONS

Charged Party

and

**UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED & INDUSTRIAL SERVICE WORKERS
INTERNATIONAL UNION, AFC-CIO/CLC**

Charging Party

Case 22-CA-272676

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 12, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Karen Brewer, Human Resources Mgr.
Exela Enterprise Solutions.
1 Squibb Dr
New Brunswick, NJ 08901-1588

February 12, 2021

Date

Albert Santiago, Designated Agent of
NLRB

Name

Albert Santiago

Signature

Exhibit O

Santiago, Saulo

From: Schudroff, Daniel D. (NYC) <Daniel.Schudroff@jacksonlewis.com>
Sent: Friday, February 19, 2021 8:45 AM
To: Santiago, Saulo
Subject: RE: Excela Enterprise Solutions (Case 22-CA-272676)

Dear Mr. Santiago,

I can confirm that the Employer intends to test the Union's certification in the unit. Please let me know of next steps.

Thanks,
Dan

Daniel D. Schudroff
Attorney at Law
Jackson Lewis P.C.
666 Third Avenue
29th Floor
New York, NY 10017
Direct: (212) 545-4015 | Main: (212) 545-4000 | Mobile: (914) 629-6117
Daniel.Schudroff@jacksonlewis.com | www.jacksonlewis.com

Visit our resource page for information and guidance on COVID-19's workplace implications

From: Santiago, Saulo <Saulo.Santiago@nrlb.gov>
Sent: Wednesday, February 17, 2021 12:03 PM
To: Schudroff, Daniel D. (NYC) <Daniel.Schudroff@jacksonlewis.com>
Subject: Excela Enterprise Solutions (Case 22-CA-272676)

[EXTERNAL SENDER]

Dear Mr. Schudroff,

Enclosed please find the Charge and opening docket letter in the above-referenced case. The Region has been told you represent this employer, and as such, is immediately writing since the information we have indicates that your client is refusing to bargain with the Union in order to test the Union's certification in the Unit. If this is the case, please provide me with a letter stating your position in more precise terms by the end of this week.

If the Region's information is in error, please then provide me with your client's position statement rebutting the Union's allegations in this case. Feel free to contact me at 862-229-7057 to discuss this case further.

Regards,

Saulo Santiago

Exhibit P

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22**

EXELA ENTERPRISE SOLUTIONS

and

Case 22-CA-272676

**UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED-INDUSTRIAL AND SERVICE WORKERS
INTERNATIONAL UNION, AFL-CIO/CLC**

COMPLAINT

This Complaint is based on a charge filed by UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED-INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, AFL-CIO/CLC (“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 EXELA ENTERPRISE SOLUTIONS (“Respondent” or “Employer”) has violated the Act as described below.

1. The charge in this proceeding was filed by the Union on February 12, 2021, and a copy was served by regular mail on Respondent on February 12, 2021.

2. (a) At all material times, Respondent, a Delaware corporation, has been engaged in providing mail, shipping/receiving, and hospitality services to commercial office clients from its 1 Squibb Drive, New Brunswick, New Jersey facility, the only facility involved herein.

(b) During the twelve-month period, in the course and conduct of its business operations, Respondent purchased and received at its New Brunswick, New Jersey facility goods and supplies valued in excess of \$50,000 directly from suppliers located outside the State of New Jersey.

3. 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.

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

5. The following employees of Respondent, herein called the Unit, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All Full-Time and Regular Part-Time Customer Service Associates, including Customer Service Associates – Coffee Associates, Customer Service Technical Specialists, Team Leads, Forklift Operators, CSA TS Client Services, TL Tech Services, Shipping and Receiving Hazmat Associates, employed by the Employer at its 1 Squibb Drive, New Brunswick, New Jersey facility, excluding all Office Clerical employees, Professional employees, Guards and Supervisors as defined in the Act, and all other employees.

6. (a) On August 13, 2020, the Regional Director, by authority vested by the Board, certified the Union as the exclusive collective bargaining representative of the Unit in Case 22-RC-237040.

(b) On September 10, 2020, Respondent filed a Request for Review of the Regional Director's Decision and Certification of Representative in Case 22-RC-237040.

(c) On January 5, 2021, the Board issued an Order denying Respondent's Request for Review of the Regional Director's Decision and Certification of Representative in Case 22-RC-237040.

7. At all times since August 13, 2020, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

8. About January 5, 2021, the Union, by letter delivered via certified mail, requested that Respondent recognize it as the exclusive collective-bargaining representative of the Unit and bargain collectively with the Union as the exclusive collective-bargaining representative of the Unit.

9. (a) Since about January 5, 2021, Respondent has failed and refused to recognize and bargain with the Union as the exclusive collective-bargaining representative of the Unit.

(b) Respondent's purpose in refusing to bargain is to test the certification the Regional Director issued in Case 22-RC-237040.

10. By the conduct described above in paragraph 9, 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)(1) and (5) of the Act.

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

REMEDY

As part of the remedy for Respondent's unfair labor practices alleged above in paragraph 9, the General Counsel seeks:

- (a) an Order requiring Respondent to bargain in good faith with the Union, on request, as the recognized bargaining representative of the Unit described in paragraph 5;
- (b) an Order extending the certification year as required by *Mar Jac Poultry*, 136 NLRB 785 (1962), and that such extension be based on the date upon which Respondent begins to bargain in good faith with the Union;
- (c) all other relief as may be just and proper to remedy the alleged unfair labor practices.

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 March 8, 2021**. Respondent should also serve a copy of the answer on each of the other parties.

An answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, **File Case Documents**, enter the NLRB case number, and follow the detailed instructions. The 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 an answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer needs 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 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.

Dated at Newark, New Jersey this 22nd day of February 2021.

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

Eric Schechter, Acting Regional Director
National Labor Relations Board, Region 22
Veterans Administration Building
20 Washington Place, 5th Floor
Newark, New Jersey 07102

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22

EXELA ENTERPRISE SOLUTIONS

and

Case 22-CA-272676

UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED & INDUSTRIAL SERVICE WORKERS
INTERNATIONAL UNION, AFC-CIO/CLC

AFFIDAVIT OF SERVICE OF Complaint

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **February 22, 2021**, I served the above-entitled document(s) by **e-Issuance** upon the following persons, addressed to them at the following addresses:

Daniel Schudroff, Esq.
Jackson Lewis, P.C.
666 Third Avenue, 29th Floor
New York, NY 10017
daniel.schudroff@jacksonlewis.com

Katherine J. Shaw, Assistant General Counsel
United Steel, Workers, AFL-CIO, LOCAL 4-406
60 Boulevard of the Allies
Room 807
Pittsburgh, PA 15222-1214
kshaw@usw.org

Karen Brewer, Human Resources Mgr.
Exela Enterprise Solutions.
1 Squibb Dr
New Brunswick, NJ 08901-1588
karen.brewer@exelaonline.com

February 22, 2021

Date

Raquel Wilkinson,
Designated Agent of NLRB

Name

/s/ Raquel Wilkinson

Signature

Exhibit Q

**UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION 22**

In the Matter of:

EXELA ENTERPRISE SOLUTIONS

and

**UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED-INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION,
AFL-CIO/CLC**

Case No. 22-CA-272676

RESPONDENT'S ANSWER TO COMPLAINT

Pursuant to Sections 102.20 and 102.21 of the National Labor Relations Board's Rules and Regulations, Exela Enterprise Solutions, Inc. (incorrectly named as "Exela Enterprise Solutions") ("Respondent"), by its counsel, JACKSON LEWIS P.C., submits this Answer to the February 22, 2021 Complaint in the above-referenced case. Respondent hereby:

1. Admits the allegations set forth in Paragraph 1.
- 2(a). Admits the allegations set forth in Paragraphs 2(a).
- 2(b). Admits the allegations set forth in Paragraph 2(b).
3. Denies that a response is required to the allegations set forth in Paragraph 3 to the extent they are a legal conclusion. To the extent a response is required, Respondent admits the allegations set forth in Paragraph 3.
4. Denies that a response is required to the allegations set forth in Paragraph 4 to the extent they are a legal conclusion. To the extent a response is required, Respondent denies knowledge or information sufficient to form a belief as to the truth or falsity

of the allegations contained in Paragraph 4 concerning the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-Industrial and Service Workers International Union, AFL-CIO/CLC (“Union”).

5. Denies that a response is required to the allegations set forth in Paragraph 5 to the extent they are a legal conclusion. To the extent a response is required, Respondent denies the allegations contained in Paragraph 5.
- 6(a). Denies the allegations set forth in Paragraph 6(a), refers the Board to the document referenced therein for the true contents thereof, and specifically denies that the Union has been properly certified as the exclusive collective bargaining representative of the Unit described in Case 22-RC-237040.
- 6(b). Admits the allegations set forth in Paragraph 6(b).
- 6(c). Denies the allegations set forth in Paragraph 6(c), refers the Board to the document referenced therein for the true contents thereof, and specifically denies that the Union has been properly certified as the exclusive collective bargaining representative of the Unit described in Case 22-RC-237040.
7. Denies that a response is required to the allegations set forth in Paragraph 7 to the extent they are a legal conclusion. To the extent a response is required, Respondent denies the allegations contained in Paragraph 7.
8. Denies the allegations set forth in Paragraph 8 and refers the Board to the document referenced therein for the true contents thereof.
- 9(a). Denies the allegations set forth in Paragraph 9(a), and specifically denies that the Union was properly certified as the bargaining agent of the employees in the unit described in Case 22-RC-237040.

- 9(b). Denies the allegations set forth in Paragraph 9(b), except avers that Respondent intends to test the certification the Regional Director issued in Case 22-RC-237040.
10. Denies that a response is required to the allegations set forth in Paragraph 10 to the extent they are a legal conclusion. To the extent a response is required, Respondent denies the allegations contained in Paragraph 10, and specifically denies that the Union was properly certified as the bargaining agent of the employees in the unit described in Case 22-RC-237040.
11. Denies that a response is required to the allegations set forth in Paragraph 11 to the extent they are a legal conclusion. To the extent a response is required, Respondent denies the allegations contained in Paragraph 11, and specifically denies that the Union was properly certified as the bargaining agent of the employees in the unit described in Case 22-RC-237040.

* * *

Respondent specifically denies that Counsel for the General Counsel is entitled to the relief set forth in the “Remedy” section of the Complaint.

AFFIRMATIVE AND/OR SPECIFIED DEFENSES

As and for its affirmative and other defenses, Respondent, without assuming any burdens of production or proof that it would not otherwise have, alleges as follows:

AS AND FOR A FIRST DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

AS AND FOR A SECOND DEFENSE

At all times relevant hereto, Respondent acted in good faith and has not violated any provision of the National Labor Relations Act.

AS AND FOR A THIRD DEFENSE

The Union is not the collective bargaining representative of the Unit as set forth in Section 9(c) of the National Labor Relations Act.

AS AND FOR A FOURTH DEFENSE

Former General Counsel Peter Robb was unlawfully removed and Peter Ohr was unlawfully appointed as the NLRB General Counsel. Consequently, the Complaint in this matter was as an *ultra vires* act by Peter Ohr and otherwise issued and prosecuted unlawfully.

* * *

Respondent reserves the right to amend its Answer to add additional affirmative defenses.

WHEREFORE, Respondent asks that the Complaint be dismissed in its entirety.

Respectfully submitted,

JACKSON LEWIS P.C.

/s Daniel D. Schudroff

Daniel D. Schudroff

Megann K. McManus

Dated: March 8, 2021

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2021, I caused a true and correct copy of the foregoing **ANSWER TO COMPLAINT** to be served on UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED-INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, AFL-CIO/CLC's counsel of record, Katherine J. Shaw, via electronic mail, at the following address of record: kshaw@usw.org, as well as the Acting Regional Director of Region 22, Eric Schechter, at Eric.Schechter@nlrb.gov.

/s Daniel Schudroff
Daniel D. Schudroff