

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
ADMINISTRATIVE LAW JUDGE LAUREN ESPOSITO**

McDONALD'S USA, LLC, JOINT EMPLOYERS, et al.

and

**Cases 02-CA-093893, et al.
04-CA-125567, et al.**

**FAST FOOD WORKERS COMMITTEE AND
SERVICE EMPLOYEES INTERNATIONAL UNION,
CTW, CLC, et al.**

GENERAL COUNSEL'S MOTION TO STAY PROCEEDINGS

Counsel for the General Counsel moves to request an immediate stay in the proceedings in the above-captioned matter for a period of sixty (60) days. In support of this motion, Counsel for the General Counsel submits the following:

In December 2017, Respondent initiated discussions regarding a global settlement of all pending NLRB charges against it, including those at issue in the instant proceeding. Notably, while the parties have already settled many charges against Respondent which are outside the scope of this proceeding, there are many others which remain pending. In addition, on December 14, 2017, the Board issued two decisions, which may impact the instant proceeding: *Hy Brand Industrial Contractors, Ltd.*, 365 NLRB No. 156, and *The Boeing Co.*, 365 NLRB No. 154.

A 60-day postponement will allow sufficient time for Counsel for the General Counsel to assess the impact of these two Board decisions. Significantly, a thorough review of the impact may narrow the issues and thereby enhance the likelihood of settlement, allowing the parties to engage in meaningful discussions to attempt to reach that end. Although the trial in this proceeding has extended for a very long period of time, allowing time for settlement discussions

now will, if settlement is achieved, facilitate far more prompt and immediate remedial relief for the employees impacted by the alleged unfair labor practices. Continued litigation of this matter would likely result in issues remaining unresolved for years on appeal and potentially impede resolution of other cases outside of the scope of this proceeding. Finally, a global settlement would clearly save all parties vast additional expenses otherwise incurred from continued litigation of this matter.

The parties to this proceeding have been contacted concerning their position on this Motion and Respondent McDonalds and the New York and Philadelphia franchises have each indicated they do not oppose this Motion. Charging Party is opposed to the Motion. Counsel for the General Counsel respectfully requests an Order issue prior to the next trial resumption date of January 22, 2018 and that the hearing in this proceeding be postponed 60 days.

Dated: New York, New York

January 17, 2018

 /s/ Geoffrey Dunham
Geoffrey Dunham
Counsel for the General Counsel

CERTIFICATE OF SERVICE

The undersigned, an attorney for the General Counsel, hereby certifies that he caused a true and correct copy of General Counsel's Motion to Stay Proceedings to be electronically filed with the Division of Judges of the National Labor Relations Board on January 17, 2018 and served on the same date via electronic mail at the following addresses:

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