

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5**

APS EVENTS, LLC

and

Case 5-CA-34875

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE
EMPLOYEES, MOVING PICTURE TECHNICIANS,
ARTISTS AND ALLIED CRAFTS OF THE UNITED
STATES, ITS TERRITORIES AND CANADA,
AFL-CIO, CLC, LOCAL NO. 19

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

Pursuant to Sections 102.24 and 102.50 of the Board's Rules and Regulations and Statements of Standard Procedure, Series 8, as amended, herein called the Rules, Patrick J. Cullen, Counsel for the General Counsel, respectfully moves that the National Labor Relations Board, herein called the Board: (1) transfer this case and continue the proceedings before the Board; (2) deem the allegations in the Complaint issued on June 30, 2009, as admitted to be true without taking evidence supporting the allegations in the Complaint; and (3) grant Default Judgment and issue a Decision and Order herein on the basis of the following:

1. (a) On April 2, 2009, International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada, AFL-CIO, CLC, Local No. 19, herein called the Union, filed the charge in Case 5-CA-34875 against APS Events, LLC, herein called Respondent, alleging violations of Section 8(a)(1) and (5) of the Act. The charge was served on Respondent by mail on April 6, 2009. Copies of the

charge in Case 5-CA-34875 and the Regional Director's letter transmitting the charge together with an affidavit of service are attached as Exhibits 1 and 2, respectively.

(b) On June 2, 2009, the Union filed a first amended charge in Case 5-CA-34875 against Respondent alleging violations of Section 8(a)(1) and (5) of the Act. The first amended charge in Case 5-CA-34875 was served on Respondent by mail on June 4, 2009. Copies of the first amended charge in Case 5-CA-34875 and the Regional Director's letter transmitting the charge together with an affidavit of service are attached as Exhibits 3 and 4, respectively.

2. On June 30, 2009, the Regional Director issued, by certified mail, return receipt requested, a Complaint and Notice of Hearing, herein called the Complaint, alleging that Respondent has violated Section 8(a)(1) and (5) of the Act. A copy of the Complaint is attached as Exhibit 5, and an affidavit of service is attached as Exhibit 6. No certified mail receipt for the Complaint was returned by the U.S. Postal Service.

3. The Complaint states, in pertinent part, that Respondent shall file an answer to the Complaint within fourteen days from the service thereof and that, absent such action, all of the allegations in the Complaint shall be deemed to be true and shall be so found by the Board upon a Motion for Default Judgment. Respondent's answer was due on July 14, 2009. Respondent has not filed an answer to the Complaint within the time period required by Section 102.20 of the Board's Rules, and Respondent has given no satisfactory reason for its failure to have done so.

4. By a letter dated September 2, 2009, sent by certified mail, Respondent was advised by the Regional Attorney of Region 5 that Respondent had failed to file an answer to the Complaint, and that absent the filing of an answer to the Complaint by September 14, 2009, a Motion for Default Judgment would be filed. A copy of the Complaint was included with this

CERTIFICATE OF SERVICE

This is to certify that on September 15, 2009, copies of the General Counsel's Motion to Transfer Case to the Board and for Default Judgment was served by electronic mail on:

James T. Arth, President
APS Events
899 Airport Park Road, Suite J
Glen Burnie, MD 21061
JTAPS@aol.com

Linda D. McKeegan, Esq.
Kahn, Smith & Collins, P.A.
201 N. Charles Street, 10th Floor
Baltimore, MD 21201
mckeegan@kahnsmith.com

 /s/ Patrick J. Cullen
Patrick J. Cullen
Counsel for the General Counsel

INDEX OF EXHIBITS

Exhibit 1	Charge filed April 2, 2009, in Case 5-CA-34875
Exhibit 2	Regional Director's letter transmitting the charge in Case 5-CA-34875 and affidavit of service dated April 6, 2009
Exhibit 3	First amended charge filed June 2, 2009, in Case 5-CA-34875
Exhibit 4	Regional Director's letter transmitting the first amended charge in Case 5-CA-34875 and affidavit of service dated June 4, 2009
Exhibit 5	Complaint and Notice of Hearing dated June 30, 2009
Exhibit 6	Affidavit of service for the Complaint
Exhibit 7	Letter from Region 5 to Respondent dated September 2, 2009 ²
Exhibit 8	Return receipt for September 2, 2009 letter to Respondent
Exhibit 9	Order Postponing Hearing Indefinitely dated September 15, 2009

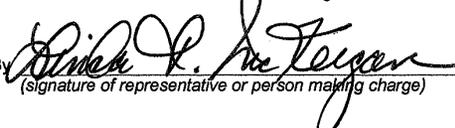
² The courtesy copy of the Complaint and Notice of Hearing sent to Respondent with this letter has been omitted from this Exhibit, as it duplicates Exhibit 5.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 5-CA-34875	Date Filed 4/2/09

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 APS Events	b. Tel. No. 301-858-5209 c. Cell No. 410-703-2528 f. Fax No. 301-858-5908
d. Address (Street, city, state, and ZIP code) 899 Airport Park Rd., Suite J Glen Burnie, MD 21061	e. Employer Representative James T. Arth, President g. e-Mail JTAPS@aol.com h. Number of workers employed 3
i. Type of Establishment (factory, mine, wholesaler, etc.) Production services for stage/corporate events.	j. Identify principal product or service Industrial trade, corporate, music, theatre, stage events.
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) 8(a)(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) Since on or about March 23, 2009, and at all times thereafter, APS Events, by its officers, agents and representatives, has refused to bargain collectively with IATSE, Local No. 19, a labor organization chosen by a majority of its employees in an appropriate unit, for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment, and other terms and conditions of employment, by rejecting and failing to comply with the terms of payment of wages and benefits under the collective bargaining agreement, and by failing to supply said labor organization with requested financial data and other information relevant to its performance as bargaining agent. By the acts set forth in the paragraph above and by other acts and conduct, 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) International Alliance of Theatrical Stage Employees, Local No. 19	
4a. Address (Street and number, city, state, and ZIP code) 1111 Park Ave., Suite L-102 Baltimore, MD 21201	4b. Tel. No. 410-728-6527 4c. Cell No. 4d. Fax No. 410-728-6849 4e. e-Mail
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 Alliance of Theatrical Stage Employees	
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  Linda D. McKeegan, Esquire (Signature of representative or person making charge) (Print/type name and title or office, if any)	
Tel. No. 410-244-1010 Office, if any, Cell No. Fax No. 410-244-8001 e-Mail mckeegan@kahnsmith.com	
Address K, S & C, PA, 201 N. Charles St., 10th Fl., Baltimore, MD 21201 April 1, 2009 (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.



United States Government
NATIONAL LABOR RELATIONS BOARD

Region 5

103 South Gay Street, 8th Floor
Baltimore, MD 21202-4061

Telephone: (410) 962-2822

Facsimile: (410) 962-2198

April 6, 2009

Mr. James T. Arth, President
APS Events
899 Airport Park Rd., Suite J
Glen Burnie, MD 21061

Re: Case 5-CA-34875

Dear Mr. Arth:

The enclosed charge has been filed with this Office. A copy of Form NLRB-4541 pertaining to our investigation and voluntary adjustment procedures is attached.

For information pertaining to this case, please contact Board Agent David L. Diaz, (410)962-3079, David.Diaz@nlrb.gov. When the Board agent solicits relevant evidence from you or your counsel, I strongly urge you or your counsel to promptly present to the Board agent any and all evidence relevant to the investigation. Please state the case name and number on all correspondence, and include your e-mail address. Please see the attached document, "Communications with Regional Offices by E-mail," regarding the Agency's policy as to communicating with this office by e-mail.

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency is moving toward a fully electronic records system. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-Filing system on its website: <http://www.nlrb.gov> (See Attachment to this letter for instructions). Of course, the Agency will continue to accept timely filed paper documents.

A refusal to cooperate fully during the investigation may cause a case to be litigated unnecessarily. Full and complete cooperation includes, where relevant, timely providing all material witnesses under your control to a Board agent so that witnesses' statements can be reduced to affidavit form, and providing all relevant documentary evidence requested by the Board agent. The submission of a position letter or memorandum, or the submission of affidavits not taken by a Board agent, does not constitute full and complete cooperation

Please be advised that we cannot accept any limitations on the use of any evidence or position statements that are provided to the Agency. Any position letter will be treated as binding upon the party submitting it, and may be introduced in any hearing as evidence of party position. A claim for confidentiality cannot be honored except provided by Exemption 4 of the Freedom of Information Act, 5 U.S.C. Sec. 552(b)(4), and all material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge.

We are required by the Federal Records Act to keep copies of documents used in furtherance of our investigation for some period of years after a case closes. We may be required by the Freedom of Information Act to disclose such records upon request absent some applicable exemption such as those that protect confidential financial information or personal privacy interests (e.g., Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4)). Accordingly, we will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the foregoing laws, regulations and policies.

April 6, 2009

The allegations of the charge, if determined to have merit, require us to consider whether injunctive relief under Section 10(j) of the Act is appropriate. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you present your evidence relevant of the investigation.

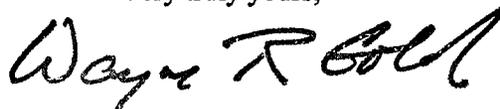
Enclosed for the Employer is a form requesting commerce data, which should be completed, signed by an employer representative and returned in the enclosed envelope addressed to my attention.

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceeding before the National Labor Relations Board and the courts. If you choose to have a representative appear on your behalf, please fill out and return the enclosed Form NLRB-4701. Please note that Form NLRB-4701 may be executed by your designated representative. If you require language assistance, please notify the Board Agent as soon as possible. The NLRB provides language assistance to individuals who are not fluent to the English language.

Please be advised that, under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

Customer service standards concerning the processing of unfair labor practice cases have been published by the Agency and are available on the Agency's website, www.nlr.gov, under "Public Notices." Your cooperation in this matter is invited so that all facts of the case may be considered.

Very truly yours,



Wayne R. Gold
Regional Director

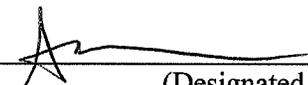
Enclosures

I CERTIFY THAT I served the above-referenced charge on April 6, 2009, by postpaid regular mail on the addresses named together with a transmittal letter of which this is a true copy.



(Signature)

Subscribed and sworn to before me on April 6, 2009.



(Designated Agent)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER
FIRST AMENDED CHARGE

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
5-CA-34875	6/2/09

INSTRUCTIONS:

File an original together with four copies and a copy for each additional charged party named in item 1 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 APS Events	b. Number of workers employed 3
c. Address (street, city, state, ZIP code) 899 Airport Park Rd., Suite J Glen Burnie, MD 21061	d. Employer Representative James T. Arth, President
	c. Phone: 301-858-5209 d. Fax: 301-858-5908 e. Cell phone: 410-703-2528 f. E-Mail: JTAPS@aol.com
f. Type of Establishment (factory, mine, wholesaler, etc.) Production services for stage/corporate events	g. Identify principal product or service Industrial trade, corporate, music, theatre, stage events
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 (list subsections) 8(a)(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)	
<p>During the preceding six months, and at all times thereafter, APS Events, by its officers, agents and representatives, has refused to bargain collectively with IATSE, Local 19, a labor organization chosen by a majority of its employees in an appropriate unit, for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment, and other terms and conditions of employment, by rejecting and failing to comply with the terms of payment of wages and benefits under the collective bargaining agreement.</p> <p>Since on or about March 23, 2009, the Employer, by its officers, agents and representatives, has refused to bargain collectively with IATSE, Local 19, a labor organization chosen by a majority of its employees in an appropriate unit, for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment, and other terms and conditions of employment, by failing to supply said labor organization with requested financial data and other information relevant to its performance as bargaining agent.</p>	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) International Alliance of Theatrical Stage Employees, Local No. 19	
4a. Address (street and number, city, state, and ZIP code) 1111 Park Ave., Suite L-102 Baltimore, MD 21201	4b. Phone: 410-728-6527 FAX: 410-728-6849
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 Alliance of Theatrical Stage Employees	
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 <u></u> (signature of representative or person making charge) /s/ Linda McKeegan	Esquire (title if any)
K, S & C, PA, 201 N. Charles Street, 10 th FL., Baltimore, MD 21201 (Address)	Phone: 410-244-1010 FAX: 410-244-8001 (Telephone Nos.)
	<u>June 2, 2009</u> (date)

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

PRIVACY ACT STATEMENT

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United States Government
NATIONAL LABOR RELATIONS BOARD

Region 5

103 South Gay Street, 8th Floor
Baltimore, MD 21202-4061

Telephone: (410) 962-2822

Facsimile: (410) 962-2198

June 4, 2009

Mr. James T. Arth
President
APS Events
899 Airport Park Rd., Suite J
Glen Burnie, MD 21061

Re: Case 5-CA-34875

Dear Mr. Arth:

I am enclosing herewith a copy of the **first amended** charge filed in the above-captioned case.

Very truly yours,

Wayne R. Gold
Regional Director

Enclosures

cc: International Alliance of Theatrical Stage
Employees, Local No. 19
1111 Park Ave., Suite L-102
Baltimore, MD 21201

Linda D. McKeegan, Esq.
Kahn, Smith & Collins, P.A.
201 N. Charles Street, 10th Floor
Baltimore, MD 21201

Re: APS Events
Case 5-CA-34875

June 4, 2009

FIRST AMENDED

I CERTIFY THAT I served the above-referenced first amended charge on June 4, 2009, by postpaid regular mail on the addresses named together with a transmittal letter of which this is a true copy.

Virian Brown
(Signature)

Subscribed and sworn to before me on June 4, 2009.

Virian Brown
(Designated Agent)

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5**

APS EVENTS, LLC

and

Case 5-CA-34875

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE
EMPLOYEES, MOVING PICTURE TECHNICIANS,
ARTISTS AND ALLIED CRAFTS OF THE UNITED
STATES, ITS TERRITORIES AND CANADA,
AFL-CIO, CLC, LOCAL NO. 19

COMPLAINT AND NOTICE OF HEARING

International Alliance of Theatrical Stage Employees, Local No. 19, herein correctly called International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada, AFL-CIO, CLC, Local No. 19, and hereinafter referred to as the Union, has charged that APS Events, herein correctly called APS Events, LLC, and hereinafter referred to as Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. § 151, et seq., herein called the Act. 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, herein called the Board, issues this Complaint and Notice of Hearing and alleges as follows:

1. (a) The original charge in this proceeding was filed by the Union on April 2, 2009, and a copy was served by mail on Respondent on April 6, 2009.

(b) The first amended charge in this proceeding was filed by the Union on June 2, 2009, and a copy was served by mail on Respondent on June 4, 2009.

2. (a) At all material times, Respondent, a limited liability company organized under the laws of the State of Maryland, with an office and place of business in Glen Burnie, Maryland, has been engaged in the business of producing and staging corporate and private events.

(b) During the preceding twelve months, a representative period, Respondent, in conducting its business operations described above in paragraph 2(a), performed services valued in excess of \$50,000 in locations outside the State of Maryland.

(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 have 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 agents of Respondent within the meaning of Section 2(13) of the Act:

James T. Arth	-	President
Errol Rausse	-	Production Manager

5. (a) 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 stagehand employees engaged by Respondent to work from time-to-time in the Baltimore Metropolitan area, including all of Anne Arundel County, Baltimore City, Baltimore County, Harford County and Howard County, Maryland.

(b) Since in or around 1999, and at all material times, the Union has been the designated exclusive, collective-bargaining representative for the Unit and, since then, the Union has been recognized as the representative by Respondent. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which was effective from January 1, 2007 to December 31, 2008.

(c) At all times since in or around 1999, based on Section 9(a) of the Act, the Union has been the exclusive, collective-bargaining representative of the Unit.

6. On various dates between July 2007, and October 2008, the exact dates being presently unknown to the undersigned, Respondent failed to pay wages and benefits for hours worked by unit

employees in accordance with the terms and conditions of the parties' collective-bargaining agreement, described above in paragraph 5(b).

7. Since on or about January 1, 2009, Respondent, by James T. Arth, has acknowledged its failure to pay wages and benefits for hours worked by unit employees in accordance with the terms and conditions of the parties' collective-bargaining agreement, and has promised to the Union to make Unit employees whole for all unpaid wages and benefits from July 2007 to October 2008.

8. At all times since January 1, 2009, Respondent, by James T. Arth, has failed to pay wages and benefits for hours worked by unit employees in accordance with the terms and conditions of the parties' collective-bargaining agreement, and in accordance with the promise described above in paragraph 7.

9. The subjects set forth in paragraphs 6 through 8, relate to wages, hours and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

10. Respondent engaged in the conduct described above in paragraphs 6, 8 and 9, without prior notice to the Union and without affording the Union an opportunity to bargain with Respondent with respect to this conduct, and/or without first bargaining with the Union to a good-faith impasse.

11. Since on or about February 24, 2009, the Union, by written letter to James T. Arth, has requested that Respondent furnish the Union with Respondent's records showing salaries, wages and other compensation paid to Respondent's Unit employees from January 1, 2006, to the present.

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

13. Since on or about February 24, 2009, Respondent, by James T. Arth, has failed and refused to furnish the Union with the information requested by it, as described in paragraphs 11 and 12.

14. By the conduct described above in paragraphs 6 through 10, and 13, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive, collective-

bargaining representative of its employees within the meaning of Section 8(d) of the Act in violation of Section 8(a)(1) and (5) of the Act.

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

REMEDY

WHEREFORE, as part of the remedy for the unfair labor practices alleged above, the General Counsel seeks that interest compounded on a quarterly basis be added to any backpay or other make-whole remedy awarded in this matter. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices 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 July 14, 2009, or postmarked on or before July 13, 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. **When an answer is filed electronically, an original and four paper copies must be sent to this office so that it is received no later than three 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 commencing at 10:00 a.m., E.D.T., on the 8th day of October 2009, in The John A. Penello Memorial Hearing Room, 7th Floor, 103 South Gay Street, Baltimore, Maryland, 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 Baltimore, Maryland this 30th day of June 2009.

(SEAL)

WAYNE R. GOLD

Wayne R. Gold, Regional Director
National Labor Relations Board, Region 5
103 South Gay Street, 8th Floor
Baltimore, Maryland 21202

Attachments

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

APS EVENTS, LLC

and

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE
EMPLOYEES, MOVING PICTURE TECHNICIANS,
ARTISTS AND ALLIED CRAFTS OF THE UNITED
STATES, ITS TERRITORIES AND CANADA,
AFL-CIO, CLC, LOCAL NO. 19

Case 5-CA-34875

DATE OF MAILING June 30, 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:

7001 1940 0007 1748 6122

MR. JAMES T. ARTH
APS EVENTS
SUITE J
899 AIRPORT PARK ROAD
GLEN BURNIE, MD 21061

LINDA D. MCKEEGAN, ESQ.
KAHN, SMITH & COLLINS, P.A.
10TH FLOOR
201 N. CHARLES STREET
BALTIMORE, MD 21201

INTERNATIONAL ALLIANCE OF
THEATRICAL STAGE EMPLOYEES,
LOCAL NO. 19
1111 PARK AVENUE, SUITE L-102
BALTIMORE, MD 21201

Signed in Baltimore, Maryland this 30th day of

June 2009

DESIGNATED AGENT

Monica Graves

NATIONAL LABOR RELATIONS BOARD

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

7007 1940 0007 1748 6122

OFFICIAL USE

APs EVENTS Postage \$ 348.75

CNH
6-30-09

Postmark
Here

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

Sent To James Arth

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

City, State, ZIP+4

PS Form 3800, January 2001 See Reverse for Instructions

File/matt



**United States Government
NATIONAL LABOR RELATIONS BOARD**

**Region 5
103 South Gay Street, 8th Floor
Baltimore, MD 21202-4061**

September 2, 2009

MR. JAMES T. ARTH
APS EVENTS, LLC
SUITE J
899 AIRPORT PARK ROAD
GLEN BURNIE, MD 21061

Re: APS Events, LLC
Case 5-CA-34875

Dear Mr. Arth:

As you are aware from the Complaint in the above-captioned case, and pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, a Respondent in a case before the National Labor Relations Board shall file with the Regional Director an original and four (4) copies of an answer to the Complaint within fourteen (14) days from the service thereof. Respondent's Answer was due in this office by close of business on July 14, 2009. The Complaint also notified you that Respondent shall serve a copy of its answer on each of the other parties.

To date, this office has not received an Answer from Respondent. Please be advised that if an Answer is not received in this office by close of business on Monday, September 14, 2009, this office will file a Motion for Default Judgment pursuant to Sections 102.23(a), (b) and 102.50 of the Board's Rules and Regulations, asking the Board to find the allegations in the Complaint to be admitted as true. Enclosed is a courtesy copy of the Complaint and Notice of Hearing, previously served on Respondent.

If you have any questions or wish to discuss this matter further, please do not hesitate to call me at (410) 962-2811.

Very truly yours,

Albert W. Palewicz
Regional Attorney

Enclosure
Certified Mail No. 7001 1940 0007 1748 6258

Cc: LINDA D. MCKEEGAN, ESQ.
KAHN, SMITH & COLLINS, P.A.
10TH FLOOR
201 N. CHARLES STREET
BALTIMORE, MD 21201

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ 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. 	A. Received by (Please Print Clearly) <i>John M. [unclear]</i>	B. Date of Delivery <i>012</i>
1. Article Addressed to: <i>James T. Arth</i>	C. Signature <i>[Handwritten Signature]</i>	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
2. Article Number (Copy from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No 3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Copy from service label)	<i>7001 1940 0007 1748 6528</i>	

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952
APS Events 34875 No Answer 9-2-09 MAG



Track & Confirm

Search Results

Label/Receipt Number: **7001 1940 0007 1748 6528**
Service(s): **Certified Mail™**
Status: **Delivered**

Your item was delivered at 10:43 AM on September 3, 2009 in GLEN BURNIE, MD 21061.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- **Delivered, September 03, 2009, 10:43 am, GLEN BURNIE, MD 21061**
- **Arrival at Unit, September 03, 2009, 6:45 am, GLEN BURNIE, MD 21061**

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5**

APS EVENTS, LLC

and

Case 5-CA-34875

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE
EMPLOYEES, MOVING PICTURE TECHNICIANS,
ARTISTS AND ALLIED CRAFTS OF THE UNITED
STATES, ITS TERRITORIES AND CANADA,
AFL-CIO, CLC, LOCAL NO. 19

ORDER POSTPONING HEARING INDEFINITELY

IT IS HEREBY ORDERED that the hearing scheduled in the above-entitled matter for
October 8, 2009, in Baltimore, Maryland, be, and the same hereby is, postponed indefinitely.

Dated at Baltimore, Maryland this 15th day of September 2009.

(SEAL)

WAYNE R. GOLD

Wayne R. Gold, Regional Director
National Labor Relations Board, Region 5
103 South Gay Street, 8th Floor
Baltimore, Maryland 21202