

**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 SUMMARY JUDGMENT**

Pursuant to Sections 102.24 and 102.56 of the National Labor Relations Board Rules and Regulations and Statement of Standard Procedures, Series 8, as amended, herein called the Rules, Katrina H. Woodcock, Counsel for the General Counsel respectfully moves that the National Labor Relations Board, herein referred to as the Board: (1) transfer this case and continue the proceedings before the Board; (2) deem the allegations set forth in the Compliance Specification and Notice of Hearing in Case 5-CA-34875 issued February 26, 2010, as admitted to be true without taking evidence supporting the allegations in the Compliance Specification and Notice of Hearing; and (3) grant Summary Judgment and issue a Decision and Order herein on the basis of the following:

1. On February 26, 2010, the Regional Director for Region 5 issued a Compliance Specification and Notice of Hearing, herein Compliance Specification, in the above-captioned matter. A copy of the Compliance Specification, Affidavit of Service and information concerning delivery are attached hereto as Exhibits 1, 2, and 3 respectively.

2. By letter dated April 15, 2010, served by UPS overnight mail, facsimile transmission and personal service, Respondent was advised by the Acting Regional Director that absent the filing of an answer to said Compliance Specification in the Baltimore Regional Office by the close of business on April 22, 2010, a Motion for Default Judgment would be filed. Enclosed with this letter was a copy of the Compliance Specification. A copy of the April 15, 2010 letter to Respondent, affidavit of service, facsimile transmission receipt confirmation, and confirmation of UPS overnight delivery are attached as Exhibits 4, 5, 6 and 7.

3. On April 21, 2010, the Region received a fax dated April 20, 2010 from the Respondent requesting an extension of time to respond. This is the first communication the Region has received from the Respondent in this matter. A copy of the April 20, 2010 letter is attached as Exhibit 8.

4. By letter dated April 27, 2010, by UPS overnight mail, and additionally by electronic mail as requested by the Respondent, the Respondent was advised of the need to file an Answer as required pursuant to Section 102.56 of the Rules and he was given additional time as requested. Included with this letter were copies of the applicable rules and a complete copy of the Compliance Specification. This letter extended the deadline to Answer until May 7, 2010. A copy of this letter, Compliance Specification with all of its attachments, facsimile transmission receipt, and confirmation of UPS overnight delivery are attached as Exhibits 9, 10, 11 and 12.

5. By letter dated May 7, 2010, the Respondent admitted that he “do[es] not dispute the allegations” as set forth in the Compliance Specification. A copy of this letter is attached as Exhibit 13.

6. By letter dated May 7, 2010, the Regional Attorney notified Respondent by electronic mail and first class mail that his response was being deemed an Answer. Additionally, the

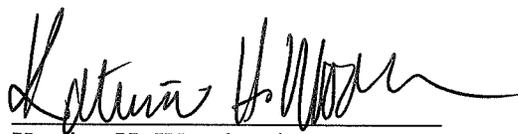
Region invited a meeting but to date Respondent has not called to set up anything. He was also informed that the Region would file a Motion for Summary Judgment. A copy of this letter is attached as Exhibit 14.

7. Respondent's letter of May 7, 2010 is a legally sufficient answer under Section 102.56. *Nick and Bob Partners*, 345 NLRB 1092 at 1093 (2005). The letter does not raise a genuine issue of material fact. As stated above, the letter admits that he "do[es] not dispute the allegations." Under these circumstances, Respondent has failed to raise a genuine issue of material fact warranting a hearing and therefore summary judgment is appropriate. *Id.*

WHEREFORE, Counsel for the General Counsel respectfully requests, in accordance with Sections 102.24 and 102.56 of the Board's Rules, that the Board deem all matters alleged in the Compliance Specification to be true, and that they be so found, and that a Decision and Order be issued containing findings of fact, conclusions of law, and an appropriate remedy for the violations stated therein, less monies paid.

Dated at Baltimore, Maryland, this 26th day of May, 2010.

Respectfully submitted,



Katrina H. Woodcock
Counsel for the General Counsel
National Labor Relations Board, Region 5
103 S. Gay Street, 8th Floor
Baltimore, MD 21202-4061
Katrina.Woodcock@nrb.gov
410-962-2752

INDEX OF ATTACHMENTS

Exhibit 1	Compliance Specification and Notice of Hearing dated February 26, 1010
Exhibit 2	Affidavit of Service on Respondent dated February 26, 2010
Exhibit 3	Information of delivery for Compliance Specification and Notice of Hearing
Exhibit 4	April 15, 2010 letter to Respondent
Exhibit 5	Affidavit of Personal Service of April 15, 2010 letter
Exhibit 6	Facsimile transmission receipt for April 15, 2010 letter
Exhibit 7	Information of delivery for April 15, 2010 letter to Respondent
Exhibit 8	April 20, 2010 letter from Respondent
Exhibit 9	April 27, 2010 letter to Respondent
Exhibit 10	Compliance Specification and Notice of Hearing with attachments
Exhibit 11	Facsimile transmission receipt for April 27, 2010 letter
Exhibit 12	Information of delivery for April 27, 2010 letter to Respondent
Exhibit 13	May 7, 2010 letter from Respondent
Exhibit 14	May 7, 2010 letter to Respondent

CERTIFICATE OF SERVICE

This is to certify that on this 26th day of May, 2010, copies of the Motion to Transfer Case to the Board and for Summary Judgment were served by electronic mail to the following:

Linda D. McKeegan, Esq.
Kahn, Smith & Collins, P.A.
mckeegan@khansmith.com

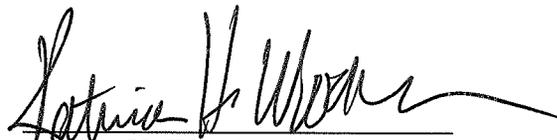
Mr. James T. Arth
jtaps@aol.com

This is to further certify that on this 26th day of May, 2010, a copy of this Motion was also served via UPS overnight mail on:

Mr. Jame T. Arth
APS Events, LLC
899 Airport Park Road, Ste. J
Glen Burnie, MD 21063

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



Katrina H. Woodcock
Counsel for the General Counsel
National Labor Relations Board, Region 5
The Appraiser's Store Building, 8th Floor
103 S. Gay Street
Baltimore, Maryland 21202
Katrina.Woodcock@nlrb.gov
410-962-2752

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

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

Cases 5-CA-34875

**COMPLIANCE SPECIFICATION AND NOTICE
OF CONSOLIDATED HEARING**

The National Labor Relations Board (herein referred to as the Board), having on October 19, 2009 issued its Decision and Order, 354 NLRB No. 102, directing APS Events, LLC, Respondent herein, to make whole bargaining unit employees and any benefit funds for any losses they may have suffered as a result of its failure on various dates between July 2007 and October 2008 to pay wages and benefits in accordance with the terms and conditions of the 2007-2008 collective-bargaining agreement in violation of Section 8(a)(5) of the Act, and to furnish the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada, AFL-CIO, herein the Union, information it requested on February 24, 2009, and to post a Notice to Employees; the United States Court of Appeals for the Fourth Circuit having on January 7, 2010 entered its judgment enforcing in full the provisions of the Board's Order; and a controversy having arisen over the

amount of backpay due under the terms of the Board's Order; the Regional Director of the National Labor Relations Board for the Fifth Region, hereby issues this Compliance Specification and Notice of Hearing and alleges the following:

1. Bargaining unit employees entitled to be made whole, plus interest, for any loss of earnings and other benefits under the terms of the Board's Order are Joseph Allen, Michael Zeigler and Perry Zeigler, herein called the discriminatees

2. The backpay period for the discriminatees begins on July 9, 2007, and continues until October 22, 2009, the date on which the discriminatees were no longer employed by Respondent.

WAGES DUE

3. An appropriate measure of gross backpay for the discriminatees is the amount that each earned for hours actually worked but not paid during the backpay period, plus appropriate Fund contributions. Gross backpay, thus, includes lost wages and benefit contributions not made by Respondent.

4. (a) The earnings for each discriminatee during the backpay period are set forth in Exhibits A, B and C.

(b) The number of regular hours each discriminatees worked during each calendar quarter of the backpay period and the appropriate wage to which each was entitled is set forth in Exhibits A, B and C.

(c) Overtime earnings are computed by multiplying the number of overtime hours by the appropriate wage rate and multiplying by one and one half (1 ½).

(d) The number of overtime hours each discriminatees worked during each calendar quarter of the backpay period is set forth in Exhibits A, B and C.

FUND CONTRIBUTIONS DUE

5. Pursuant to Articles 5 and 6 of the collective-bargaining agreement in effect between Respondent and Local 19, Respondent is obliged to make fund contributions to Union benefit funds including IATASE health and welfare, IATASE pension, and IATASE annuity, herein collectively called Funds.

6. (a) Contributions due to the Funds on behalf of the discriminatees are paid as a percentage of earnings and are set forth below:

IATASE health and welfare	15%
IATASE pension	4%
IATASE annuity	6%

(b) The fund contributions due to each Fund on behalf of each discriminatee, are equal to the quarterly earnings of each discriminate multiplied by the percentage set forth above in 6 (a). The calendar quarter fund contributions due to each of the Funds on behalf of each discriminatee are set forth in Exhibit D, E and F.

7. The total backpay, with fund contributions, due all discriminatees during the backpay period are set forth in Exhibit G.

SUMMARY

8. Summarizing the facts and calculations specified above, the obligation of Respondent to make whole the discriminatees will be discharged by payment of \$96,726 to the discriminatees in total back pay due as described in Exhibit G, plus interest to the

date of payment and, by the payment of \$25,588.50 in Fund contributions to the Union, plus interest accrued to date of payment, as described in Exhibit G.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Section 102.56 of the Board's Rules and Regulations, it must file an answer to the compliance specification. The answer must be **received by this office on or before March 19, 2010, or postmarked on or before March 18, 2010.** Unless filed electronically in a pdf format, 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. 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 such answer be signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney affixed. See Section 102.56(a). If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a compliance specification 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 be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

As to all matters set forth in the compliance specification that are within the knowledge of Respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial is not sufficient. See Section 102.56(b) of the Board's Rules and Regulations, a copy of which is attached. Rather, the answer must state the basis for any disagreement with any allegations that are within the Respondent's knowledge, and set forth in detail Respondent's position as to the applicable premises and furnish the appropriate supporting figures.

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 compliance specification are true. If the answer fails to deny allegations of the compliance specification in the manner required under Section 102.56(b) of the Board's Rules and Regulations, and the failure to do so is not adequately explained, the Board may find those allegations in the compliance specification are true and preclude Respondent from introducing any evidence controverting those allegations.

NOTICE OF CONSOLIDATED HEARING

PLEASE TAKE NOTICE that commencing at 10:00 a.m., E.D.T., on the 17th day of May 2010, and on consecutive days thereafter, a hearing will be conducted in The John A. Penello Memorial Hearing Room, 7th Floor, 103 South Gay Street, Baltimore, Maryland, before the same duly designated Administrative Law Judge of the National Labor Relations Board who is hearing the unfair labor practice allegations on this case on the allegations set forth in the above Compliance Specification and Notice of Consolidated hearing, at which time and place you will have the right to appear in person, or otherwise, and give testimony. 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 26th day of February 2010.

SEAL

WAYNE R. GOLD

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

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 February 26, 2010

AFFIDAVIT OF SERVICE OF Compliance Specification and Notice of Consolidated 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:

709 2250 0004 1556 2312

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

MR. JAMES T. ARTH
36 WINDWHISPER LANE
ANNAPOLIS, MD 21403

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

<p>Signed in Baltimore, Maryland this 26th day of February 2010</p>	<p>DESIGNATED AGENT /S/ JOHN M. CHAMBERS NATIONAL LABOR RELATIONS BOARD</p>
--	---

EXHIBIT 2



[Home](#) | [Help](#) | [Sign In](#)

[Track & Confirm](#)

[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: **7009 2250 0004 1556 2312**

Service(s): **Certified Mail™**

Status: **Unclaimed**

Your item was returned to the sender on March 22, 2010 because it was not claimed by the addressee.

Detailed Results:

- **Unclaimed, March 22, 2010, 2:54 pm, GLEN BURNIE, MD**
- **Notice Left, March 01, 2010, 11:55 am, GLEN BURNIE, MD 21061**
- **Notice Left, February 27, 2010, 8:46 am, GLEN BURNIE, MD 21061**
- **Arrival at Unit, February 27, 2010, 7:15 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. [Go >](#)

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

[Site Map](#)

[Customer Service](#)

[Forms](#)

[Gov't Services](#)

[Careers](#)

[Privacy Policy](#)

[Terms of Use](#)

[Business Customer Gateway](#)



EXHIBIT 3



United States Government
NATIONAL LABOR RELATIONS BOARD

Region 5

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

Telephone: (410) 962-2811
Facsimile: (410) 962-2198

April 15, 2010

VIA OVERNIGHT MAIL, HAND DELIVERY
AND BY FAX TO: (800) 419-7404

Mr. Jame T. Arth
APS Events, LLC
899 Airport Park Road, Ste. J
Glen Burnie, MD 21063

Mr. James T. Arth
36 Windwhisper Lane
Annapolis, MD 21403

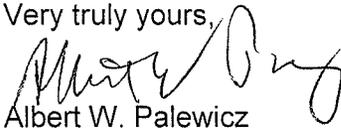
Re: APS Events, LLC
Case: 5-CA-34875

Dear Mr. Arth:

Enclosed you will find a copy of the Compliance Specification and Notice of Hearing (corrected) issued in the above-captioned case on February 26, 2010 as a well as a letter from this office dated April 8, 2010 notifying you that no Answer to the Compliance Specification was received and informing you that a Motion for Default Judgement would be filed should no Answer be received from you by Thursday, April 15, 2010. We have received notification from the United States Postal Service that neither the envelope containing the Compliance Specification nor the letter dated April 8, 2010, both sent by certified mail, was claimed after notice was left.

To date, this office has not received Respondent's Answer. If Respondent's Answer is not received in this office by close of business Thursday, April 22, 2010, and no request for a further extension is made, this office will file a Motion for Default Judgment in this matter.

Very truly yours,


Albert W. Palewicz
Acting Regional Director

UPS OVERNIGHT: 1Z A40 42V 01 9872 6206 (Glen Burnie)
1Z A40 42V 01 9946 5611 (Annapolis)

EXHIBIT 4

CERTIFICATE OF SERVICE

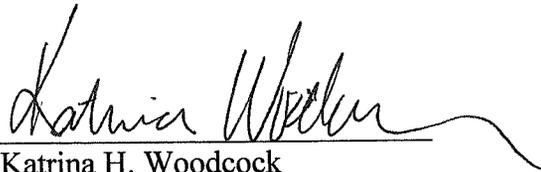
I hereby certify that, being a person over 18 years of age, I duly served a copy of Compliance Specification and Notice of Hearing (corrected), Follow Up Letter Dated April 6, and Follow Up Letter dated April 15 in person to:

Mr. Jame T. Arth
APS Events, LLC
899 Airport Park Road, Ste. J
Glen Burnie, MD 21063

I further certify that I served these documents on April 15, 2010 on:

Mr. Errol Rausse, Production Manager at 12:45 pm at

APS Events, LLC
899 Airport Park Road, Ste. J
Glen Burnie, MD 21063



Katrina H. Woodcock
Counsel for the General Counsel
National Labor Relations Board, Region 5
The Appraiser's Store Building, 8th Floor
103 S. Gay Street
Baltimore, Maryland 21202
410-962-2752

MODE = MEMORY TRANSMISSION

START=APR-15 11:38

END=APR-15 11:43

FILE NO.=965

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	918004197404	012/012	00:04:28

***** -7 - *****



United States Government
NATIONAL LABOR RELATIONS BOARD
 Region 5
 103 South Gay Street, 8th Floor
 Baltimore, MD 21202-4061

Telephone: (410) 962-2811
 Facsimile: (410) 962-2198

April 15, 2010

VIA OVERNIGHT MAIL, HAND DELIVERY
AND BY FAX TO: (800) 419-7404

Mr. Jame T. Arth
 APS Events, LLC
 899 Airport Park Road, Ste. J
 Glen Burnie, MD 21063

Mr. James T. Arth
 36 Windwhisper Lane
 Annapolis, MD 21403

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

Dear Mr. Arth:

Enclosed you will find a copy of the Compliance Specification and Notice of Hearing (corrected) issued in the above-captioned case on February 26, 2010 as a well as a letter from this office dated April 8, 2010 notifying you that no Answer to the Compliance Specification was received and informing you that a Motion for Default Judgement would be filed should no Answer be received from you by Thursday, April 15, 2010. We have received notification from the United States Postal Service that neither the envelope containing the Compliance Specification nor the letter dated April 8, 2010, both sent by certified mail, was claimed after notice was left.

To date, this office has not received Respondent's Answer. If Respondent's Answer is not received in this office by close of business Thursday, April 22, 2010, and no request for a further extension is made, this office will file a Motion for Default Judgment in this matter.

Very truly yours,

 Albert W. Palewicz
 Acting Regional Director

UPS OVERNIGHT: 1Z A40 42V 01 9872 6206 (Glen Burnie)
 1Z A40 42V 01 9946 5611 (Annapolis)

Tracking Results

Print 

Your package has been delivered.

Tracking Number: 1ZA4042V0198726206
Status: Delivered
Delivered On: 04/16/2010 9:50 A.M.
Signed By: ARTH
Location: RECEIVER
Delivered To: GLEN BURNIE, MD, US
Shipped/Billed On: 04/15/2010
Type: Package
Service: NEXT DAY AIR
Weight: 1.00 Lb

[→ View Shipment Information](#)

NOTICE: UPS authorizes you to use UPS tracking systems solely to track shipments tendered by or for you to UPS for delivery and for no other purpose. Any other use of UPS tracking systems and information is strictly prohibited.

EXHIBIT 7



United States

Log-in Search

Submit Query

My UPS Shipping Tracking Freight Locations Support Business Solutions

Tracking

- Track Shipments
 - Track by Reference
 - Track by E-mail
 - Signature Tracking
 - Import Tracking Numbers
 - SMS Tracking
 - Track with Quantum View
 - Access Flex Global View
 - Integrate Tracking Tools
 - Void a Shipment

Search Support

Enter a keyword:



Track Shipments

Track Packages & Freight Quantum View Flex Global View

Tracking Detail

Print Help

Your package has been delivered. To view Proof of Delivery, please select the link.

Tracking Number: 1ZA4042V0199465611
 Status: Delivered Proof of Delivery
 Delivered On: 04/16/2010 9:47 A.M.
 Location: FRONT DOOR
 Delivered To: ANNAPOLIS, MD, US
 Shipped/Billed On: 04/15/2010
 Type: Package
 Service: NEXT DAY AIR
 Weight: 1.00 Lb

Need to send e-mail notifications?

Use UPS Quantum View Notify® to send delivery or exception notifications.
 E-mail Notifications

To view additional tracking information, please log in to My UPS.

Show Package Progress

NOTICE: UPS authorizes you to use UPS tracking systems solely to track shipments tendered by or for you to UPS for delivery and for no other purpose. Any other use of UPS tracking systems and information is strictly prohibited.

Back to Previous

UPS CampusShip

Empower your workforce. Enable shipping from multiple locations. Maintain central control.
 View Demo

- Getting Started
- How To Register for My UPS
 - How To Open an Account
 - How To Ship
 - How To Track Deliveries/UPS InfoNotice

- Industry Solutions
- Healthcare
 - High Tech
 - More...

Subscribe to E-mail

Your E-mail Address

View Examples

- ups.com
- Register
- Log in
- Shipping
- Tracking
- Freight
- Locations
- Support
- Business Solutions
- Site Guide

UPS Global

- Support
- E-mail UPS
- Contact UPS
- Fuel Surcharge
- Privacy Policy
- Website Terms of Use
- Trademarks
- UPS Tariff/Terms and Conditions of Service

Protect Against Fraud

UPS Careers

- Other Sites
- UPS Supply Chain Solutions
- UPS Express Critical
- UPS Capital
- UPS Mail Innovations
- Customer Solutions
- UPS Logistics Technologies
- UPS Pressroom
- UPS Investor Relations

About UPS

Highlights

Copyright © 1994-2010 United Parcel Service of America, Inc. All rights reserved.

FAX TRANSMITTAL

5:21:15 PM

DATE: April 20, 2010

ATTENTION: Albert W. Palewicz, Acting Regional Director

COMPANY: National Labor Relations Board

DOCUMENT: Case: 5-CA-34875

FROM: James T. Arth

NO. OF PAGES: 2

(INCLUDING TRANSMITTAL SHEET)

MESSAGE:

Dear Mr. Palewicz,

I would like to ask for an extension regarding our case. I run a small production company and this time of year is hard to sit down with legal counsel to work out the details to respond to the charges.

Would it be possible to put a few dates down in May that we could all decide to meet. I have tried to resolve this matter amicably and would still like to.

I look forward to your reply. I will be traveling on shows until April 30 but can be reached best by email at: jtaps@aol.com

Very respectfully yours,



James T. Arth
President, APS

EXHIBIT 8



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 5

103 South Gay Street, 8th Floor

Baltimore, MD 21202-4061

Telephone (410) 962-2752

Fax (410) 962-2198

April 27, 2010

Via Email to jtaps@aol.com and
UPS Overnight mail to:

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

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

Dear Mr. Arth:

We have received your letter dated April 20, 2010 in which you request a meeting to attempt to resolve this matter. This letter is to inform you of your obligation to file an Answer to the Compliance Specification. The Region would welcome settlement considerations, as outlined below, however we also must receive an Answer to the Compliance Specification.

Pursuant to Section 102.56 of the National Labor Relations Board Rules and Regulations and Statement of Standard Procedures, Series 8, as amended, herein called the Rules, you, as the Respondent, are obligated to answer specifically all the allegations in the Compliance Specification. In particular, section 102.56 (b) of the Rules require a specific admission, denial or explanation of each and every allegation listed in the Compliance Specification. Please note that denials of the allegations concerning gross back pay (paragraphs 4, 6 and 7 of the Compliance Specification) must include the basis for the denials as set forth in Rule 102.56 (b).

Further, pursuant to section 102.56 (c) of the Rules, if Respondent fails to file an answer by the deadline, the Region is permitted to file a Motion for Default Judgment. See also section 10651.1 of the Board's Case Handling Manual, Part Three, Compliance Proceedings. For your convenience, I have included copies of the relevant sections as well as a complete copy of the Compliance Specification.

In light of your April 20 letter, we are extending the deadline for you to file an Answer until May 7, 2010, ten days from the date of this letter. Given the extensive delays already present in this matter due to your earlier lack of response, further extension will not be permitted.

If no Answer is received in this office by the close of business on May 7, 2010, the Region will file a Motion for Default Judgment in this matter.

Very truly yours,



Albert W. Palewicz
Regional Attorney

Enclosures

10652 ANALYSIS AND RESPONSE TO RESPONDENT'S ANSWER TO COMPLIANCE SPECIFICATION

- Payroll information received from interim employers. Redact all information not pertaining to the discriminatee, such as names, social security numbers, wage, hour and benefit information regarding other individuals.
 - Medical information received from interim employers. Redact all confidential medical diagnosis and treatment information. Redact any information not pertaining to the discriminatee, such as names, social security numbers, medical expense and treatment information regarding other individuals.
 - Fund contribution records received from a benefit fund or union. Redact all information not pertaining to the discriminatee, such as names, social security numbers, wage, hour and benefit information regarding other individuals.
 - Reports from a Government agency showing wages paid and benefits to employees of respondent or an interim employer. Redact all information not pertaining to the discriminatee, such as names, social security numbers, and wage, hour and benefit information regarding other individuals.
5. Documents that should not be disclosed to respondent pursuant to this policy:
- Documents that reflect the deliberative or policy-making processes of the agency, such as final investigative reports, agenda minutes, comments on appeal, internal advice or appeals memoranda to the General Counsel, board agent file notes, among other documents.
 - Documents that reflect the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation, such as trial attorney pretrial preparation notes, and position statements received from charging party counsel.
 - Information that would not normally be available to a party in private litigation.
 - Identification of confidential sources of information to the agency, such as the names and personal identifiers of individuals other than the discriminatee.
 - Certain information obtained pursuant to a compliance investigation under *Oil Capitol*. See OM 09-27.

10652 Analysis and Response to Respondent's Answer to Compliance Specification

10652.1 No Answer Filed

Section 102.56(c) of the Rules and Regulations provides that, absent a denial or an adequate explanation, the Board may deem respondent to have admitted and may preclude it from controverting, the corresponding allegation(s). If respondent fails to file an answer within the time initially allowed, the trial attorney should communicate in writing with respondent's counsel or, if not represented, directly with respondent, to advise that notwithstanding the Board's Rules and Regulations, respondent failed to file

10652 ANALYSIS AND RESPONSE TO RESPONDENT'S ANSWER TO COMPLIANCE SPECIFICATION

an answer.⁹ The trial attorney should extend respondent's deadline to do so, normally no more than 1 week, and advise that the General Counsel will otherwise file a motion for default judgment.¹⁰

If respondent still files no answer by the extended deadline, the Region should file a motion for default judgment with the Board, which will typically either deny the motion or issue an order to show cause as to why it should not be granted and postpone the hearing. In filing motions, the Region should observe ULP Manual Sections 10290 and 10292.¹¹

10652.2 Answer Filed, Allegations Not Explicitly Denied

Section 102.56(b) of the Board's Rules and Regulations provides that if the respondent disputes the accuracy of the backpay amount or the premises on which it is based as alleged in the compliance specification, its answer to the compliance specification shall specifically state the basis for the disagreement, setting forth in detail the respondent's position as to applicable premises and furnishing appropriate alternative figures and amounts. General denials by the respondent to allegations regarding the calculation of backpay are not sufficient and do not comply with the requirements of Section 102.56(b) and (c) of the Rules and Regulations. Pursuant to a motion for summary judgment, the administrative law judge or the Board may deem these allegations to be admitted as true. In order to avoid potential lengthy delays in the holding of the compliance hearing, motions for partial summary judgment should normally be filed with the administrative law judge at the same time that the Region is proceeding to hearing on the case. In those situations where the Region determines that the motion for partial summary judgment should not be filed with the ALJ, this determination must be discussed with the Division of Operations-Management.

The trial attorney should carefully analyze the answer, comparing it point-by-point with the specification, to note allegations in the specification that respondent admitted or did not explicitly answer. If the answer is defective, the Region should consider filing a motion for summary judgment or partial summary judgment, as appropriate.

The Region should move at the compliance hearing that the administrative law judge deem allegations not properly answered be admitted without taking evidence in support of the allegations and precluding the respondent from offering evidence to controvert them. Section 10662.2.

Before filing either a motion with the Board or with the administrative law judge, the trial attorney should advise the respondent in writing that the answer is deficient and, following the procedures in Section 10652.1, allow the respondent a period of time, typically not to exceed 1 week, to file an amended answer.

⁹ Although the Region normally will bring the failure to file to respondent's attention and provide a brief period to correct the deficiency, it need not do so. *T-3 Group Ltd.*, 339 NLRB 796 (2003); *Superior Industries International*, 289 NLRB 834 fn. 13 (1988).

¹⁰ This procedure parallels Section 10280.3 of the ULP Manual. Until 2003, the Board historically had treated motions for judgment based on a respondent's failure to answer a complaint or compliance specification as motions for summary judgment. As (revised) OM 04-20 notes, the Board has decided that the term "default judgment" more accurately describes a judgment based on a failure to answer.

¹¹ Section 102.24(b) of the Board's Rules and Regulations sets forth requirements for the timely filing of motions for default judgment.

law judge, as appropriate. Issuance of a compliance specification shall not be a prerequisite or bar to Board initiation of proceedings in any administrative or judicial forum which the Board or the Regional Director determines to be appropriate for obtaining compliance with a Board order.

Sec. 102.55 *Contents of compliance specification.*

(a) *Contents of specification with respect to allegations concerning the amount of backpay due.*—With respect to allegations concerning the amount of backpay due, the specification shall specifically and in detail show, for each employee, the backpay periods broken down by calendar quarters, the specific figures and basis of computation of gross backpay and interim earnings, the expenses for each quarter, the net backpay due, and any other pertinent information.

(b) *Contents of specification with respect to allegations other than the amount of backpay due.*—With respect to allegations other than the amount of backpay due, the specification shall contain a clear and concise description of the respects in which the respondent has failed to comply with a Board or court order, including the remedial acts claimed to be necessary for compliance by the respondent and, where known, the approximate dates, places, and names of the respondent's agents or other representatives described in the specification.

(c) *Amendments to specification.*—After the issuance of the notice of compliance hearing but prior to the opening of the hearing, the Regional Director may amend the specification. After the opening of the hearing, the specification may be amended upon leave of the administrative law judge or the Board, as the case may be, upon good cause shown.

Sec. 102.56 *Answer to compliance specification.*

(a) *Filing and service of answer; form.*—Each respondent alleged in the specification to have compliance obligations shall, within 21 days from the service of the specification, file an original and four copies of an answer thereto with the Regional Director issuing the specification, and shall immediately serve a copy thereof on the other parties. The answer to the specification shall be in writing, the original being signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney affixed, and shall contain the mailing address of the respondent.

(b) *Contents of answer to specification.*—The answer shall specifically admit, deny, or explain each and every allegation of the specification, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. Denials shall fairly meet the substance of the allegations of the specification at issue. When a respondent intends to deny only a part of an allegation, the respondent shall specify so much of it as is true and shall deny only the remainder. As to all matters within the knowledge of the respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial shall not suffice. As to such matters, if the respondent disputes either the accuracy of the figures in the specification or the premises on which they are based, the answer shall specifically state the basis for such disagreement, setting forth in detail the respondent's position as to the applicable premises and furnishing the appropriate supporting figures.

(c) *Effect of failure to answer or to plead specifically and in detail to backpay allegations of specification.*—If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or

without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate. If the respondent files an answer to the specification but fails to deny any allegation of the specification in the manner required by paragraph (b) of this section, and the failure so to deny is not adequately explained, such allegation shall be deemed to be admitted to be true, and may be so found by the Board without the taking of evidence supporting such allegation, and the respondent shall be precluded from introducing any evidence controverting the allegation.

(d) *Extension of time for filing answer to specification.*—Upon the Regional Director's own motion or upon proper cause shown by any respondent, the Regional Director issuing the compliance specification and notice of hearing may by written order extend the time within which the answer to the specification shall be filed.

(e) *Amendment to answer.*—Following the amendment of the specification by the Regional Director, any respondent affected by the amendment may amend its answer thereto.

Sec. 102.57 *Extension of date of hearing.*—Upon the Regional Director's own motion or upon proper cause shown, the Regional Director issuing the compliance specification and notice of hearing may extend the date of the hearing.

Sec. 102.58 *Withdrawal.*—Any compliance specification and notice of hearing may be withdrawn before the hearing by the Regional Director upon his or her own motion.

Sec. 102.59 *Hearing; posthearing procedure.*—After the issuance of a compliance specification and notice of hearing, the procedures provided in sections 102.24 to 102.51 shall be followed insofar as applicable.

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

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

Cases 5-CA-34875

**COMPLIANCE SPECIFICATION AND NOTICE
OF CONSOLIDATED HEARING**

The National Labor Relations Board (herein referred to as the Board), having on October 19, 2009 issued its Decision and Order, 354 NLRB No. 102, directing APS Events, LLC, Respondent herein, to make whole bargaining unit employees and any benefit funds for any losses they may have suffered as a result of its failure on various dates between July 2007 and October 2008 to pay wages and benefits in accordance with the terms and conditions of the 2007-2008 collective-bargaining agreement in violation of Section 8(a)(5) of the Act, and to furnish the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada, AFL-CIO, herein the Union, information it requested on February 24, 2009, and to post a Notice to Employees; the United States Court of Appeals for the Fourth Circuit having on January 7, 2010 entered its judgment enforcing in full the provisions of the Board's Order; and a controversy having arisen over the

amount of backpay due under the terms of the Board's Order; the Regional Director of the National Labor Relations Board for the Fifth Region, hereby issues this Compliance Specification and Notice of Hearing and alleges the following:

1. Bargaining unit employees entitled to be made whole, plus interest, for any loss of earnings and other benefits under the terms of the Board's Order are Joseph Allen, Michael Zeigler and Perry Zeigler, herein called the discriminatees

2. The backpay period for the discriminatees begins on July 9, 2007, and continues until October 22, 2009, the date on which the discriminatees were no longer employed by Respondent.

WAGES DUE

3. An appropriate measure of gross backpay for the discriminatees is the amount that each earned for hours actually worked but not paid during the backpay period, plus appropriate Fund contributions. Gross backpay, thus, includes lost wages and benefit contributions not made by Respondent.

4. (a) The earnings for each discriminate during the backpay period are set forth in Exhibits A, B and C.

(b) The number of regular hours each discriminatees worked during each calendar quarter of the backpay period and the appropriate wage to which each was entitled is set forth in Exhibits A, B and C.

(c) Overtime earnings are computed by multiplying the number of overtime hours by the appropriate wage rate and multiplying by one and one half (1 ½).

(d) The number of overtime hours each discriminatees worked during each calendar quarter of the backpay period is set forth in Exhibits A, B and C.

FUND CONTRIBUTIONS DUE

5. Pursuant to Articles 5 and 6 of the collective-bargaining agreement in effect between Respondent and Local 19, Respondent is obliged to make fund contributions to Union benefit funds including IATASE health and welfare, IATASE pension, and IATASE annuity, herein collectively called Funds.

6. (a) Contributions due to the Funds on behalf of the discriminatees are paid a as a percentage of earnings and are set forth below:

IATASE health and welfare	15%
IATASE pension	4%
IATASE annuity	6%

(b) The fund contributions due to each Fund on behalf of each discriminatee, are equal to the quarterly earnings of each discriminate multiplied by the percentage set forth above in 6 (a). The calendar quarter fund contributions due to each of the Funds on behalf of each discriminatee are set forth in Exhibit D, E and F.

7. The total backpay, with fund contributions, due all discriminatees during the backpay period are set forth in Exhibit G.

SUMMARY

8. Summarizing the facts and calculations specified above, the obligation of Respondent to make whole the discriminatees will be discharged by payment of \$96,726 to the discriminatees in total back pay due as described in Exhibit G, plus interest to the

date of payment and, by the payment of \$25,588.50 in Fund contributions to the Union, plus interest accrued to date of payment, as described in Exhibit G.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Section 102.56 of the Board's Rules and Regulations, it must file an answer to the compliance specification. The answer must be **received by this office on or before March 19, 2010, or postmarked on or before March 18, 2010**. Unless filed electronically in a pdf format, 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. 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 such answer be signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney affixed. See Section 102.56(a). If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a compliance specification 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 be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

As to all matters set forth in the compliance specification that are within the knowledge of Respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial is not sufficient. See Section 102.56(b) of the Board's Rules and Regulations, a copy of which is attached. Rather, the answer must state the basis for any disagreement with any allegations that are within the Respondent's knowledge, and set forth in detail Respondent's position as to the applicable premises and furnish the appropriate supporting figures.

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 compliance specification are true. If the answer fails to deny allegations of the compliance specification in the manner required under Section 102.56(b) of the Board's Rules and Regulations, and the failure to do so is not adequately explained, the Board may find those allegations in the compliance specification are true and preclude Respondent from introducing any evidence controverting those allegations.

NOTICE OF CONSOLIDATED HEARING

PLEASE TAKE NOTICE that commencing at 10:00 a.m., E.D.T., on the 17th day of May 2010, and on consecutive days thereafter, a hearing will be conducted in The John A. Penello Memorial Hearing Room, 7th Floor, 103 South Gay Street, Baltimore, Maryland, before the same duly designated Administrative Law Judge of the National Labor Relations Board who is hearing the unfair labor practice allegations on this case on the allegations set forth in the above Compliance Specification and Notice of Consolidated hearing, at which time and place you will have the right to appear in person, or otherwise, and give testimony. 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 26th day of February 2010.



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

**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 GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case: 5-CA-34875

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

However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements will not be granted unless good and sufficient grounds are shown and the following requirements are met:

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

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

RESPONDENT:

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

RESPONDENT ADDIT'L. SERVICE:

MR. JAMES T. ARTH
36 WINDWHISPER LANE
ANNAPOLIS, MD 21403

COUNSEL FOR CHARGING PARTY:

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

CHARGING PARTY:

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

EXHIBIT A
BACKPAY OWED JOSEPH ALLEN

Case Name: APS Events, LLC
 Case Number: 5-CA-34875
 Claimant: Joseph Allen

Backpay period from: 7/9/2006 to 10/22/2008

Gross Backpay Calculation							Net Backpay	Total Backpay	
Year Qtr.	Pay Rate	Regular Hours	Regular Gross	O/T Hours	O/T Gross	Total Gross			
2007-3	27.00	40.0	1,080.00	110.00	4,455.00	5,535.00	-	5,535.00	
Quarter total			1,080.00		4,455.00	5,535.00	-	5,535.00	
2008-1	28.00	94.0	2,632.00	135.00	5,670.00	8,302.00	-	8,302.00	
Quarter total			2,632.00		5,670.00	8,302.00	-	8,302.00	
2008-2	28.00	130.0	3,640.00	161.00	6,762.00	10,402.00	-	10,402.00	
Quarter total			3,640.00		6,762.00	10,402.00	-	10,402.00	
2008-3	28.00	16.0	448.00	6.00	252.00	700.00	-	700.00	
Quarter total			448.00		252.00	700.00	-	700.00	
Total							24,939.00	-	24,939.00

EXHIBIT B
BACKPAY OWED MICHAEL ZIEGLER

Case Name: APS Events, LLC
 Case Number: 5-CA-34875
 Claimant: Michael Ziegler

Backpay period from: 7/9/2007 to 10/22/2008

Year Qtr.	Pay Rate	Gross Backpay Calculation				Total Gross	Net Backpay	Total Backpay	
		Regular Hours	Regular Gross	O/T Hours	O/T Gross				
2007-3	27.00	40.0	1,080.00	142.00	5,751.00	6,831.00	-	6,831.00	
Quarter total			1,080.00		5,751.00	6,831.00	-	6,831.00	
2008-1	28.00	126.0	3,528.00	144.00	6,048.00	9,576.00	-	9,576.00	
Quarter total			3,528.00		6,048.00	9,576.00	-	9,576.00	
2008-2	28.00	130.0	3,640.00	162.00	6,804.00	10,444.00	-	10,444.00	
Quarter total			3,640.00		6,804.00	10,444.00	-	10,444.00	
2008-3	28.00	40.0	1,120.00	136.00	5,712.00	6,832.00	-	6,832.00	
Quarter total			1,120.00		5,712.00	6,832.00	-	6,832.00	
2008-4	28.00	40.0	1,120.00	45.00	1,890.00	3,010.00	-	3,010.00	
Quarter total			1,120.00		1,890.00	3,010.00	-	3,010.00	
Total							36,693.00	-	36,693.00

Case Name: APS Events, LLC
 Case Number: 5-CA-34875
 Claimant: Perry Ziegler

EXHIBIT C
 BACKPAY OWED PERRY ZIEGLER

Backpay period from: 7/9/2007 to 10/22/2008

Gross Backpay Calculation							Net Backpay	Total Backpay
Year Qtr.	Pay Rate	Regular Hours	Regular Gross	O/T Hours	O/T Gross	Total Gross		
2007-3	27.00	40.0	1,080.00	144.00	5,832.00	6,912.00		
Quarter total			1,080.00		5,832.00	6,912.00		
2008-1	28.00	126.0	3,528.00	121.00	5,082.00	8,610.00		
Quarter total			3,528.00		5,082.00	8,610.00		
2008-2	28.00	153.0	4,284.00	186.00	7,812.00	12,096.00		
Quarter total			4,284.00		7,812.00	12,096.00		
2008-3	28.00	40.0	1,120.00	94.00	3,948.00	5,068.00		
Quarter total			1,120.00		3,948.00	5,068.00		
2008-4	28.00	32.0	896.00	36.00	1,512.00	2,408.00		
Quarter total			896.00		1,512.00	2,408.00		
Total							35,094.00	35,094.00

EXHIBIT D
FUND CONTRIBUTIONS
DUE JOSEPH ALLEN

	IATASE				Total Fund Contributions
	Health and Welfare	IATSE National Pension	IATSE Annuity		
	Fund	Fund Pan C	Fund		
	Total Wages	15.00%	4.00%	6.00%	
3Q 2007	\$ 5,535.00	\$ 830.25	\$ 221.40	\$ 332.10	\$ 1,383.75
4Q 2007					\$ -
1Q 2008	\$ 8,302.00	\$ 1,245.30	\$ 332.08	\$ 498.12	\$ 2,075.50
2Q 2008	\$ 10,822.00	\$ 1,623.30	\$ 432.88	\$ 649.32	\$ 2,705.50
3Q 2008	\$ 700.00	\$ 105.00	\$ 28.00	\$ 42.00	\$ 175.00
4Q 2008					\$ -
		\$ 3,803.85	\$ 1,014.36	\$ 1,521.54	\$ 6,339.75

EXHIBIT E
 FUND CONTRIBUTIONS DUE
 MICHAEL ZIEGLER

	IATASE				Total Fund Contributions
	Total	Health and Welfare Fund	IATSE National Pension Fund Pan C	IATSE Annuity Fund	
	Wages	15.00%	4.00%	6.00%	
3Q 2007	\$ 6,831.00	\$ 1,024.65	\$ 273.24	\$ 409.86	\$ 1,707.75
4Q 2007					
1Q 2008	\$ 9,576.00	\$ 1,436.40	\$ 383.04	\$ 574.56	\$ 2,394.00
2Q 2008	\$ 10,444.00	\$ 1,566.60	\$ 417.76	\$ 626.64	\$ 2,611.00
3Q 2008	\$ 6,832.00	\$ 1,024.80	\$ 273.28	\$ 409.92	\$ 1,708.00
4Q 2008	\$ 5,418.00	\$ 812.70	\$ 216.72	\$ 325.08	\$ 1,354.50
		\$ 5,865.15	\$ 1,564.04	\$ 2,346.06	\$ 8,067.50

EXHIBIT F
 FUND CONTRIBUTIONS DUE
 PERRY ZIEGLER

	IATASE				
	Health and Welfare Fund 15.00%	IATSE National Pension Fund Pan C 4.00%	IATSE Annuity Fund 6.00%		Total Fund Contributions
Total Wages					
3Q 2007	\$ 6,912.00	\$ 1,036.80	\$ 276.48	\$ 414.72	\$ 1,728.00
4Q 2007	\$ -	\$ -	\$ -	\$ -	\$ -
1Q 2008	\$ 8,610.00	\$ 1,291.50	\$ 344.40	\$ 516.60	\$ 2,152.50
2Q 2008	\$ 11,886.00	\$ 1,782.90	\$ 475.44	\$ 713.16	\$ 2,971.50
3Q 2008	\$ 5,068.00	\$ 760.20	\$ 202.72	\$ 304.08	\$ 1,267.00
4Q 2008	\$ 5,418.00	\$ 812.70	\$ 216.72	\$ 325.08	\$ 1,354.50
	\$ 5,684.10	\$ 1,515.76	\$ 2,273.64		\$ 9,473.50

EXHIBIT G
TOTAL BACKPAY AND FUND
CONTRIBUTIONS DUE

	Regular Hours	Regular Gross	O/T Hours	O/T Gross	Total Gross	Total Backpay
Allen, Joseph	280	\$ 6,720.00	412	\$ 17,139.00	\$ 24,939.00	\$ 24,939.00
Ziegler, Michael	336	\$ -	629	\$ -	\$ 36,693.00	\$ 36,693.00
Ziegler, Perry	391	\$ -	581	\$ -	\$ 35,094.00	\$ 35,094.00
						\$ 96,726.00

	IATASE Health and Welfare Fund	IATSE National Pension Fund Pan C	IATSE Annuity Fund	Total Fund Contributions
Allen, Joseph	\$ 3,803.85	\$ 1,014.36	\$ 1,521.54	\$ 6,339.75
Ziegler, Michael	\$ 5,865.15	\$ 1,564.04	\$ 2,346.06	\$ 9,775.25
Ziegler, Perry	\$ 5,684.10	\$ 1,515.76	\$ 2,273.64	\$ 9,473.50
	\$ 15,353.10	\$ 4,094.16	\$ 6,141.24	\$ 25,588.50

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 February 26, 2010

AFFIDAVIT OF SERVICE OF Compliance Specification and Notice of
Consolidated 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:

7009 2250 0004 1556 2312

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

MR. JAMES T. ARTH
36 WINDWHISPER LANE
ANNAPOLIS, MD 21403

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 26th day of

February 2010

DESIGNATED AGENT

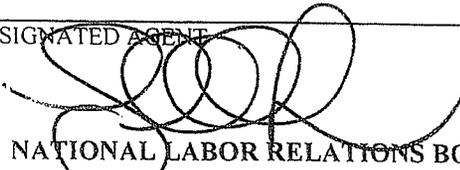

NATIONAL LABOR RELATIONS BOARD

EXHIBIT 10

MODE = MEMORY TRANSMISSION

START=APR-27 14:02

END=APR-27 14:14

FILE NO.=003

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	*	918004197404	024/024	00:08:08

***** -7

- ***** -

- *****

BALTIMORE REGIONAL OFFICE

National Labor Relations Board, Region 5
 103 South Gay Street, 8th Floor
 Baltimore, Maryland 21202-4061



Facsimile Transmission Cover Sheet

TO:	James T. Arth, President APS Events
FAX:	800-419-7404
FROM:	NLRB Region 5
PHONE:	410-962-2828
FAX:	410-962-2198
DATE:	4/27/10
PAGES INCLUDING COVER:	24

COMMENTS:

CONFIDENTIALITY NOTICE: This communication is intended for the sole use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication may be strictly prohibited. If you have received this communication in error, please notify me immediately by telephone call, and return communication to me at the address above via United States Postal Service. Thank you!

ARTH PRODUCTION SERVICES
899-J AIRPORT PARK RD
GLEN BURNIE, MD 21061



Date: May 7, 2010

Mr. Albert W. Palewicz
Regional Attorney
National Labor Relations Board
Region 5
103 South Gay Street, 8th Floor
Baltimore, MD 21202-4061

Dear Mr. Palewicz:

Thank you for allowing me to answer the allegations between Local 19 and APS. As you know, we would like to come to a mutual resolution between our company and the three gentlemen who worked for us over the stated period of time.

I do not dispute the allegations. What I do want to point out to you and others, is that at the time of the work, when it is was apparent that we were not going to be able to take care of the payroll in as timely a manner as we had been for the previous 10 years, the payroll company and the job steward agreed that we could make partial payments. You can check this as fact with Susan Galvin at Stagecraft Payroll and Perry Ziegler with Local 19.

I want to make this right with these men as they were great workers and a great asset to our company for many, many years.

Sincerely,

A handwritten signature in black ink, appearing to read 'James T. Arth', written in a cursive style.

James T. Arth
President, APS

Re: Case 5-CA-34875

800-519-8458 office 800-419-7404 fax

www.arthproductionservices.com

EXHIBIT 13



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 5
103 South Gay Street, 8th Floor
Baltimore, MD 21202-4061

Telephone (410) 962-2752
Fax (410) 962-2198

May 7, 2010

Via Email to jtaps@aol.com and
First Class Mail to:

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

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

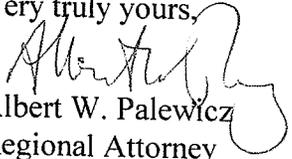
Dear Mr. Arth:

We have received your letter dated May 7, 2010 and will accept it as an Answer in which you "do not dispute the allegations" as set forth in the Compliance Specification. Under these circumstances, where there are no disputed issues remaining, it is appropriate for us to file now a Motion for Summary Judgment, and we will do that.

I want to assure you, however, that this formal action does not in any way indicate that we are not willing to meet with you immediately to come to a mutual resolution among the parties. Please call Field Attorney Katrina H. Woodcock at 410-962-2752 or Compliance Officer Emily N. Hunt at 410-962-2864 to set up a time to meet. When you call, we will explain exactly what documentation you will need to bring with you.

We look forward to meeting with you shortly. If you have any questions, please call Ms. Woodcock or Ms. Hunt. We expect to file a Motion for Summary Judgment during the week of May 10, 2010.

Very truly yours,


Albert W. Palewicz
Regional Attorney