

January 30, 2004

Mr. Joel E. Lease
835A Letort Road
Washington Boro, PA 17582

Re: Lancaster Nissan
Case 4-RD-1988

Dear Mr. Lease:

The above-captioned case petitioning for an investigation and certification of representative under Section 9(c) of the National Labor Relations Act, as amended, has been carefully investigated and considered.

As a result of the investigation, I find that further proceedings are unwarranted. On January 22, 2004, a Complaint and Notice of Hearing issued in Case 4-CA-32498. The Complaint alleges that the Employer violated Section 8(a)(1) and (5) of the Act by failing and refusing to meet at reasonable times with District Lodge 98, International Association of Machinists and Aerospace Workers, AFL-CIO, during the Union's initial certification year. Based on the Employer's alleged conduct, no question concerning representation may be raised at this time. See *Overnite Transportation Co.*, 333 NLRB 1392, 1393 fn. 6 (2001); *The BOC Group, Inc.*, 323 NLRB 1100 (1997); *Big Three Industries*, 201 NLRB 197 (1973). Accordingly, in view of the pending Complaint in Case 4-CA-32498, I am dismissing the petition, subject to reinstatement, if appropriate, upon the conclusion of the unfair labor practice proceedings. You are also being made a party in interest to the unfair labor practice proceeding limited solely to receipt of the Order or other document that formally disposes of the proceeding.

Pursuant to the National Labor Relations Board Rules and Regulations, you may obtain a review of this action by filing a request therefore with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, DC 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington, D.C., by the close of business on **Wednesday, February 11, 2003**. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail or telegraph.

Very truly yours,

DOROTHY L. MOORE-DUNCAN
Regional Director

cc:

Lester A. Heltzer, Executive Secretary, NLRB, Washington, DC 20570
Lancaster Nissan Inc., Mr. Gregg Gladfelter, 5340 Manheim Pike, East Petersburg, PA 17520
International Association of Machinists and Aerospace Workers, 3200 East Prospect Road
York, PA 17402

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