



UNITED STATES GOVERNMENT

**NATIONAL LABOR RELATIONS BOARD**

**OFFICE OF THE GENERAL COUNSEL**

Washington, D.C. 20570

November 24, 2015

Clerk, United States Court of  
Appeals for the Seventh Circuit  
Everett McKinley Dirksen Courthouse  
219 South Dearborn Street, Rm. 2722  
Chicago, IL 60604

Re: *NLRB v. Chicago Parking Valet LLC*,  
Board Case No. 13-CA-140279

Dear Clerk:

I am enclosing the Board's application for summary entry of a judgment enforcing the Board's order in this case, and copies of a proposed judgment.

Please serve a copy of the application on Respondent, whose address appears on the service list. I have served a copy of the Board's application and proposed judgment on each party admitted to participate in the Board proceedings, and their names and addresses also appear on the service list.

I am counsel of record for the Board, and all correspondence should be addressed to me. I would appreciate your furnishing the Board's Regional Director, whose name and address also appear on the service list, with a copy of all correspondence the Court sends to counsel in this case, and a copy of the judgment issued.

Very truly yours,

/s/ Linda Dreeben

Linda Dreeben  
Deputy Associate General Counsel  
NATIONAL LABOR RELATIONS BOARD  
1015 Half Street, S.E.  
Washington, D.C. 20570  
(202) 273-2960

cc & documents to: Service List

## SERVICE LIST

### RESPONDENT:

Julio Gonzalez  
PO Box 10894  
Rockville, MD 20849-0894

Tel: (773) 814-0898

Julio F Gonzalez  
Ste 235  
446 N Wells St  
Chicago, IL 60654-4583

### RESPONDENT ADDN'L SVC:

Douglas B. Wexler, Esq.  
Douglas Wexler Attorney at Law  
55 West Wacker Drive, 9th Floor  
Chicago, IL 60601-1794

Tel: (312) 236-2139

Fax: (312) 629-2916

Email: douglaswexler@sbcglobal.net

---

### CHARGING PARTY:

Teamsters Local 727  
1300 W. Higgins Road Ste. 111  
Park Ridge, IL 60068

Tel: (847) 696-7500

Fax: (847) 720-4984

### CHARGING PARTY'S COUNSEL:

Jayna M. Brown, Esq.  
Teamsters Local Union No. 727  
1300 W. Higgins Rd., Ste. 111  
Park Ridge, IL 60068

Tel: (847) 696-7500

Fax: (847) 720-4984

Email: jayna@teamsterslocal717.org

---

### REGIONAL DIRECTOR:

Peter Sung Ohr, Regional Director  
National Labor Relations Board  
The Rookery Building  
209 South LaSalle Street, Suite 900  
Chicago, IL 60604-52008

UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	No.
Petitioner	:	
v.	:	Board Case No.:
	:	13-CA-140279
CHICAGO PARKING VALET LLC	:	
	:	
Respondent	:	

APPLICATION FOR SUMMARY ENTRY OF A JUDGMENT  
ENFORCING AN ORDER OF  
THE NATIONAL LABOR RELATIONS BOARD

To the Honorable, the Judges of the United States  
Court of Appeals for the Seventh Circuit:

The National Labor Relations Board (the “Board”), pursuant to Section 10(e) of the National Labor Relations Act, as amended (29 U.S.C. §§ 151, 160(e)), applies to this Court for summary entry of a judgment enforcing its order against Chicago Parking Valet LLC (“Respondent”). The Board is entitled to summary enforcement because Respondent failed to file an answer to the Board’s unfair labor practice complaint and the Board entered an order by default. In support, the Board shows:

**A. Jurisdiction of this Court**

This Court has jurisdiction over this application under Section 10(e) of the Act (29 U.S.C. § 160(e)). Venue is proper in this Circuit because the activities

giving rise to this proceeding occurred in Illinois. The Board's final order issued on June 30, 2015, and is reported at 363 NLRB No. 141.

### **B. Proceedings Before the Board**

1. On March 27, 2015, the Board's Region 13 Director issued a complaint and notice of hearing in Case No. 13-CA-140279, charging Respondent with certain violations of the Act. The complaint, in part, advised the Respondent that under the Board's Rules (29 C.F.R. 102.20 and 102.21), the Respondent was required to file an answer by April 10, 2015, and that if the Respondent failed to file an answer, the allegations of the complaint would be deemed to be true.

Respondent did not file an answer.

2. Having not received an answer, counsel for the General Counsel, on April 14, 2015, sent the Respondent a letter advising that if no answer was received by April 21, 2015, the Board's Regional Office would file a Motion for Default Judgment with the Board.

3. The Respondent still did not file an answer.

4. On April 27, 2015, counsel for the General Counsel filed with the Board a Motion for Default Judgment based upon the Respondent's failure to file an answer to the complaint.

5. By order dated May 5, 2015, the Board transferred the case to itself and issued a Notice to Show Cause, giving Respondent until May 19, 2015, to file with the Board in Washington, D.C., a response to the Motion for Default Judgment.

6. Respondent did not file a response.

7. The Board, on June 30, 2015, issued its Decision and Order, granting the Motion for Default Judgment in the absence of good cause being shown for Respondent's failure to file a timely answer, and entering an appropriate order against the Respondent.

### **C. The Board Is Entitled to Summary Enforcement of Its Order**

On these facts, the Board is entitled to summary enforcement of its order against Respondent. Where a respondent in a Board proceeding fails to file an appropriate answer to the unfair labor practice complaint in a timely manner, the Board may, pursuant to Board Rule 102.20, absent a showing of "good cause," deem the complaint's allegations admitted, and then may enter an order, essentially by default, against the respondent. No good cause for Respondent's failure to file an answer was shown here.

It is settled that the Board is entitled to have that default judgment summarily enforced. Under Section 10(e) of the Act (29 U.S.C. § 160(e)), no objection that has not been urged before the Board shall be considered by a court of appeals "unless the failure or neglect to urge such objection shall be excused

because of extraordinary circumstances.” Interpreting that requirement, courts have consistently held that a respondent’s failure to assert any defense before the Board entitles the Board, absent extraordinary circumstances, to summary enforcement of its order. *See, e.g., NLRB v. Dane County Dairy*, 795 F.2d 1313, 1319-21 (7th Cir. 1986); *Father and Sons Lumber v. NLRB*, 931 F.2d 1093, 1095-96, 1097 (6th Cir. 1991); *NLRB v. Continental Hagen Corp.*, 932 F.2d 828, 830 (9th Cir. 1991); *Oldwick Materials, Inc. v. NLRB*, 732 F.2d 339, 341 (3d Cir. 1984); *NLRB v. Aaron Convalescent Home*, 479 F.2d 736, 738-39 (6th Cir. 1973). No such circumstances have been shown here.

WHEREFORE, the Board respectfully requests that the Court, after serving notice of the filing of this application on Respondent, enter judgment summarily enforcing the Board’s order in full. A proposed judgment is attached.

/s/ Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half Street, S.E.  
Washington, D.C. 20570

Dated in Washington, D.C.  
this 24th day of November, 2015

UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	No.
Petitioner	:	
v.	:	Board Case No.:
	:	13-CA-140279
CHICAGO PARKING VALET LLC	:	
	:	
Respondent	:	

JUDGMENT ENFORCING AN ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD

Before:

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, Chicago Parking Valet LLC, its officers, agents, successors, and assigns, enforcing its order dated June 30, 2015, in Case No. 13-CA-140279, reported at 363 NLRB No. 141, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, Chicago Parking Valet LLC, its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).

---

Judge, United States Court of  
Appeals for the Seventh Circuit

NATIONAL LABOR RELATIONS BOARD

v.

CHICAGO PARKING VALET LLC

**ORDER**

Chicago Parking Valet LLC, Park Ridge, Illinois, its officers, agents, successors, and assigns, shall

1. Cease and desist from

- (a) Failing and refusing to meet and bargain collectively and in good faith with International Brotherhood of Teamsters Local 727 as the exclusive collective-bargaining representative of the unit employees by failing and refusing to furnish the Union with requested information that is necessary for and relevant to the Union's performance of its duties as the exclusive collective-bargaining representative of the employees in the following bargaining unit:

Cashiers, hikers, attendants, porters, maintenance men/custodians, drive men, washers, collectors customer service representatives (excluding those who do sales and/or marketing), drivers, dispatchers, bellmen, doormen and supervisors who perform bargaining unit work, but excluding clerical employees, guards, professional employees and supervisors as defined in the National Labor Relations Act, who do not perform bargaining work.

- (b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

- (a) Furnish the Union with the information it requested since about September 29, 2014.

- (b) Within 14 days after service by the Region, post at its facility in Park Ridge, Illinois, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 13, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since October 31, 2014.
- (c) Within 21 days after service by the Region, file with the Regional Director for Region 13 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

## **APPENDIX**

### **NOTICE TO EMPLOYEES**

**POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES  
COURT OF APPEALS ENFORCING AN ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government**

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

#### **FEDERAL LAW GIVES YOU THE RIGHT TO**

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT fail and refuse to bargain collectively and in good faith with International Brotherhood of Teamsters Local 727 as the exclusive collective-bargaining representative of our unit employees by failing and refusing to furnish the Union with requested information that is necessary for and relevant to the performance of its duties as the exclusive collective-bargaining representative of the employees in the following bargaining unit:

Cashiers, hikers, attendants, porters, maintenance men/custodians, drive men, washers, collectors customer service representatives (excluding those who do sales and/or marketing), drivers, dispatchers, bellmen, doormen and supervisors who perform bargaining unit work, but excluding clerical employees, guards, professional employees and supervisors as defined in the National Labor Relations Act, who do not perform bargaining work.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL furnish the Union with the information it requested since about September 29, 2014.

**CHICAGO PARKING VALET LLC**

The Board's decision can be found at [www.nlr.gov/case/13-CA-140279](http://www.nlr.gov/case/13-CA-140279) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.



UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD :  
 : No.  
 :  
 Petitioner :  
 :  
 v. : Board Case No.:  
 : 13-CA-140279  
 :  
 CHICAGO PARKING VALET LLC :  
 :  
 :  
 Respondent :

CERTIFICATE OF SERVICE

The undersigned certifies that one copy each of the Board's application for summary entry of judgment and proposed judgment, in the above-captioned case, has this day been served by mail upon the following party at the addresses listed below:

Julio Gonzalez  
PO Box 10894  
Rockville, MD 20849-0894

Julio F Gonzalez  
Ste 235  
446 N Wells St  
Chicago, IL 60654-4583

Douglas B. Wexler, Esq.  
Douglas Wexler Attorney at Law  
55 West Wacker Drive, 9th Flr  
Chicago, IL 60601-1794

/s/ Linda Dreeben

Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half Street, S.E.  
Washington, D.C. 20570

Dated at Washington, D.C.  
this 24th day of November, 2015