

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

|                                       |   |            |
|---------------------------------------|---|------------|
| DAYCON PRODUCTS COMPANY, INC.,        | ) |            |
|                                       | ) |            |
| Respondent,                           | ) |            |
|                                       | ) |            |
| and                                   | ) | Case Nos.: |
|                                       | ) | 5-CA-35738 |
|                                       | ) | 5-CA-35687 |
| DRIVERS, CHAUFFEURS AND HELPERS LOCAL | ) | 5-CA-35965 |
| UNION NO. 639 A/W INTERNATIONAL       | ) | 5-CA-35994 |
| BROTHERHOOD OF TEAMSTERS,             | ) |            |
|                                       | ) |            |
| Charging Party.                       | ) |            |
|                                       | ) |            |

**CHARGING PARTY’S MOTION TO EXPEDITE DECISION**

Pursuant to the Rules and Regulations of the National Labor Relations Board (“NLRB” or “Board”), Charging Party, Drivers, Chauffeurs and Helpers Local Union No. 639, affiliated with the International Brotherhood of Teamsters (“the Union” or “Local 639”), by its attorneys, Mooney, Green, Saindon, Murphy & Welch, P.C., hereby submits its request that the National Labor Relations Board expedite its ruling in this matter.

Respondent Daycon Products Company, Inc. (“Daycon” or “the Employer”) is a District of Columbia corporation engaged in the business of manufacturing and distributing janitorial, maintenance and hardware supplies. Local 639 has represented a bargaining unit of Daycon employees for many years. The Union commenced an unfair labor practice strike against Daycon on April 26, 2010, and made an unconditional offer to return to work in early July 2010. The Employer refused to reinstate all the striking employees at that time and over two dozen employees remain on strike as of this date. After the Union filed unfair labor practice charges against Daycon, the Acting General Counsel issued complaints against the Employer and a trial

was held in November 2010. On February 15, 2011, Judge Joel P. Biblowitz concluded that the Employer had committed numerous violations of the National Labor Relations Act and ordered Daycon to reinstate the employees and make them whole for any losses incurred because of the refusal to reinstate them earlier. The Judge also found the company illegally subcontracted out bargaining unit work without negotiating with the Union. He ordered the company to rescind any unilateral changes and to resume bargaining. As of this date, the Employer has taken no action to remedy these violations.

After the conclusion of the trial, the National Labor Relations Board authorized the Acting General Counsel to seek injunctive relief in the United States District Court for the District of Maryland under Section 10 (j) of the Act. Subsequent to the filing of the petition seeking relief, the federal court conducted hearings in January and February 2011. The petition is still pending at this time.

Consistent with the rationale underlying the injunctive relief provisions of the Act, the Board has recognized that cases involving these circumstances warrant expedited consideration. For example, Section 102.94 (a) of the NLRB's Rules and Regulations requires that the Board give expedited treatment to any complaint which is the basis for interim injunctive relief. The propriety of expedited consideration is also reflected in the fact that any cases involving Section 10 (j) relief should have priority over all other nonstatutory priority cases at the Regional level. *See* Casehandling Manual 10310.7. Implicit in the provisions is the recognition that these cases involve imminent threats to statutory rights. In keeping with this acknowledged preference for accelerated consideration of cases involving requests for injunctive relief, Local 639 hereby requests that the Board expedite its consideration of this matter. Although the Union is cognizant of the numerous issues pending before the National Labor Relations Board at this

time, it respectfully submits that the facts and circumstance of this case justify expedited consideration.

For all of the foregoing reasons, Local 639 requests that Board grant its motion and expedite its decision in this matter.

Respectfully submitted,

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**Dated:** August 12, 2011

## CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of August, 2011, I caused a true and correct copy of the Charging Party's Motion to Expedite to be served via electronic mail upon the following:

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/s/  
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