

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DANIEL L. HUBBEL, Regional Director for *
Region Seventeen of the National Labor *
Relations Board, for and on behalf of the *
NATIONAL LABOR RELATIONS BOARD *

Petitioner *

v. *

CRETE COLD STORAGE, LLC *

Respondent *

Civil No. 09-304
RELATED TO CM/ECF
DOCUMENTS 1 AND 3

ORDER TO SHOW CAUSE AND BRIEFING SCHEDULE

The petition of Daniel L. Hubbel, Regional Director for the Seventeenth Region of the National Labor Relations Board (the Board) having been filed in this Court pursuant to Section 10(j) of the National Labor Relations Act (the Act), 29 U.S.C. Sec. 160(j), petitioning for an order directing Crete Cold Storage, LLC, (Respondent) to show cause why a temporary injunction should not be granted pending the final disposition of the matters now pending before the Board in NLRB Case 17-CA-24469.

Petitioner having filed a Motion to Try Section 10(j) Petition Based on the Administrative Record and Decision of the Administrative Law Judge and having served the Petition for Injunction under Section 10(j) and Motion to Try 10(j) Petition on the Basis of the Administratiave Record upon Respondent, IT IS ORDERED that Petitioner shall, using the Court’s CM/ECF system, file the transcript and exhibits from the administrative hearing held on June 24, 2009, and Administrative Law Judge John West’s decision issued on August 17, 2009.

IT IS FURTHER ORDERED that Respondent, Crete Cold Storage, LLC, file an answer, together with its memorandum of law, to the allegations of said Petition with the Clerk of this Court on or before the 11th day of September 2009, using the Court's CM/ECF system, which will send notification of such filing to the Petitioner, or if Respondent is a non CM/ECF participant, Respondent shall serve by mail copies of its answer upon the Petitioner at his office located at 8600 Farley Street, Suite 100, Overland Park, Kansas 66212.

IT IS FURTHER ORDERED that a show cause hearing shall be held by telephone on the 24th day of September, 2009, at 10:00 a.m., and then and there show cause why, pending the final disposition of the matters now before the Board in NLRB Case 17-CA-24469, Respondent, its officers, agents, servants, employees, attorneys, and all persons acting in concert or participation with them, should not be temporarily enjoined and restrained under Section 10(j) of the Act (29 U.S.C. Sec. 160[j]) as prayed for in the petition; and

IT IS FURTHER ORDERED that a copy of this order be served upon Respondent and United Food and Commercial Workers International Union, AFL-CIO, CLC, Local No. 271, the Charging Party before the Board, in any manner provided in the Federal Rules of Civil Procedure for the United States District Courts, or by certified mail, and that proof of service be provided to the Court.

Dated September 9, 2009.

BY THE COURT

s/ Warren K. Urbom

United States Senior District Judge