

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 30-CA-073190	Date Filed January 26, 2012

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 Waterstone Mortgage Corporation	b. Tel. No. 301.575.0340
	c. Cell No.
	f. Fax No. 301.575.0335
d. Address (Street, city, state, and ZIP code) 1133 Quall Court Pewaukee, Wisconsin 53072.	e. Employer Representative Ari Karen, Offit Kurman 8171 Maple Lawn Boulevard, Ste. 200, Maple Lawn, MD 20759
	g. e-Mail
	h. Number of workers employed more than 100
i. Type of Establishment (factory, mine, wholesaler, etc.) Mortgage Origination	j. Identify principal product or service Property Mortgages
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) section 7 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) I was employed by Waterstone Mortgage Corporation (WMC) January 28, 2011 through October 7, 2011. I am now employed by another mortgage company. During employment with WMC, all loan officers were required, as a condition of employment, to agree to a mandatory arbitration program which prohibited class and representative actions in court and in arbitration. Since on or about April 7, 2011, the above-named employer has maintained and enforced a mandatory arbitration program that purports to prohibit employees from exercising their Section 7 rights. WMC's arbitration agreement applies to all mortgage loan officer employees (and likely its other mortgage staff as well) nationwide and also violates NLRA section 8(a)(1) as it applies to these employees. I filed a FLSA collective and class action against WMC in the WDWI. On 12/12/11, WMC filed a motion to enforce its unlawful arbitration clause and to have the case dismissed in favor of individual arbitration. Relief per Section 10(j) is requested.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Pamela E. Herrington	
4a. Address (Street and number, city, state, and ZIP code) 27035 N. 56th Street Scottsdale, AZ 85266	4b. Tel. No. 480-294-4989
	4c. Cell No. 480-294-4989
	4d. Fax No.
	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) N/A	
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  (signature of representative or person making charge)	Dan Getman, Attorney (Print/type name and title or office, if any)
Address Getman & Sweeney, PLLC, 9 Paradies La., New Paltz, NY 12561 <u>1/26/12</u> (date)	
	Tel. No. 845-255-9370
	Office, if any, Cell No
	Fax No. 845-255-9370
	e-Mail dgetman@getmansweeney.com



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 public is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Jt. Stipulated Exh. A

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

WATERSTONE MORTGAGE CORPORATION

Charged Party

and

PAMELA E. HERRINGTON

Charging Party

Case 30-CA-073190

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on January 26, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

ARI KAREN
8171 MAPLE LAWN BLVD
STE 200
FULTON, MD 20759-2521

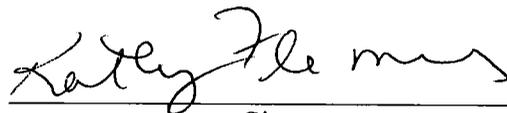
WATERSTONE MORTGAGE
CORPORATION
1133 QUAIL CT
PEWAUKEE, WI 53072-3750

January 26, 2012

Date

Kathy Fleming, Designated Agent of
NLRB

Name



Signature