

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

**INTERNATIONAL UNION OF
OPERATING ENGINEERS LOCAL 501,
AFL-CIO**

and

**INTERNATIONAL GAME
TECHNOLOGY PLC**

Case No. 28-CB-250860

MOTION TO RESCHEDULE HEARING

Pursuant to 29 C.F.R. § 102.16(b) and 102.24(a), the Charged Party, International Union Of Operating Engineers Local 501, AFL-CIO ("Charged Party" or "Union"), by and through its counsel of record, the Myers Law Group, APC, respectfully requests the National Labor Relations Board's ("NLRB") Division of Judges reschedule the hearing in the above-captioned consolidated matter currently set for March 23, 2021 due to the unavailability of Kevin Million, who is the chief witness to Charged Parties' defenses. International Game Technology PLC ("Charging Party") does not oppose this Motion. The Region has indicated that it does not agree with rescheduling the hearing despite its representation that Mr. Million is an important 611(c) witness for its case in chief.

MEMORANDUM OF POINTS AND AUTHORITIES

I. PROCEDURAL HISTORY

On October 15, 2021, the Regional Director for Region 28 issued an Order Scheduling Hearing to commence on March 23, 2021. On March 8, 2021, counsel for the Union learned that

Union Representative Kevin Million was on a leave of absence and would not return before the end of March. On March 10, 2021, the Region proposed a settlement agreement to resolve the claims in the instant matter. The Union is currently considering the settlement proposal.

II. GROUNDS FOR RESCHEDULING HEARING

Union Representative Kevin Million is a material witness as he was present for and attended numerous bargaining sessions between the Union and the Employer. His unavailability due to being on a medical leave makes it impossible for the Union to present its defenses, as it would need to rely on hearsay testimony from other Union representatives. Moreover, the Region has indicated that Mr. Million is its chief 611(c) witness and anticipated calling him for its case in chief. Given his importance as a pertinent witness to the allegations herein, the matter should be rescheduled.

Additionally, the Region has proposed a settlement that the Union is considering. Due to the proximity in time to the hearing, if further negotiation is needed in reaching a settlement, rescheduling the hearing would aid in that effort.

Finally, the Employer has expressed a desire to hold the hearing in “one sitting” rather than having to start with some witnesses and then adjourn until Mr. Million is available to testify. The Union agrees with the Employers position and believes it would be beneficial to all parties and witnesses. Holding the hearing, which is estimated for one day, on one day will also support judicial economy and save on the resources of the Board, the Region, and the parties.

III. ALTERNATIVE DATES

As of the date of this Motion, Mr. Million is expected to be absent through the end of March 2021. There is no further information. The Union would propose a 60 day continuance as

it should have a better idea of Mr. Million's availability by then. There have been no previous continuances for the hearing.

IV. POSITIONS OF OTHER PARTIES

The employer has expressed that it does not oppose the Motion and would prefer the hearing take place on one day, as anticipated.

The Region does not agree with rescheduling the hearing.

V. CONCLUSION

Based on the foregoing, the Charged Party respectfully requests that the Chief Administrative Law Judge continue the hearing for a minimum of 60 days.

Dated: March 17, 2021

Respectfully Submitted

THE MYERS LAW GROUP, A.P.C.

By:  _____
Adam N. Stern
Justin M. Crane
Attorneys for International Union of
Operating Engineers, Local 501

CERTIFICATE OF SERVICE

I am employed in the office of a member of the bar of this Court at whose direction this service was made. I am over the age of 18 and not a party to the within action; my business address is 9327 Fairway View Place, Suite 100, Rancho Cucamonga, CA 91730.

On March 17, 2021, I served the foregoing document described as **MOTION TO RESCHEDULE HEARING** by serving the Region via Electronic Filing through the NLRB's website upon:

Cornele A. Overstreet, Regional Director
National Labor Relations Board, Region 28
2600 North Central Avenue, Suite 1400
Phoenix, AZ 85004-3099

And via Electronic Mail, delivery upon:

Daniel Altchek
Saul Ewing Arnstein & Lehr
500 E. Pratt Street, Suite 900
Baltimore, MD 21202
dan.altchek@saull.com

I am "readily familiar" with the firm's practice of services of process. Under that practice, this document would be deposited:

 X **(BY ELECTRONIC MAIL):** I caused the document(s) to be sent to the person(s) at the electronic address(es) listed above. I did not receive any electronic message or indication that the transmission was unsuccessful.

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

Executed on March 17, 2021 at Fontana, California.



Justin M. Crane