

Tae Y. Kim

Principal
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March 18, 2025

Re: Michael Cetta, Inc., d/b/a Sparks Restaurant, Cases 02-CA-142626 and 02-CA-144852

Dear Executive Secretary Rothschild:

I write in response to Counsel for the Acting General Counsel's March 17, 2025 Letter, requesting that you reject Respondent Michael Cetta, Inc. d/b/a Sparks Restaurant's ("Respondent") Reply in Support of Its Motion for Reconsideration, as untimely.

Counsel for the Acting General Counsel is correct, Respondent's Motion for Reconsideration ("Motion") of the Board's November 1, 2024 Second Supplemental Decision and Order ("Decision") in this matter was filed on January 23, 2025, and Respondent did file its reply in support of that Motion on March 5, 2025. However, with Member Wilcox's termination by the President of the United States on January 27, 2025, there was no quorum, and the Board could not reconsider its Decision until March 6, 2025, at the earliest, which is when U.S. District Judge Howell ordered that Member Wilcox be reinstated to the Board.

So, while yes, Respondent's reply is filed untimely according to Sec. 102.24(c), it was "filed promptly and within such time as not to delay the proceeding." Sec. 102.24(a). Further, Respondent believes that the timing of filing is no different than receiving an extension of time, which both Counsel for the Acting General Counsel and Respondent have received for various filings throughout the hearing of this matter. Therefore, Respondent requests that its reply in support of the Motion not be rejected, and Respondent's Motion be considered in its entirety and ruled on accordingly.

Sincerely,



Tae Y. Kim
Principal

cc: By Email
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