

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
WASHINGTON D.C.**

**LBE, INC.**

**Respondent**

**and**

**CASE 7-CA-52240**

**LOCAL 486, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS**

**Charging Union**

**COUNSEL FOR THE GENERAL COUNSEL'S MOTIONS TO TRANSFER CASE  
TO AND CONTINUE PROCEEDINGS BEFORE THE BOARD AND FOR  
DEFAULT JUDGMENT**

Pursuant to Sections 102.24 and 102.50 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, Mary Beth Foy, Counsel for the General Counsel, files these Motions to Transfer Case to and Continue Proceedings Before the Board and for Default Judgment, and in support of said Motions, states as follows:

1. The charge in this case was filed by the Charging Union on July 15, 2009, and a copy was served by regular mail on Respondent on the same date. A copy of the charge and a copy of the affidavit of service of the charge are attached as Exhibits A and B, respectively.
2. On September 23, 2009, the Regional Director for the Seventh Region issued and served on Respondent a Complaint and Notice of Hearing by certified mail. A copy of

the Complaint and Notice of Hearing and a copy of the Affidavit of Service of the Complaint and Notice of Hearing are attached as Exhibits C and D, respectively.

3. The Complaint was returned to the Regional Office with the original envelope marked "Returned to Sender – REFUSED". A copy of the envelope containing the September 23, 2009 Complaint is attached as Exhibit E.

4. By letter dated October 8, 2009, mailed to Respondent's last known address, the Regional Director for the Seventh Region advised Respondent that it had not filed an answer to the Complaint, as required by the Board's Rules and Regulations. Respondent was further advised that unless it filed an appropriate answer to the Complaint by October 21, 2009, the Region would file a Motion for Default Judgment with the Board and, if granted, all the unanswered allegations in the Complaint would be deemed to be admitted as true. A copy of this letter and a copy of the affidavit of service of the letter, are attached as Exhibits F and G, respectively.

5. The October 8, 2009 Letter Requesting Answer was returned to the Regional Office with the original envelope marked "Returned to Sender – UNABLE TO FORWARD – BUSINESS CLOSED". A copy of the envelope containing the October 8, 2009 Letter Requesting Answer is attached as Exhibit H.

6. The Region has repeatedly attempted to advise Respondent of its obligation to file an answer to the Complaint and of the consequences for failing to do so.

7. No answer to the Complaint has been filed to date by Respondent nor has it filed to date any document purporting to be an appropriate answer. An Affidavit by the Regional Director of the Seventh Region that establishes this fact is attached as Exhibit I.

8. In the Answer Requirement portion of the Complaint served on Respondent on September 23, 2009, Respondent was advised as follows:

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 October 7, 2009, or postmarked on or before October 6, 2009**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of other parties.... The answer may not be filed by facsimile transmission. If no answer is filed, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

9. Section 102.20 of the Board's Rules and Regulations provides, *inter alia*, that:

All allegations in the Complaint, if no answer is filed...shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

10. Respondent's refusal to claim certified mail does not constitute good cause for its failure to file an answer and cannot serve to defeat the purposes of the Act. *Powell & Hunt Coal Co., Inc.*, 293 NLRB 842, fn. 2 (1989); *In re All American Fire Protection, Inc.*, 336 NLRB 767, fn. 3 (2001).

11. Because no answer has been filed to the Complaint, and no good cause has been claimed or shown, all of the allegations of the complaint should be deemed to be admitted and found to be true. *Thoele Asphalt Paving, Inc.*, 354 NLRB No. 69 (August 27, 2009); *Dodge Printing, LLC*, 354 NLRB No. 67 (August 26, 2009).

**WHEREFORE**, Counsel for the General Counsel respectfully moves:

(1) That this case and these Motions be transferred to the Board and ruled on immediately so that, in the event that they are granted, the necessity for and the expense of a hearing will be obviated.

(2) That pursuant to Section 102.20 of the Board's Rules and Regulations, all allegations of the Complaint be deemed to be admitted to be true and so found by the Board, and that Respondent be found by the Board to have violated Sections 8(a)(1) and (5) of the National Labor Relations Act, as amended, without the taking of evidence in support of the Complaint.

(3) That the Board issue a Decision containing findings of fact, conclusions of law, and an Order, all consistent with the allegations in the Complaint, and the prayer for relief set forth therein.

Respectfully submitted this 2nd day of November, 2009.



Mary Beth Foy  
Counsel for the General Counsel  
National Labor Relations Board  
Seventh Region  
Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 300  
Detroit, Michigan 48226

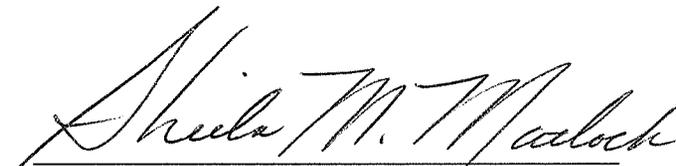
I certify that on the 2nd day of November 2009, I served copies of Counsel For The General Counsel's Motions To Transfer Case To And Continue Proceedings Before The Board And For Default Judgment on each of the following parties by the following methods:

Overnight Delivery Service (to last known address)

LBE, Inc.  
966 Bridgeview South  
Saginaw, MI 48604  
ATTN: Tony Lander

By facsimile transmission (with permission)

Local 486, International Brotherhood  
of Teamsters  
805 Bridgeview South  
Saginaw, MI 48604  
ATTN: Edgar Morin



Sheila M. Matlock, Mail Clerk

FORM NLRB-501

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

M EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
7-CA-52240	7-15-09

## INSTRUCTIONS

File an original and 4 copies of this charge 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 L.B.E.	b. Number of workers employed 13
c. Address (street, city, state, ZIP code) 966 Bridgeview South, Saginaw, MI 48604	d. Employer Representative Tony Lander
e. Telephone No. 989-752-6963	f. Type of Establishment (factory, mine, wholesaler, etc.) Transportation Service
g. Identify principal product or service DHL Package Delivery	

h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and 5 of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

The above named Employer has failed to provide financial information requested in writing by the Union in regard to a Contract Employee Retention Program (C.E.R.P.) funded by DHL in support of the contractors employee's during the shutdown of the DHL Operation in Freeland, Michigan.

By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.

By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Teamsters Local Union No. 486

4a. Address (street and number, city, state and ZIP code)

805 Bridgeview South, Saginaw, MI 48604

4b. Telephone No.

989-771-9000

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).

International Brotherhood of Teamsters

## B. 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

*Edgar J. Morin*

Title Business Agent

Signature of representative or person making charge Edgar J. Morin

Telephone No.

Date 7/15/2009

Address 805 Bridgeview South

989-771-9000, Ext. 18

Saginaw, MI 48604

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED  
(U.S. CODE, TITLE 18, SECTION 1001)

EXHIBIT A

FORM NLRB-877  
(4-82)

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

L.B.E.

Case 7-CA-52240

DATE OF MAILING: July 15, 2009  
AFFIDAVIT OF SERVICE OF CHARGE

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Mr. Tony Lauder  
L.B.E.  
966 Bridgeview South  
Saginaw, MI 48604

Mr. Edgar Morin  
Local 486 Teamsters  
805 Bridgeview South  
Saginaw, MI 48604

Designated Agent



NATIONAL LABOR RELATIONS BOARD

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

**LBE, INC.**

**Respondent**

**and**

**CASE 7-CA-52240**

**LOCAL 486, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS**

**Charging Union**

**COMPLAINT AND NOTICE OF HEARING**

The Charging Union has charged that Respondent has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. Section 151 et seq. Based thereon, the General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, issues this Complaint and Notice of Hearing and alleges as follows:

1. The charge in this proceeding was filed by the Charging Union on July 15, 2009, and a copy was served by regular mail on Respondent on the same date.
2. At all material times, Respondent, a corporation, with an office in Saginaw, Michigan, has been engaged in providing freight pickup and delivery service for DHL Express (USA), Inc.
3. During calendar year 2008, a representative period, Respondent, in conducting its operations described in paragraph 2, derived gross revenues in excess of \$100,000, and provided services in excess of \$50,000 to DHL Express (USA), Inc., which itself, during the same period of time, derived gross revenues in excess of \$50,000 for the transportation of freight from the State of Michigan directly to points outside the State of Michigan.
4. 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.
5. At all material times, the Charging Union has been a labor organization within the meaning of Section 2(5) of the Act.

6. (a). At all material times, Tony Lander has held the position of Respondent's president and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

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

Dave Herber	Vice President
Shari Ferruzzi	Human Resource Manager

7. 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 drivers and dock employees employed by Respondent located in the DHL Express (USA), Inc., distribution facility located at 8015 Garfield Road, Freeland, Michigan, but excluding all office clerical employees and guards and supervisors as defined in the Act.

8. Since about 2005, and all material times, the Charging Union has been the designated exclusive collective bargaining representative of the Unit and has been so recognized by the Respondent. This recognition has been embodied in a collective bargaining agreement which is effective from January 1, 2007 through January 1, 2010.

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

10. On about July 8, 2009, the Charging Union, by email, requested that Respondent provide a complete copy including financial details set forth therein of the "contract employee retention program" (CERP), a document between DHL and Respondent dealing with the shutdown of Respondent's operation.

11. The information requested by the Charging Union, as described in paragraph 10, is necessary for, and relevant to, the Charging Union's performance of its duties as the exclusive collective bargaining representative of the Unit.

12. Since about July 8, 2009, Respondent has failed and refused to provide to the Charging Union the information described in paragraph 10.

13. By the conduct described in paragraph 12, Respondent has been failing and refusing to bargain collectively and in good faith with the Charging Union as the exclusive collective bargaining representative of the Unit, in violation of Section 8(a)(1) and (5) of the Act.

14. The described unfair labor practice of Respondent affects commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, it is prayed that Respondent be ordered to:

1. Cease and desist from:

(a) engaging in the conduct described in paragraph 12, or in any like or related manner, interfering with, restraining or coercing its employees in the exercise of rights guaranteed in Section 7 of the Act.

(b) engaging in the conduct described in paragraph 12, or in any like or related manner refusing to bargain collectively and in good faith with the Charging Union as the exclusive collective bargaining representative of the Unit.

2. Take the following affirmative action:

(a) Provide the Charging Union with the requested information described in paragraph 10.

(b) Upon request, bargain collectively and in good faith with the Charging Union as the exclusive collective bargaining representative of the Unit in regard to wages, hours, and other terms and conditions of employment.

(c) Post appropriate notices.

The General Counsel prays for such other relief as may be just and proper to remedy the unfair labor practice herein alleged.

### 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 October 7, 2009, or postmarked on or before October 6, 2009**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at

<http://www.nlr.gov>, click on **E-Gov**, then click on the **E-Filing** link on the pull-down menu. Click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. 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 Sections 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 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, 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 December 2, 2009 at 10:00** at a location to be designated at a later date, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. 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 at Detroit, Michigan, this 23rd day of September, 2009.

(Seal)

/s/ Stephen M. Glasser

Stephen M. Glasser, Regional Director  
National Labor Relations Board, Region 7  
Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 300  
Detroit, Michigan 48226

**SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
IN UNFAIR LABOR PRACTICE PROCEEDINGS PURSUANT TO  
SECTION 10 OF THE NATIONAL LABOR RELATIONS ACT**

The hearing will be conducted by an administrative law judge of the National Labor Relations Board who will preside at the hearing as an independent, impartial finder of the facts and applicable law whose decision in due time will be served on the parties. The offices of the administrative law judges are located in Washington, DC; San Francisco, California; New York, N.Y.; and Atlanta, Georgia.

At the date, hour, and place for which the hearing is set, the administrative law judge, upon the joint request of the parties, will conduct a "prehearing" conference, prior to or shortly after the opening of the hearing, to ensure that the issues are sharp and clearcut; or the administrative law judge may independently conduct such a conference. The administrative law judge will preside at such conference, but may, if the occasion arises, permit the parties to engage in private discussions. The conference will not necessarily be recorded, but it may well be that the labors of the conference will be evinced in the ultimate record, for example, in the form of statements of position, stipulations, and concessions. Except under unusual circumstances, the administrative law judge conducting the prehearing conference will be the one who will conduct the hearing; and it is expected that the formal hearing will commence or be resumed immediately upon completion of the prehearing conference. No prejudice will result to any party unwilling to participate in or make stipulations or concessions during any prehearing conference.

*(This is not to be construed as preventing the parties from meeting earlier for similar purposes. To the contrary, the parties are encouraged to meet prior to the time set for hearing in an effort to narrow the issues.)*

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance.

An official 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 administrative law judge for approval.

All matter that is spoken in the hearing room while the hearing is in session will be recorded by the official reporter unless the administrative law judge specifically directs off-the-record discussion. In the event that any party wishes to make off-the-record statements, a request to go off the record should be directed to the administrative law judge and not to the official reporter.

Statements of reasons in support of motions and objections should be specific and concise. The administrative law judge will allow an automatic exception to all adverse rulings and, upon appropriate order, an objection and exception will be permitted to stand to an entire line of questioning.

All exhibits offered in evidence shall be in duplicate. Copies of exhibits should be supplied to the administrative law judge and other parties at the time the exhibits are offered in evidence. If a copy of any exhibit is not available at the time the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the administrative law judge before the close of hearing. In the event such copy is not submitted, and the filing has not been waived by the administrative law judge, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

Any party shall be 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. In the absence of a request, the administrative law judge may ask for oral argument if, at the close of the hearing, it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

In the discretion of the administrative law judge, any party may, on request made before the close of the hearing, file a brief or proposed findings and conclusions, or both, with the administrative law judge who will fix the time for such filing. Any such filing submitted shall be double-spaced on 8½ by 11 inch paper.

Attention of the parties is called to the following requirements laid down in Section 102.42 of the Board's Rules and Regulations, with respect to the procedure to be followed before the proceeding is transferred to the Board:

No request for an extension of time within which to submit briefs or proposed findings to the administrative law judge will be considered unless received by the Chief Administrative Law Judge in Washington, DC (or, in cases under the branch offices in San Francisco, California; New York, New York; and Atlanta, Georgia, the Associate Chief Administrative Law Judge) at least 3 days prior to the expiration of time fixed for the submission of such documents. Notice of request for such extension of time must be served simultaneously on all other parties, and proof of such service furnished to the Chief Administrative Law Judge or the Associate Chief Administrative Law Judge, as the case may be. A quicker response is assured if the moving party secures the positions of the other parties and includes such in the request. All briefs or proposed findings filed with the administrative law judge must be submitted in triplicate, and may be printed or otherwise legibly duplicated with service on the other parties.

In due course the administrative law judge will prepare and file with the Board a decision in this proceeding, and will cause a copy thereof to be served on each of the parties. Upon filing of this decision, the Board will enter an order transferring this case to itself, and will serve copies of that order, setting forth the date of such transfer, on all parties. At that point, the administrative law judge's official connection with the case will cease.

The procedure to be followed before the Board from that point forward, with respect to the filing of exceptions to the administrative law judge's decision, the submission of supporting 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 served on the parties together with the order transferring the case to the Board.

Adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations. If adjustment appears possible, the administrative law judge may suggest discussions between the parties or, on request, will afford reasonable opportunity during the hearing for such discussions.

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

LBE, INC.

Respondent

CASE 7-CA-52240

and

LOCAL 486, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS

Charging Union

DATE OF MAILING SEPTEMBER 23, 2009

AFFIDAVIT OF SERVICE OF: COMPLAINT AND NOTICE OF HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) by post-paid certified mail upon the following persons, addressed to them at the following addresses:

**CERTIFIED MAIL**

L.B.E., Inc.  
Attn: Tony Lander  
966 Bridgeview South  
Saginaw, MI 48604

CERTIFIED 7004-2510-0001-4357-2915

**REGULAR MAIL**

Local 486, International Brotherhood  
of Teamsters  
Attn: Edgar Morin  
805 Bridgeview South  
Saginaw, MI 48604

EXHIBIT D

/s/ Mary Lou M. Iho  
MARY LOU M. IHO, MAIL CLERK

JEK/mlmi  
Subscribed and sworn to before me  
this 23<sup>rd</sup> day of September, 2009

/s/ Sandra L. Roegner  
SANDRA L. ROEGNER, NOTARY PUBLIC  
WASHTENAW COUNTY MICHIGAN  
MY COMMISSION EXPIRES: 12/27/12  
Designated Agent  
NATIONAL LABOR RELATIONS BOARD

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

7004 2510 0001 4357 2915

Sent To

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+4

PS Form 3800, June 2002

See Reverse for Instructions

UNITED  
NATION  
REGION  
477 MICHIGAN AVE - ROOM 300  
DETROIT, MI 48226-2569  
An Equal Opportunity Employer  
**OFFICIAL BUSINESS**  
Penalty for Private Use, \$300.

RECEIVED  
NLRB REGION 7  
2007 OCT -1 P 0:45  
DETROIT MICHIGAN

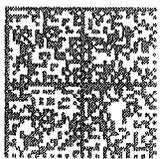
*Edward*

**CERTIFIED MAIL™**  
THE RIGHT  
FOOTLINE



7004 2510 0001 4357 2915

RETURNED  
TO  
SENDER  
**REFUSED**



UNITED STATES POSTAGE  
PRIME™ & BO  
\$07.  
02 1M  
0004280614 SEP 23  
MAILED FROM ZIP CODE

EXHIBIT E

**SENDER COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

L.B.E., Inc.  
Attn: Tony Lander  
966 Bridgeview South  
Saginaw, MI 48604

A. Signature

Agent

B. Received by: (Printed Name)

Addressee

C. Date of Delivery

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Restricted Delivery\* (Extra Fee)
- Express Mail
- Return Receipt for Merchandise
- O.O.D.
- Yes

*Whipp/The*

7004 2510 0001 4357 2915

PS Form 3811, August 2001

Domestic Return Receipt

*Camp Lander 7/24/5200*



United States Government

**NATIONAL LABOR RELATIONS BOARD**

**Region 7**

**477 Michigan Avenue – Room 300**

**Detroit, Michigan 48226-2569**

**Telephone: (313) 226-3200**

**FAX: (313) 226-2090**

**October 8, 2009**

**L.B.E., Inc.  
Attn: Tony Lander  
966 Bridgeview South  
Saginaw, MI 48604**

**Re: L.B.E., Inc.  
Case 7-CA-52240**

**Dear Mr. Lander:**

**According to our records, the Respondent has not filed an answer to the Complaint and Notice of Hearing, (hereinafter Complaint) which issued in this case on September 23, 2009. As you were advised at the time Complaint issued, Respondent is required to file an original and four copies of an Answer to the Complaint on or before October 7, 2009. This is pursuant to the Board's Rules and Regulations, Sections 102.20 and 102.21.**

**Any answer to the Complaint filed now would be untimely and should be accompanied by a statement indicating the reason for its late submission.**

**Please be advised that unless you comply with the Board's Rules and Regulations with respect to the filing of an appropriate Answer by October 21, 2009, we will have no alternative but to file a Motion for Default Judgment with the Board and, if granted, all the unanswered allegations in the Complaint would be deemed admitted as true.**

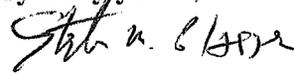
**In the event you are having problems meeting the time requirements as to filing an Answer, please be advised that you can receive an extension of time, pursuant to Section 102.22 of the Board's Rules and Regulations, by submitting proper cause therefore to the Regional Director. A letter to the Regional Director with copies to the other parties setting forth the reason for the request will suffice. Your request will be ruled upon promptly.**

**EXHIBIT F**

**If you have any questions or requests concerning this letter or the Board's Rules, please call the agent to whom the case is assigned or in his/her absence, the immediate supervisor or me.**

**Thank you for your kind cooperation.**

**Very truly yours,**

A handwritten signature in black ink, appearing to read "Stephen M. Glasser".

**Stephen M. Glasser  
Regional Director**

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

**L.B.E, INC.**

**Respondent**

**and**

**LOCAL 486, INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS**

Case No. 7-CA-52240

**Charging Union**

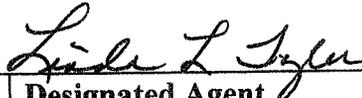
DATE OF MAILING: October 8, 2009

AFFIDAVIT OF SERVICE OF: Letter Requesting Answer

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

**L.B.E., Inc.  
Attn: Tony Lander  
966 Bridgeview South  
Saginaw, MI 48604  
Attn: Don Kisler**

Subscribed and sworn to before me this 8<sup>th</sup> day of  
October 2009.



**Designated Agent  
Linda L. Tyler, NOTARY PUBLIC  
Wayne County, Michigan -12-5-2013  
NATIONAL LABOR RELATIONS BOARD**

EXHIBIT G

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
REGION 7  
477 MICHIGAN AVE - ROOM 300  
DETROIT, MI 48226-2569  
An Equal Opportunity Employer

OFFICIAL BUSINESS  
Penalty for Private Use, \$300.

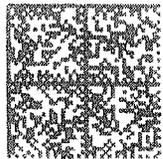
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BUSINESS/INSTITUTION  
FOR FORWARDING UNAVAILABLE



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*Business's good*



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EXHIBIT H

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

**LBE, INC.**

**Respondent**

**and**

**CASE 7-CA-52240**

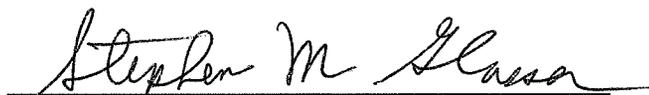
**LOCAL 486, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS**

**Charging Union**

**AFFIDAVIT**

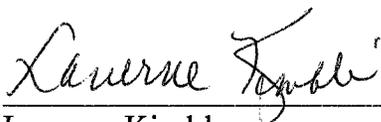
Stephen M. Glasser, being first duly sworn, says that he is the Regional Director for the Seventh Region of the National Labor Relations Board, that a Complaint and Notice of Hearing in the above case issued and was served upon Respondent on September 23, 2009, that a letter requesting an answer in the above case was served upon Respondent on October 8, 2009, and that no appropriate answer as required by the Board's Rules and Regulations has been filed with the Seventh Regional Office of the National Labor Relations Board by Respondent, and no good cause for the failure to do so has been presented.

Dated at Detroit, Michigan, this 2<sup>nd</sup> day of November, 2009.



Stephen M. Glasser, Regional Director  
National Labor Relations Board  
Seventh Region  
Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 300  
Detroit, Michigan 48226

Subscribed and sworn before me on this  
2<sup>nd</sup> day of November 2009.



Laverne Kimble  
Notary Public, Wayne County Michigan.  
My Commission expires: 02/08/2012