

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS
BOARD REGION 21

ORIENT TALLY COMPANY, INC. AND
CALIFORNIA CARTAGE COMPANY, LLC,
A SINGLE EMPLOYER

and

Cases 21-CA-160242
21-CA-162991

WAREHOUSE WORKERS RESOURCE CENTER

ORDER CONSOLIDATING
CASES, CONSOLIDATED
COMPLAINT AND NOTICE OF
HEARING

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (Board), and to avoid unnecessary costs or delay, IT IS ORDERED THAT Cases 21-CA-160242 and 21-CA-162991, which are based on charges filed by Warehouse Worker Resource Center (Charging Party), against Orient Tally Company, Inc. (Respondent Orient) and California Cartage LLC, whose correct name is California Cartage Company, LLC (Respondent Cartage), a single employer, (collectively, Respondent) are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 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 Respondent has violated the Act as described below:

1. (a) The charge in Case 21-CA-160242 was filed by the Charging Party on September 16, 2015, and a copy was served by regular mail on Respondent on September 18, 2015.

(b) The amended charge in Case 21-CA-160242 was filed by the Charging Party on February 18, 2016, and a copy was served by regular mail on Respondent on February 22, 2016.

(c) The charge in Case 21-CA-162991 was filed by the Charging Party on October 27, 2015, and a copy was served by regular mail on Respondent on October 30, 2015.

(d) The amended charge in Case 21-CA-162991 was filed by the Charging Party on March 3, 2016, and a copy was served by regular mail on Respondent on March 4, 2016.

2. (a) At all material times, Respondent Orient, a California corporation, with a principal place of business located at 2931 Redondo Avenue, Long Beach, California, has been engaged in the business of providing labor services.

(b) At all material times, Respondent Cartage, a California corporation, with a principal place of business located at 2931 Redondo Avenue, Long Beach, California, and a facility located at 2401 E. Pacific Coast Highway, Wilmington, California (Wilmington facility), has been engaged in the business of transloading and deconsolidation.

(c) At all material times, Respondent Orient and Respondent Cartage have been affiliated business enterprises with common officers, ownership, directors, management, and supervision; have administered a common labor policy; have shared common premises and facilities; have provided services for and made sales to each other; and held themselves out to the public as a single-integrated business enterprise.

(d) Based on their operations described above in paragraphs 2(a) through 2(c), Respondent Orient and Respondent Cartage constitute a single-integrated business enterprise and a single employer within the meaning of the Act.

3. (a) Respondent, during the past fiscal year, in conducting its business operations described above in paragraph 2, derived gross revenues in excess of \$500,000 and performed services valued in excess of \$50,000 directly to customers outside the state of California.

(b) 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.

4. At all material times the Charging Party has been a nonprofit 501(c)(3) organization and has been a person within the meaning of section 2(1) of the Act.

5. At all material times, the following individuals have held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the act and Agents of Respondent within the meaning of Section 2(13) of the Act:

Hermann Rosenthal	General Manager
Freddy Rivera	Operations Manager
John Rodriguez	Manager

6. Respondent, by Hermann Rosenthal at the Wilmington facility:

- (a) About July 23, 2015, in his office, discouraged employees from engaging in concerted activities by telling them not to engage in protected concerted activities.
- (b) About August 18, 2015, interrogated an employee about the concerted manner in which employees took heat breaks.
- (c) About August 18, 2015, implicitly threatened employees with unspecified reprisals for engaging in protected concerted activities.
- (d) About August 24, 2015, in his office, implicitly threatened employees with termination because they engaged in protected concerted activities.
- (e) About August 24, 2015, in his office, discouraged and interfered with employees protected concerted activities.
- (f) About September 4, 2015, in his office, interrogated an employee about the employee and other employees' protected concerted activity.
- (g) About October 8, 2015, in his office, discouraged employees from engaging in protected concerted activities.

7. About September 4, 2015, Respondent, by Hermann Rosenthal and Freddy Rivera, in Herman Rosenthal's office, implicitly threatened employees with termination because they engaged in protected concerted activities.

8. Since about August 18, 2015, Respondent issued reports/documents to employees which appear to be disciplinary in nature in response to employees engaging in protected concerted activity.

9. By the conduct described above in paragraphs 6 through 8, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

10. 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 consolidated complaint. The answer must be **received by this office on or before April 4, 2016, or postmarked on or before April 2, 2016.** 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 through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File 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 answer 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 continue to 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 still be accomplished by means allowed under 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 a Motion for Default Judgment, that the allegations in the consolidated complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **June 13, 2016, at 1 p.m., PDT**, in Hearing Room 902, 888 South Figueroa Street, Ninth Floor, Los Angeles, California, 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 this consolidated 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 Los Angeles, California, this 21st day of March, 2016.



Olivia Garcia, Regional Director
National Labor Relations Board, Region 21
888 South Figueroa Street, Ninth Floor
Los Angeles, CA 90017-5449

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Cases 21-CA-160242 and 21-CA-162991

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 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 all other 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 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.

Al Latham, Attorney at Law
Paul Hastings, LLP
515 South Flower Street, 25th Floor
Los Angeles, CA 90071-2228

Eli Naduris-Weissman, Attorney at Law
Rothner, Segall & Greenstone
510 South Marengo Avenue
Pasadena, CA 91101

Orient Tally Company, Inc.,
2911 Redondo Avenue
Long Beach, CA 90806-2445

Warehouse Worker Resource Center
601 North Euclid Avenue
Ontario, CA 91762

California Cartage Company, LLC,
2931 Redondo Avenue
Long Beach, CA 90809-2829

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov; click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21

ORIENT TALLY COMPANY, INC., AND
CALIFORNIA CARTAGE COMPANY, LLC,
A SINGLE EMPLOYER

and

Case 21-CA-160242
21-CA-162991

WAREHOUSE WORKER RESOURCE CENTER

**AFFIDAVIT OF SERVICE OF: Order Consolidating Cases, Consolidated 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 **March 21, 2016**, 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:

Al Latham, Attorney at Law
Paul Hastings, LLP
515 South Flower Street, 25th Floor
Los Angeles, CA 90071-2228

REGULAR MAIL

Orient Tally Company, Inc.,
2911 Redondo Avenue
Long Beach, CA 90806-2445

CERTIFIED MAIL, RETURN RECEIPT
REQUESTED
(7015 0920 0001 7976 2217)

California Cartage Company, LLC,
2931 Redondo Avenue
Long Beach, CA 90809-2829

CERTIFIED MAIL, RETURN RECEIPT
REQUESTED
(7015 0920 0001 7976 2224)

Eli Naduris-Weissman, Attorney at Law
Rothner, Segall & Greenstone
510 South Marengo Avenue
Pasadena, CA 91101

REGULAR MAIL

Warehouse Worker Resource Center
601 North Euclid Avenue
Ontario, CA 91762

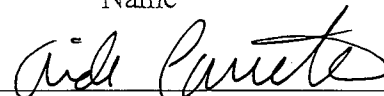
CERTIFIED MAIL
(7015 0920 0001 7976 2101)

March 21, 2016

Date

Aide Carretero, Designated Agent of NLRB

Name



Signature