

Per PACER docket, no objections to the Board's proposed judgment were filed within 14 days as per the terms of the order. Consequently the proposed judgment submitted by the Board in this case has been adopted by the Circuit.

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUN 09 2016

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

S.E. CLEMONS INC.,

Respondent.

No. 16-71089

NLRB Nos. 31-CA-127976

31-CA-130804

Central District of California,
Los Angeles

ORDER

Before: O'SCANNLAIN, CLIFTON, and WATFORD, Circuit Judges.

The application of the National Labor Relations Board for summary enforcement of its January 12, 2016 order (Docket Entry No. 1) is granted. Unless objections as to form are received within fourteen (14) days of the date of this order, the form of judgment already submitted by the National Labor Relations Board will be the judgment of the court.

The Clerk shall serve the proposed judgment (Docket Entry No. 2) on respondent.

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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|--------------------------------|---|-----------------|
| NATIONAL LABOR RELATIONS BOARD | : | |
| | : | |
| Petitioner | : | No. |
| v. | : | |
| | : | Board Case Nos. |
| S.E. CLEMONS INC. | : | 31-CA-127976 |
| | : | 31-CA-130804 |
| 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, S.E. Clemons Inc., its officers, agents, successors, and assigns, enforcing its order dated January 12, 2016, in Case Nos. 31-CA-127976 and 31-CA-130804, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, S.E. Clemons Inc., its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).

Endorsed, Judgment Filed and Entered

/s/ Molly Dwyer
Molly Dwyer
Clerk

NATIONAL LABOR RELATIONS BOARD

v.

S.E. CLEMONS INC.

ORDER

S.E. Clemons Inc., Adelanto, California, its officers, agents, successors, and assigns, shall

1. Cease and desist from
 - (a) Failing and refusing to bargain in good faith with Sheet Metal, Air, Rail, Transportation Workers Local Union 105, AFL-CIO as the exclusive collective-bargaining representative of employees in the bargaining unit.
 - (b) Failing and refusing to provide the Union with requested information that is relevant and necessary to the Union's performance of its functions as the exclusive collective-bargaining representative of the unit.
 - (c) 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) On request, bargain with the Union as the exclusive collective-bargaining representative of the employees in the following appropriate unit concerning terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement:

INCLUDED: All full-time and regular part-time sheet metal workers, HVAC install service technicians employed by the Employer at or from its facility of operation, including, but not limited to, 16276 Koala Road, Adelanto, California.

EXCLUDED: All other employees, office clerical employees, estimators, salesmen, professional employees, guards and supervisors as defined in the Act, as amended.

- (b) Furnish to the Union in a timely manner the information it requested since about May 5, 2014.
- (c) Within 14 days after service by the Region, post at its facility in Adelanto, California, copies of the attached notice marked "Appendix" in both English and Spanish. Copies of the notice, in English and Spanish, on forms provided by the Regional Director for Region 31, 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 March 27, 2014.
- (d) Within 21 days after service by the Region, file with the Regional Director for Region 31 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 the National Labor Relations Act and has ordered us to post and abide by 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 recognize and bargain with Sheet Metal, Air, Rail, Transportation Workers Local Union 105, AFL-CIO as the exclusive collective-bargaining representative of our employees in the bargaining unit.

WE WILL NOT refuse to bargain collectively with the Union by failing and refusing to furnish it with requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of our unit employees.

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, on request, bargain with the Union as the exclusive collective-bargaining representative of our employees in the following appropriate unit concerning terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement:

INCLUDED: All full-time and regular part-time sheet metal workers, HVAC install service technicians employed by us at or from our facility of operation, including, but not limited to, 16276 Koala Road, Adelanto, California.

EXCLUDED: All other employees, office clerical employees, estimators, salesmen, professional employees, guards and supervisors as defined in the Act, as amended.

WE WILL furnish to the Union in a timely manner the information requested by the Union since May 5, 2014.

S.E. CLEMONS INC.

The Board's decision can be found at www.nlr.gov/case/31-CA-127976 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.



General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 16-71089
NLRB v. S.E. Clemons Inc.
Appeal From: National Labor Relations Board
Fee Status: USA - No Fee Req

Docketed: 04/18/2016
Termed: 06/09/2016

Case Type Information:

- 1) agency
- 2) enforcement
- 3) Los Angeles Central California

Originating Court Information:

District: NLRB-1 : 31-CA-127976
Date Filed: 04/18/2016
Date Rec'd COA:
04/18/2016

District: NLRB-1 : 31-CA-130804
Date Filed: 04/18/2016
Date Rec'd COA:
04/18/2016

Prior Cases:

None

Current Cases:

None

NATIONAL LABOR RELATIONS BOARD
Petitioner,

v.

S.E. CLEMONS INC.
Respondent,

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NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

S.E. CLEMONS INC.,

Respondent.

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| 04/18/2016 | 1 21 pg, 386.59 KB | FILED NLRB'S APPLICATION FOR SUMMARY ENTRY OF A JUDGMENT ENFORCING AN ORDER. DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. NOTIFIED RESPONDENTS OF FILING. SEND MQ: No. [9942887] (BY) [Entered: 04/18/2016 09:17 AM] |
| 04/18/2016 | 2 5 pg, 55.66 KB | RECEIVED PROPOSED JUDGMENT. [9942893] (BY) [Entered: 04/18/2016 09:20 AM] |
| 04/18/2016 | 3 3 pg, 42.18 KB | Filed Petitioner NLRB Mediation Questionnaire. Served on 04/18/2016. [9942898] (BY) [Entered: 04/18/2016 09:20 AM] |
| 05/05/2016 | 4 1 pg, 193.88 KB | Filed Mediation order: This case is NOT SELECTED for inclusion in the Mediation Program. Counsel may contact circuit mediator to discuss services available through the court's mediation program, to request a settlement assessment conf, or to request a stay of the appeal for settlement purposes. Also, upon agreement of the parties, the brfing sch can be modified or vacated to facilitate settlement discussions. Csl are requested to send copies of this order to their clients. Info regarding the mediation program may be found at www.ca9.uscourts.gov/mediation. [9965322] (BS) [Entered: 05/05/2016 09:40 AM] |
| 06/09/2016 | 5 6 pg, 88.15 KB | Filed order (DIARMUID F. O'SCANNLAIN, RICHARD R. CLIFTON and PAUL J. WATFORD) The application of the National Labor Relations Board for summary enforcement of its January 12, 2016 order (Docket Entry No. 1) is granted. Unless objections as to form are received within fourteen (14) days of the date of this order, the form of judgment already submitted by the National Labor Relations Board will be the judgment of the court. The Clerk shall serve the proposed judgment (Docket Entry No. 2) on respondent. [10009014] (IV) [Entered: 06/09/2016 03:06 PM] |

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