

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

R & S WASTE SERVICES, LLC

ROGAN BROTHERS SANITATION, INC.

**INTERNATIONAL UNION OF JOURNEYMEN
AND ALLIED TRADES, LOCAL 726**

and

**LOCAL 813, INTERNATIONAL BROTHERHOOD
OF TEAMSTERS**

**Cases 02-CA-065928
02-CA-065930
02-CA-066512
02-CB-069408**

ORDER¹

Respondent R & S Waste Services, LLC's motion to dismiss the complaint is denied. The Respondent has failed to establish that there are no material issues of fact and that it is entitled to judgment as a matter of law.²

Dated, Washington, D.C., August 7, 2012.

Mark Gaston Pearce, Chairman

Brian E. Hayes, Member

Sharon Block, Member

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The Region's request for permission to file a surreply brief is granted. However, in light of our denial of the Respondent's motion to dismiss, we find it unnecessary to pass on the Region's motion to strike.