

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 27**

WELLS FARGO BANK, N.A.,

Respondent,

-and-

**WELLS FARGO WORKERS UNITED –
AFFILIATED WITH COMMUNICATIONS
WORKERS OF AMERICA, AFL-CIO,**

Charging Party.

Case No. 27-CA-358799

**RESPONDENT WELLS FARGO BANK, N.A.’S MOTION TO PERMIT LIMITED
TESTIMONY BY ZOOM VIDEOCONFERENCE**

Pursuant to Section 102.35(c) of the Board’s Rules and Regulations, Respondent Wells Fargo Bank, N.A. (“Respondent” or “Wells Fargo”) moves for permission to introduce limited witness testimony by means of video conferencing technology. Specifically, Wells Fargo requests permission for Wayne Thurston, an employee of Wells Fargo, to testify via video conference using Zoom, as he suffers from a medical condition, making air travel impossible. Mr. Thurston will testify from either his residence or the NLRB office in Phoenix, Arizona. He will testify regarding the investigation and termination process for Andrew King. As such, Mr. Thurston’s testimony is critical to Wells Fargo’s defense in this case.

Wells Fargo informed counsel for the General Counsel and counsel for the Charging Party of its intent to file this motion. Counsel for the General Counsel and counsel for the Charging Party have stated they will oppose the motion.

I. THE LEGAL STANDARD

Section 102.35(c) of the Board's Rules and Regulations provides as follows:

Upon a showing of good cause based on compelling circumstances, and under appropriate safeguards, the taking of video testimony by contemporaneous transmission from a different location may be permitted.

The Board codified its good cause standard in Section 102.35(c)(1) requiring compelling circumstances for video testimony. Also required are the witness's name and address, the location where the video testimony will be held, the matter about which the witness is expected to testify, the conditions in place to protect the integrity of the testimony, the transmission safeguards, and the electronic address from which the testimony will be transmitted.

For the reasons set forth below, Wells Fargo's compelling circumstances warrant permitting video testimony for Mr. Thurston.

II. BASIS FOR THE MOTION

The Complaint in this matter includes allegations that Respondent terminated Andrew King's employment because King engaged in Section 7-protected activities (including supporting and assisting the Charging Party) and to discourage employees from engaging in these activities. Respondent denies these allegations. Mr. Thurston was actively involved in Mr. King's termination from employment and will present evidence in support of Wells Fargo's affirmative defenses.

Mr. Thurston currently works as a Senior Employee Relations Consultant for Wells Fargo. Following the conclusion of the investigation into Mr. King's misconduct, the case was transferred to Mr. Thurston as the Employee Relations Consultant to review the findings and ensure the recommendation was consistent with Wells Fargo's policies and procedures. His

testimony is critical for Wells Fargo to present evidence that the termination of Andrew King was for legitimate business reasons, completely unrelated to any Union or concerted activities.

Mr. Thurston resides in Phoenix, Arizona and suffers from a medical condition and significant fear of flying, making air travel to Casper, Wyoming impossible. *See Exhibit A.* Requiring Mr. Thurston to drive nearly 15 hours from Phoenix to Casper to attend the trial in person would present an undue hardship and exacerbate his condition. If Mr. Thurston is permitted to testify via video conference, he would testify from the NLRB office in Phoenix, Arizona in a manner agreed upon by the parties and ordered by the Administrative Law Judge.

In addition, Respondent is committed to ensuring the safeguards provided under Section 102.35(c)(2) of the Rules and Regulations will be afforded if Mr. Thurston is permitted to testify by videoconference. Specifically, Wells Fargo agrees:

- (1) the judge, the parties, and the court reporter will be able to hear Mr. Thurston's testimony and observe him while testifying;
- (2) the camera view at the location will be adjustable to provide a close-up view of Mr. Thurston and a panoramic view of the room;
- (3) exhibits to be used in the examination of Mr. Thurston, to the extent they are known beforehand, will be exchanged in advance of the examination and uploaded to the already-established SharePoint database for this matter; and
- (4) such other safeguards as the Administrative Law Judge shall impose.

As provided in Section 102.35(3), Wells Fargo acknowledges the official record of the videoconference testimony will be the official transcript prepared by the court reporter designated to transcribe the testimony.

III. CONCLUSION

For the reasons set forth above, Wells Fargo respectfully requests authorization to present Mr. Thurston's testimony at the hearing in this matter by contemporaneous Zoom video transmission from his home address or the Phoenix, Arizona NLRB office.

Dated: March 2, 2026

Respectfully submitted,

LITTLER MENDELSON P.C.

By: /s/ Michael G. Pedhirney

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CERTIFICATE OF SERVICE

I certify that the foregoing was e-filed on March 2, 2026 through the Board's website and served via email to the following:

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EXHIBIT A

From: [Thurston, Wayne](#)
To: [Bourget, Nicole \(Legal\)](#)
Subject: Request for Remote Video Testimony
Date: Tuesday, February 24, 2026 8:27:59 AM

Dear Administrative Law Judge,

I am writing to respectfully request an accommodation allowing me to participate in the upcoming court proceedings via live video testimony.

This request is due to a health condition that involves a significant fear of flying, which substantially limits my ability to travel. Because air travel is the only practical means of reaching the court's location, appearing in person would create a considerable hardship and exacerbate my condition.

I am fully able to participate through a secure video platform and will comply with all court instructions.

Thank you for your consideration.

Sincerely,

Wayne Thurston
Sr Employee Relations Consultant, Wells Fargo

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This message may contain confidential or proprietary information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply email and delete this message. Thank you for your cooperation