

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt  
Clerk

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Filed: April 21, 2016

Ms. Linda Dreeben  
National Labor Relations Board  
Appellate and Supreme Court Litigation Branch  
1015 Half Street, S.E.  
Washington, DC 20570

Mr. Bruce Alan Sucher  
Sucher Law Firm  
6230 Orchard Lake Road  
Suite 105  
West Bloomfield, MI 48322

Re: Case No. 16-1175, *NLRB v. Hotel Management Advisors-Troy*  
Originating Case No. : 07-CA-076369

Dear Counsel,

Attached is another copy of the Order filed on April 20, 2016, that now includes the "Notice to Employees". The date the order is deemed to have been filed remains April 20, 2016

Thank you for your cooperation in this matter.

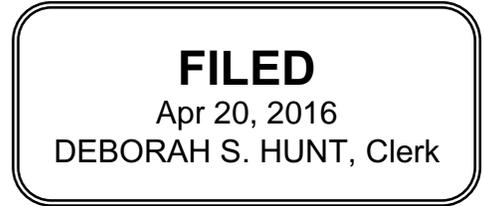
Yours very truly,

Robin Baker  
Case Manager

Enclosures

No. 16-1175

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT



NATIONAL LABOR RELATIONS BOARD, )  
 )  
 )  
 Petitioner, )  
 )  
 )  
 v. )  
 )  
 )  
 HOTEL MANAGEMENT ADVISORS-TROY, )  
 )  
 )  
 LLC d/b/a Metropolitan Hotel Detroit-Troy, )  
 )  
 )  
 Respondent. )  
 )

J U D G M E N T

Before: SUTTON and COOK, Circuit Judges; HOOD, District Judge.\*

The National Labor Relations Board applies for summary entry of a judgment enforcing its November 10, 2015 Order and February 8, 2016 Amended Order in Case No. 07-CA-076369 against Respondent Hotel Management Advisors Troy LLC d/b/a Metropolitan Hotel Detroit-Troy. The Respondent has not served on the Board or filed with the court an answer to the Board’s application. “If the respondent fails to answer in time,” as it did in this case, “the court will enter judgment for the relief requested.” Fed. R. App. P. 15(b)(2). The Respondent’s waiver of the right to appeal the administrative law judge’s recommended orders and its failure to file an answer in this proceeding entitle the Board to summary enforcement of its orders.

It therefore is **ORDERED** and **ADJUDGED** that Hotel Management Advisors Troy LLC d/b/a Metropolitan Hotel Detroit-Troy, its officers, agents, successors, and assigns, shall

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\* The Honorable Joseph M. Hood, United States District Judge for the Eastern District of Kentucky, sitting by designation.

No. 16-1175

-2-

jointly and severally abide by the Board's November 10, 2015 Order and February 8, 2016

Amended Order in Case No. 07-CA-076369. (See attached Order).

The mandate will issue forthwith.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", written in a cursive style.

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Deborah S. Hunt, Clerk

NATIONAL LABOR RELATIONS BOARD

v.

HOTEL MANAGEMENT ADVISORS TROY LLC  
D/B/A METROPOLITAN HOTEL DETROIT-TROY

**ORDER**

Hotel Management Advisors Troy LLC d/b/a Metropolitan Hotel Detroit-Troy, its officers, agents, successors, and assigns, shall

1. Cease and desist from:

- (a) refusing to honor Roberts' request to revoke his dues authorization, interfering with, restraining or coercing Roberts in the exercise of his right to engage in protected concerted and union activities or in any like or related manner discriminating in regard to the hire or tenure or terms or conditions of employment of employees, thereby discouraging membership in a labor organization.
- (b) repudiating the collective bargaining agreement by, among other things, failing to continue in effect all the terms and conditions of employment by failing to respond to grievances, failing to remit deducted union dues, and failing to pay into the following union fringe benefit funds: education, pension, and short-term disability or in any like or related manner failing or refusing to bargain collectively and in good faith with the Charging Union as the exclusive representative of the Unit.

2. Take the following affirmative action:

- (a) Upon request, meet and bargain collectively and in good faith with the Charging Union as the exclusive collective-bargaining representative of the Unit.
- (b) Make employees whole, with interest, for any and all losses of wages and benefits suffered since September 7, 2011, as a result of the Respondent's repudiation of, and refusal to adhere to, the collective-bargaining agreement reached with the Union, including any out-of-pocket expenses incurred as a result of the repudiation.
- (c) Abide by the current collective-bargaining agreement and restore fringe benefit contributions and other working conditions for unit

employees and make unit employees whole for losses in pay or benefits, including payments to various fringe benefit funds, with interest computed in accordance with Board policy.

- (d) Reimburse the Union for any dues that were withheld but not remitted to the Union since December 3, 2010.
- (e) Within 14 days after service by the Region, post at its facility in Troy, Michigan copies of the attached "Notice to Employees." Copies of the notice, on forms provided by the Regional Director for Region 7, 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. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, 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 September 7, 2011.
- (f) Within 21 days after service by the Region, file with the Regional Director 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.

## **NOTICE TO EMPLOYEES**

**POSTED PURSUANT TO A FINAL ORDER OF AN ADMINISTRATIVE LAW  
JUDGE OF THE NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government**

### **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** do anything to prevent you from exercising the above rights.

Local 324, International Union of Operating Engineers, AFL-CIO (Union) is the employees' representative in dealing with us regarding wages, hours and other working conditions of our skilled and general maintenance and utility employees (the Unit).

**WE WILL NOT** continue to deduct dues from employees' wages after they have directed us to no longer do so, because of their union membership or support.

**WE WILL NOT** withhold union dues from employees' wages and fail to remit them to the Union.

**WE WILL NOT** repudiate or refuse to adhere to the collective-bargaining agreement that we entered into with the Union.

**WE WILL NOT** in any like or related manner interfere with your rights under Section 7 of the Act.

**WE WILL NOT** in any like or related manner discriminate in regard to the hire or tenure or any other terms or conditions of employment of our employees in order to discourage support of or membership in the Union, or any other labor organization.

**WE WILL NOT** in any like or related manner fail or refuse to bargain collectively and in good faith with the Union as the designated exclusive collective bargaining representative of the Unit with respect to wages, hours and terms and conditions of employment.

**WE WILL** make you whole, with interest, for any and all losses of wages and benefits suffered since September 7, 2011, as a result of our repudiation of, and refusal to adhere to, the collective-bargaining agreement reached with the Union, including any out-of-pocket expenses incurred as a result of our repudiation.

**WE WILL** abide by the current collective bargaining agreement and restore fringe benefit contributions and other working conditions for the Unit and make Unit employees whole for losses in pay or benefits, including payments to the various fringe benefit funds, with interest computed in accordance with Board policy.

**WE WILL** reimburse the Union, for any dues that were withheld but not remitted to the Union since December 3, 2010.

**HOTEL MANAGEMENT ADVISORS TROY, LLC  
D/B/A METROPOLITAN HOTEL DETROIT - TROY**

(Employer)

Dated: \_\_\_\_\_ By: \_\_\_\_\_  
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: [www.nlr.gov](http://www.nlr.gov).

477 Michigan Avenue, Room 300, Detroit, MI 48226-2543  
(313) 226-3200, Hours: 8:15 a.m. to 4:45 p.m.

**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE.**

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER, MARK BAINES AT (313) 226-3244.