

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 01

**HOSTESS BRANDS CORPORATION**

and

**BAKERY CONFECTIONERY TOBACCO  
WORKERS AND GRAIN MILLERS  
INTERNATIONAL UNION, LOCAL 334**

Case 01-CA-080461

**AFFIDAVIT OF SERVICE OF COUNSEL FOR THE ACTING GENERAL COUNSEL'S  
MOTION TO TRANSFER PROCEEDING TO THE BOARD AND FOR SUMMARY JUDGMENT**

I, the undersigned employee of the National Labor Relations Board, state under oath that on October 30, 2012, I served the above-entitled document(s) by electronic and/or post-paid regular mail upon the following persons, addressed to them at the following addresses:

JOE CABRAL  
HOSTESS BRANDS CORPORATION  
1 BAKERS WAY  
BIDDEFORD, ME 04005-4337

joe.cabral@hostessbrands.com

JOHN JORDAN, BUSINESS AGENT  
BAKERY, CONFECTIONERY, TOBACCO  
WORKERS AND GRAIN MILLERS  
INTERNATIONAL UNION, LOCAL 334  
94 MT. AUBURN STREET, SUITE 200  
PORTLAND, ME 04103

bctgm334@maine.rr.com

October 30, 2012

Date

Mary H. Harrington  
Designated Agent of NLRB

Name



Signature

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
FIRST REGION

In the Matter of

HOSTESS BRANDS CORPORATION

and

BAKERY, CONFECTIONARY, TOBACCO  
WORKERS AND GRAIN MILLERS  
INTERNATIONAL UNION, LOCAL 334

Case 01-CA-080461

MOTION TO TRANSFER PROCEEDING TO THE  
BOARD AND FOR DEFAULT JUDGMENT

NOW COMES Gene M. Switzer, Counsel for the Acting General Counsel of the National Labor Relations Board (the Board), who, pursuant to Sections 102.20 102.24 of the Board's Rules and Regulations, files this Motion to Transfer Proceeding to the Board and for Default Judgment, and, in support of this Motion, states the following:

1. (a) On May 7, 2012, Bakery, Confectionary, Tobacco Workers and Grain Millers International Union, Local 334 (the Union) filed a charge against Hostess Brands Corporation (Respondent) in Case 01-CA-080461, alleging that Respondent had committed unfair labor practices within the meaning of Sections 8(a)(5) and (1), and "all other subsections," of the Act. A copy of the charge filed in Case 01-CA-080461 is attached and marked as Exhibit "A."

(b) On May 8, 2012, a copy of the charge was served upon Respondent by regular mail. Copies of the cover letter accompanying the charge mailed to Respondent and the Affidavit of Service of the charge are attached and marked, collectively, as Exhibit "B."

(c) On July 26, 2012, the Union filed an amended charge in Case 01-CA-080461 alleging that the Respondent had committed unfair labor practices within the meaning of Sections 8(a)(5) and (1) of the Act. A copy of the amended charge is attached and marked as Exhibit "C."

(d) On July 31, 2012, a copy of the amended charge was served upon Respondent by regular mail. Copies of the cover letter accompanying the amended charge mailed to Respondent and the Affidavit of Service of the amended charge are attached and marked, collectively, as Exhibit "D."

2. On August 31, 2012, the Acting Regional Director for Region One issued a Complaint and Notice of Hearing (the Complaint) alleging that Respondent had committed unfair labor practices within the meaning of Sections 8(a)(5) and (1) of the Act by failing and refusing to furnish, and unreasonably delaying in furnishing, the Union with requested information necessary for, and relevant to, the Union's performance of its duties as the exclusive representative of an appropriate unit of the Respondent's employees. A copy of the Complaint is attached and marked as Exhibit "E."

3. On August 31, 2012, a copy of the Complaint was served upon Respondent by certified mail. A copy of the Affidavit of Service of the Complaint and proof of service of the Complaint from the United States Postal Service is attached and marked as Exhibits "F" and "G," respectively.

4. Since, as of September 27, 2012, no Answer to the Complaint had been received within the period prescribed in Section 102.20 of the Board's Rules and Regulations, Counsel for the Acting General Counsel attempted to telephone Respondent to inform it that no Answer had been received and to advise it that, if an answer was not filed, this Motion would be filed. On September 27, 2012, Counsel for the Acting General Counsel attempted to reach Respondent at its office by telephone but a message could not be left on Respondent's office telephone because the voicemail box was "full."

5. No Answer to the Complaint having been received within the period prescribed in Section 102.20 of the Board's Rules and Regulations, on September 28, 2012, Counsel for the Acting General Counsel informed Respondent, by letter sent by certified mail (return receipt requested), regular mail, and electronic mail, with a copy of the Complaint included, that if no Answer was received by the Regional Office by the close of business on October 5, 2012, this Motion would be filed. A copy of the letter dated September 28, 2012, and proof of service of the letter from the United States Postal Service are attached and marked as Exhibits "H" and "I," respectively.

6. On October 4, 2012, Counsel for the Acting General Counsel again attempted to reach Respondent by calling its cellular telephone and leaving a voicemail message to return the call.

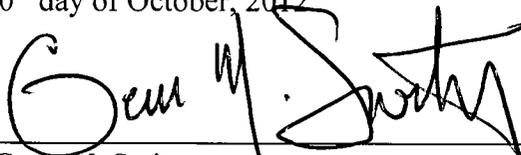
7. Respondent has not replied to either the September 28, 2012 letter or the October 4, 2012 telephone call, nor has any Answer to the Complaint been filed as of this date.

8. Respondent, to date, has failed to comply with Sections 102.20 and 102.21 of the Board's Rules and Regulations, by its failure to file an Answer to the facts alleged in the Complaint.

ACCORDINGLY, Counsel for the Acting General Counsel respectfully moves:

1. That the Board transfer this proceeding to itself for decision;
2. That all allegations of the Complaint be admitted to be true;
3. That the Board find that Respondent committed unfair labor practices within the meaning of Sections 8(a)(5) and (1) of the Act, as alleged in the Complaint, without the taking of evidence in support of these allegations, because Respondent has failed to file an Answer;
4. That the appropriate remedial order be issued, to include, among other things that Respondent furnish the Union with the information it requested concerning Respondent's policy to terminate employees who are out-of-work and receiving Workers' Compensation as specified in the Complaint and Notice of Hearing, and that Respondent post an appropriate Notice to Employees; and
5. That this Motion be ruled upon as expeditiously as possible so that, in the event the Motion is granted, the necessity of the hearing currently scheduled for December 4, 2012 will be eliminated.

Dated at Boston, Massachusetts this 30<sup>th</sup> day of October, 2012



Gene M. Switzer  
Counsel for the Acting General Counsel  
National Labor Relations Board  
First Region  
Thomas P. O'Neill, Jr. Federal Building  
10 Causeway Street, Sixth Floor  
Boston, Massachusetts 02222-1072

INTERNET  
FORM NLRB-501  
(2-08)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case 01-CA-080461	Date Filed May 7, 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 Hostess Brands Corporation		b. Tel. No. 207-286-0716
		c. Cell No. 207-286-1200
		f. Fax No. 207-286-0880
d. Address (Street, city, state, and ZIP code) Hostess Brands Corporation 1 Bakers Way/P.O. Box 8000 Biddeford, Me. 04005	e. Employer Representative Joe Cabral	g. e-Mail Joe.Cabral@hostessbrands.c
		h. Number of workers employed 315+
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service	

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) (5) and all other subsections \_\_\_\_\_ 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.

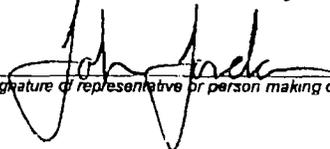
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  
On or about February 20, 2012 the employer through its agent, Joe Cabral failed to provide information requested regarding its newly enacted termination policy.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)  
Bakery, Confectionery, Tobacco Workers and Grain Millers International Union, Local 334

4a. Address (Street and number, city, state, and ZIP code) 94 Auburn Street, Suite #200 Portland, Me. 04103	4b. Tel. No. 207-797-8397
	4c. Cell No.
	4d. Fax No. 207-797-9443
	4e. e-Mail bctgm334@maine.rr.com

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)  
Bakery, Confectionery, Tobacco Workers and Grain Millers International Union

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  John Jordan, Business Agent  
(Signature of representative or person making charge) (Print name and title or office, if any)

Address 94 Auburn Street, Suite #200 Portland, Me. 04103 5/7/12 (date)

Tel. No. 207-797-8397
Office, if any, Cell No.
Fax No. 207-797-9443
e-Mail bctgm334@maine.rr.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 NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to investigate.

**Exhibit A**

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**HOSTESS BRANDS CORPORATION**

Charged Party

and

**BAKERY CONFECTIONERY TOBACCO  
WORKERS AND GRAIN MILLERS  
INTERNATIONAL UNION, LOCAL 334**

Charging Party

Case 01-CA-080461

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 8, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

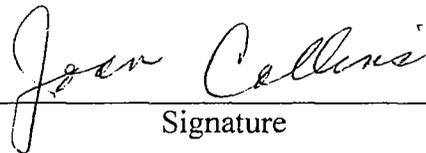
JOE CABRAL  
HOSTESS BRANDS CORPORATION  
1 BAKERS WAY  
P.O. BOX 8000  
BIDDEFORD, ME 04005-4337

May 8, 2012

Date

Joan Collins, Designated Agent of NLRB

Name



Signature

Exhibit B



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 1  
10 CAUSEWAY ST  
6TH FLOOR  
BOSTON, MA 02222-1001

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (617)565-6700  
Fax: (617)565-6725

May 8, 2012

JOE CABRAL  
HOSTESS BRANDS CORPORATION  
1 BAKERS WAY  
P.O. BOX 8000  
BIDDEFORD, ME 04005-4337

Re: Hostess Brands Corporation  
Case 01-CA-080461

Dear Mr. Cabral:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner JARAD M. KRANTZ whose telephone number is (617) 565-6746. If this Board agent is not available, you may contact Deputy Regional Attorney SCOTT BURSON whose telephone number is (617) 565-6704.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent.

May 8, 2012

Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Rosemary Pye  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

FORM EXEMPT UNDER 44 U.S.C 3512

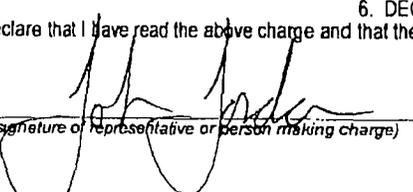
INTERNET  
FORM NLRB-501  
(2-08)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
First Amended -CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 01-CA-080461	Date Filed July 26, 2012

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>	
a. Name of Employer Hostess Brands Corporation	b. Tel. No. 207-286-0716
	c. Cell No. 207-286-1200
	f. Fax No. 207-286-0800
d. Address (Street, city, state, and ZIP code) 1 Bakers Way Biddeford, MA 04005	e. Employer Representative Joe Cabral
	g. e-Mail joe.cabral@hostessbrands.co
	h. Number of workers employed 315+
i. Type of Establishment (factory, mine, wholesaler, etc.) Bakery	j. Identify principal product or service Baked Goods
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) 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 February 20, 2012, the above-named Employer failed to provide relevant information requested by the Union.  Since on or about February 20, 2012, the above-named Employer unlawfully delayed providing the Union with requested information.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Bakery, Confectionery, Tobacco Workers and Grain Millers International Union, Local 334	
4a. Address (Street and number, city, state, and ZIP code) 94 Auburn Street, Suite 200 Portland, ME 04103	4b. Tel. No. 207-797-8397
	4c. Cell No.
	4d. Fax No. 207-797-9443
	4e. e-Mail bctgm334@maine.rr.com
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) Bakery, Confectionery, Tobacco Workers and Grain Millers International Union	
<b>6. DECLARATION</b>	
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)	Tel. No. 207-797-8397
John Jordan Burgess (Print type name and title or office, if any) Agent	Office, if any, Cell No.
	Fax No. 207-797-9443
	e-Mail bctgm334@maine.rr.com
Address 94 Auburn Street, Suite 200, Prtlnd, ME 04103	7-26-12 (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.

Exhibit C

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**HOSTESS BRANDS CORPORATION**

Charged Party

and

**BAKERY CONFECTIONERY TOBACCO WORKERS  
AND GRAIN MILLERS INTERNATIONAL UNION,  
LOCAL 334**

Charging Party

**Case 01-CA-080461**

**AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 31, 2012, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

JOE CABRAL  
HOSTESS BRANDS CORPORATION  
1 BAKERS WAY  
BIDDEFORD, ME 04005-4337

July 31, 2012

Date

Lily Nguyen, Designated Agent of NLRB

Name

*Lily Nguyen*  
Signature

Exhibit D



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 1  
10 CAUSEWAY ST.  
6TH FLOOR  
BOSTON, MA 02222-1001

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (617)565-6700  
Fax: (617)565-6725

July 31, 2012

JOE CABRAL  
HOSTESS BRANDS CORPORATION  
1 BAKERS WAY  
BIDDEFORD, ME 04005-4337

Re: Hostess Brands Corporation  
Case 01-CA-080461

Dear Mr. Cabral:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner Jarad M. Krantz whose telephone number is (617) 565-6746. If the agent is not available, you may contact Supervisory Attorney Kathleen F. McCarthy whose telephone number is (617) 565-6754.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

/s/ Elizabeth A. Gemperline

Elizabeth A. Gemperline  
Acting Regional Director

EAG/ln

Enclosure: Copy of first amended charge

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

**In the Matter of**

**HOSTESS BRANDS CORPORATION**

**and**

**BAKERY, CONFECTIONERY, TOBACCO  
WORKERS AND GRAIN MILLERS  
INTERNATIONAL UNION, LOCAL 334**

**CASE 01-CA-080461**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by Bakery, Confectionery, Tobacco Workers and Grain Millers International Union, Local 334, (the Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq. (the Act), and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Hostess Brands Corporation (Respondent) has violated the Act as described below:

1. (a) The charge in this proceeding was filed by the Union on May 7, 2012, and a copy was served by regular mail on Respondent on May 8, 2012.

(b) The first amended charge in this proceeding was filed by the Union on July 26, 2012, and a copy was served by regular mail on Respondent on July 31, 2012.

2. At all material times, Respondent has been a corporation with an office and place of business located in Biddeford, Maine (the Maine facility), and has been engaged in the manufacture and non-retail sale of baked goods.

3. In conducting its operations annually, Respondent sells and ships from its Maine facility goods valued in excess of \$50,000 directly to points outside the State of Maine.

4. 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.

5. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

*Exhibit E*

6. At all material times, Joe Cabral held the position of Respondent's Human Resources Manager and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

7. The following employees of Respondent (the Unit), constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All employees in "Union Recognition," Article 1, Section 1 of the collective-bargaining agreement between the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union, Local 334 and Hostess Brands Corporation.

8. Since at least May 4, 2002, and at all material times, Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which expired on or about May 5, 2012.

9. At all material times, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

10. Since February 20, 2012, the Union has requested in writing that Respondent furnish the Union with the following information:

(a) "...when or if the company will pursue termination on each [employee currently on workers' compensation]."

(b) "A list of all employees terminated or being terminated, under [the Employer's] new policy, how long each has been out on workers' compensation..." and "A list of all workers who are currently out on workers' compensation and have not been terminated, how long each of these employees has been out of work..."

11. The information requested by the Union, as described above in paragraph 10, is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

12. (a) Since about February 20, 2012, Respondent, has failed and refused to furnish the Union with the information requested by it as described above in subparagraph 10(a).

(b) From about February 20, 2012 to July 18, 2012, Respondent unreasonably delayed in furnishing the Union with the information requested by it as described above in subparagraph 10(b).

13. By the conduct described above in paragraph 12, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employee in violation of Section 8(a)(5) and (1) of the Act.

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

#### **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 September 14, 2012 or postmarked on or before September 13, 2012.** Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office.

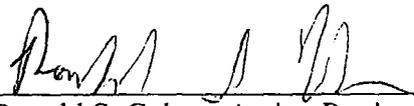
An answer may also be filed electronically by using the E-Filing system on the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and 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 an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint 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. If no answer is filed or if an answer is filed untimely, the Board may find, pursuant to Motion for Default Judgment, that the allegations in the complaint are true.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **December 4, 2012 at 10:00 a.m.**, at a place to be **determined in Portland, Maine** 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 the 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 Boston, Massachusetts this 31<sup>st</sup> day of August, 2012.

  
\_\_\_\_\_  
Ronald S. Cohen, Acting Regional Director  
National Labor Relations Board  
First Region  
Thomas P. O'Neill, Jr. Federal Building  
10 Causeway Street, Sixth Floor  
Boston, Massachusetts 02222-1072

**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 8 1/2 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: 01-CA-080461

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, hours, 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 CFR 102.16(b);
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of the parties must be ascertained in advance by the requesting party and set forth in the request; *and*
- (5) Copies must be simultaneously served on all 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.

JOE CABRAL  
HOSTESS BRANDS CORPORATION  
1 BAKERS WAY  
BIDDEFORD, ME 04005-4337

**CERTIFIED MAIL**

JOHN JORDAN , BUSINESS AGENT  
BAKERY, CONFECTIONERY, TOBACCO  
WORKERS AND GRAIN MILLERS  
INTERNATIONAL UNION, LOCAL 334  
94 MT. AUBURN STREET, SUITE 200  
PORTLAND, ME 04103

**CERTIFIED MAIL**

Regional Office  
File Copy

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 1

<p><b>HOSTESS BRANDS CORPORATION</b></p> <p><b>and</b></p> <p><b>BAKERY CONFECTIONERY TOBACCO WORKERS AND GRAIN MILLERS INTERNATIONAL UNION, LOCAL 334</b></p>	<p><b>Case 01-CA-080461</b></p>
--	---------------------------------

**AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **August 31, 2012**, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

JOE CABRAL  
HOSTESS BRANDS CORPORATION  
1 BAKERS WAY  
BIDDEFORD, ME 04005-4337

**CERTIFIED MAIL**

JOHN JORDAN , BUSINESS AGENT  
BAKERY, CONFECTIONERY, TOBACCO  
WORKERS AND GRAIN MILLERS  
INTERNATIONAL UNION, LOCAL 334  
94 MT. AUBURN STREET, SUITE 200  
PORTLAND, ME 04103

**CERTIFIED MAIL**

August 31, 2012  
Date

Denise E. Mazzola  
Designated Agent of NLRB

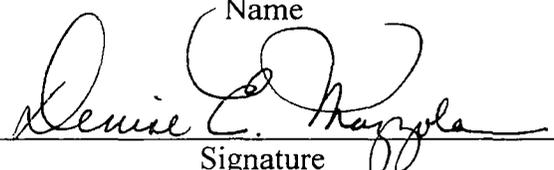
Name  
  
Signature

Exhibit F

7009 0060 0002 1697 0523

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

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

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

Postmark  
Here

01-CA-  
080461

Sent To Joe Cebra  
 Street, Apt. No.,  
 or PO Box No. Hostess Brands Corp  
 City, State, ZIP+4 BIDDEFORD, ME

PS Form 3800, August 2006

See Reverse for Instructions

Exhibit G

**Switzer, Gene M.**

---

**From:** Harrington, Mary  
**Sent:** Wednesday, October 24, 2012 1:08 PM  
**To:** Switzer, Gene M.  
**Subject:** FW: U S. Postal Service Track & Confirm email Restoration - 7009 0080 0002 1697 0513

Mary H. Harrington, RD Secretary  
Region One, Boston, MA  
617-565-6771 phone  
617-565-6725 fax

-----Original Message-----

**From:** U.S.\_Postal\_Service\_ [<mailto:U.S. Postal Service@usps.com>]  
**Sent:** Wednesday, October 24, 2012 1:05 PM  
**To:** Harrington, Mary  
**Subject:** U.S. Postal Service Track & Confirm email Restoration - 7009 0080 0002 1697 0513

This is a post-only message. Please do not respond.

MARY HARRINGTON has requested that you receive this restoration information for Track & Confirm as listed below.

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: 7009 0080 0002 1697 0513

Service Type: Certified Mail(TM)

Shipment Activity	Location	Date & Time
Delivered	BIDDEFORD ME 04005	09/05/12 12:40pm
Notice Left	BIDDEFORD ME 04005	09/04/12 12:13pm
Processed through USPS Sort Facility	SCARBOROUGH ME 04074	09/04/12 4:14am
Depart USPS Sort Facility	SCARBOROUGH ME 04074	09/02/12
Processed through USPS Sort Facility	SCARBOROUGH ME 04074	09/01/12 3:20pm

-----  
USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

For more information, or if you have additional questions on Track & Confirm services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm site at <http://www.usps.com/shipping/trackandconfirmfaqs.htm>



**UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD**  
Region 1 Boston, Massachusetts  
10 Causeway Street, 6th Floor  
Boston, MA 02222-1072  
(617) 565-6700

September 28, 2012

Mr. Joseph Cabral  
Hostess Brands Corporation  
1 Bakers Way  
Biddeford, Maine 04005-4337

**Via Electronic, Certified & Regular Mail**

Re: Hostess Brands Corporation  
Case 1-CA-080461

Dear Mr. Cabral,

This will serve to confirm that I attempted to contact you by telephone on September 27, 2012, but was unable to leave you a message because your voice mailbox was full.

Please be advised that this office has not yet received Respondent's Answer to the Complaint and Notice of Hearing which issued in the above-captioned matter on August 31, 2012, and was received by you on September 5, 2012. For your convenience, I am enclosing another copy of the Complaint that issued on August 31, 2012.

As set forth in the Answer Requirement section of the Complaint, Respondent is required by Sections 102.20 and 102.21 of the Board's Rules and Regulations to file an Answer to the Complaint. Section 102.20 specifically provides:

The respondent shall, within 14 days from the service of the complaint, file an answer thereto. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall

Exhibit H

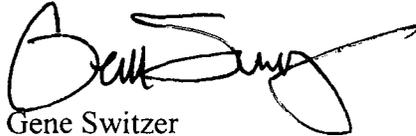
be deemed to be true and shall be so found by the Board unless good cause to the contrary is shown.

**Please be advised that any information Respondent provided to this office prior to the issuance of the Complaint on August 31, 2012, including, but not limited to, letters, statements, affidavits and oral communications, and any prior Answers, does not satisfy the requirements of an Answer under Sections 102.20 and 102.21 of the Board's Rules and Regulations.**

Accordingly, if no Answer is **received** by this office which satisfies the requirements of Sections 102.20 and 102.21 of the Boards Rules and Regulations by close of business **October 5, 2012**, this office will seek summary judgment in the instant case based upon Respondent's failure to respond to all of the allegations set forth in the Complaint.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gene Switzer", with a long horizontal stroke extending to the right.

Gene Switzer  
Counsel for the General Counsel

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION ONE

**In the Matter of**

**HOSTESS BRANDS CORPORATION**

**and**

**BAKERY, CONFECTIONERY, TOBACCO  
WORKERS AND GRAIN MILLERS  
INTERNATIONAL UNION, LOCAL 334**

**CASE 01-CA-080461**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by Bakery, Confectionery, Tobacco Workers and Grain Millers International Union, Local 334, (the Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq. (the Act), and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Hostess Brands Corporation (Respondent) has violated the Act as described below:

1. (a) The charge in this proceeding was filed by the Union on May 7, 2012, and a copy was served by regular mail on Respondent on May 8, 2012.

(b) The first amended charge in this proceeding was filed by the Union on July 26, 2012, and a copy was served by regular mail on Respondent on July 31, 2012.

2. At all material times, Respondent has been a corporation with an office and place of business located in Biddeford, Maine (the Maine facility), and has been engaged in the manufacture and non-retail sale of baked goods.

3. In conducting its operations annually, Respondent sells and ships from its Maine facility goods valued in excess of \$50,000 directly to points outside the State of Maine.

4. 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.

5. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

6. At all material times, Joe Cabral held the position of Respondent's Human Resources Manager and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

7. The following employees of Respondent (the Unit), constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All employees in "Union Recognition," Article 1, Section 1 of the collective-bargaining agreement between the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union, Local 334 and Hostess Brands Corporation.

8. Since at least May 4, 2002, and at all material times, Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which expired on or about May 5, 2012.

9. At all material times, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

10. Since February 20, 2012, the Union has requested in writing that Respondent furnish the Union with the following information:

(a) "...when or if the company will pursue termination on each [employee currently on workers' compensation]."

(b) "A list of all employees terminated or being terminated, under [the Employer's] new policy, how long each has been out on workers' compensation..." and "A list of all workers who are currently out on workers' compensation and have not been terminated, how long each of these employees has been out of work..."

11. The information requested by the Union, as described above in paragraph 10, is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

12. (a) Since about February 20, 2012, Respondent, has failed and refused to furnish the Union with the information requested by it as described above in subparagraph 10(a).

(b) From about February 20, 2012 to July 18, 2012, Respondent unreasonably delayed in furnishing the Union with the information requested by it as described above in subparagraph 10(b).

13. By the conduct described above in paragraph 12, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employee in violation of Section 8(a)(5) and (1) of the Act.

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

#### **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 September 14, 2012 or postmarked on or before September 13, 2012.**

Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. 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 an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint 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. If no answer is filed or if an answer is filed untimely, the Board may find, pursuant to Motion for Default Judgment, that the allegations in the complaint are true.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **December 4, 2012 at 10:00 a.m.**, at a place to be **determined in Portland, Maine** 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 the 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 Boston, Massachusetts this 31<sup>st</sup> day of August, 2012.



---

Ronald S. Cohen, Acting Regional Director  
National Labor Relations Board  
First Region  
Thomas P. O'Neill, Jr. Federal Building  
10 Causeway Street, Sixth Floor  
Boston, Massachusetts 02222-1072

**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.

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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.

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

7000 1670 0006 8692 9694

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$</b>	

Sent To J. CABRAL - Hostess BRANDS  
 Street, Apt. No., or PO Box No 1 BAKER WAY  
 City, State, ZIP+4 BIDDEFORD, ME 04005-4337

PS Form 3800, May 2000. See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> <p>1. Article Addressed to:</p> <p style="margin-left: 20px;"><u>MR. JOSEPH CABRAL</u>  <u>HOSTESS BRANDS CORP.</u>  <u>1 BAKERS WAY</u>  <u>BIDDEFORD, ME</u>  <u>04005-4337</u></p>	<p>A. Signature</p> <p><u>x Cindy Andrews</u> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>10197 Cindy Andrews</u> C. Date of Delivery <u>10/9/12</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No        If YES, enter delivery address below:</p> <div style="text-align: center; border: 1px solid black; border-radius: 50%; padding: 5px; width: 100px; margin: 0 auto;">         BIDDEFORD          MAINE          OCT 9 2012       </div>
<p>2. Article Number  <i>(Transfer from service label)</i></p> <p style="margin-left: 20px;"><u>7000 1670 0006 8692 9694</u></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered    <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail    <input type="checkbox"/> C.O.D.</p>
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

Exhibit I