

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

NOV 15 2016

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

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

KB IN & OUT, INC.; et al.,

Respondents.

No. 16-72928

NLRB Nos.

31-CA-076280

31-CA-078621

31-CA-078622

31-CA-082049

31-CA-091603

National Labor Relations Board

ORDER

Before: CANBY, TASHIMA, and McKEOWN, Circuit Judges.

The application of the National Labor Relations Board for summary enforcement of its March 30, 2016 supplemental order 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 at Docket Entry No. 6 will be the judgment of the court.

The Clerk shall serve the proposed judgment on respondents.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	Board Nos.
KB IN & OUT, INC. D/B/A CENTURY CAR WASH;	:	31-CA-076280,
STEVEN RUSHTABADI D/B/A LAX CENTURY CAR	:	31-CA-078621,
WASH; K&G FRANCHISE CORP. D/B/A NATIONAL	:	31-CA-078622,
CAR WASH; KENNY GHARIB AND STEVEN	:	31-CA-082049,
RUSHTABADI AKA STEVEN RUSH, INDIVIDUALS	:	31-CA-091603
	:	
Respondents	:	

JUDGMENT ENFORCING A SUPPLEMENTAL ORDER OF
THE NATIONAL LABOR RELATIONS BOARD

Before:

This Court having on July 7, 2014, in No. 14-71501, entered its judgment enforcing in full the Order of the National Relations Board in Board Case Nos. 31-CA-076280, 31-CA-078621, 31-CA-078622, 31-CA-082049, and 31-CA-091603, the Board on March 30, 2016, issued its Supplemental Decision and Order fixing the amount due and having thereafter applied to this Court for summary entry of a judgment specifying the amount due:

IT IS HEREBY ORDERED AND ADJUDGED by the Court that the Respondents, KB In & Out, Inc. d/b/a Century Car Wash; Steven Rushtabadi d/b/a LAX Century Car Wash; K&G Franchise Corp. d/b/a National Car Wash; Kenny Gharib and Steven Rushtabadi aka Steven Rush, individuals, Inglewood and Los

Angeles, California, their officers, agents, successors, and assigns, shall make whole discriminatees Julio Ponce and Isaac Alvarez, by paying them the amounts following their names, plus additional net backpay which accrues to the date the Respondent makes them valid offers of reinstatement, plus interest accrued to the date of payment as prescribed in *New Horizons*, 283 NLRB 1173 (1987), compounded daily as prescribed in *Kentucky River Medical Center*, 356 NLRB 6 (2010), and minus tax withholdings required by Federal and State laws:¹

<u>Employee</u>	<u>Backpay owed</u>	<u>Excess Tax Amount</u>
Julio Ponce	\$40,246	\$1504
Isaac Alvarez	<u>\$22,103</u>	<u>\$720</u>
Totals	\$62,349	\$2224

Total amount due: \$64,573

Endorsed, Judgment Filed and Entered

/s/ Molly Dwyer
Molly Dwyer
Clerk

¹ As set forth in the Board's compliance specification, the Respondents are also liable for the adverse tax consequences for any discriminatee receiving a lump-sum backpay award. These amounts may be updated to reflect the actual date of payment.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	Board Nos.
KB IN & OUT, INC. D/B/A CENTURY CAR WASH;	:	31-CA-076280,
STEVEN RUSHTABADI D/B/A LAX CENTURY CAR	:	31-CA-078621,
WASH; K&G FRANCHISE CORP. D/B/A NATIONAL	:	31-CA-078622,
CAR WASH; KENNY GHARIB AND STEVEN	:	31-CA-082049,
RUSHTABADI AKA STEVEN RUSH, INDIVIDUALS	:	31-CA-091603
	:	
Respondents	:	

CERTIFICATE OF SERVICE

The undersigned certifies that one copy each of the Board’s corrected proposed judgment in the above-captioned case has this day been served by first class mail upon the following parties at the addresses listed below:

K&G Franchise Corporation
d/b/a National Car Wash
Attn: Kenny Gharib and
Steven Rushtabadi
9001 National Boulevard
Los Angeles, CA 90034

KB In & Out, Inc. d/b/a Century Car Wash
Attn: Kenny Gharib and Steven Rushtabadi
4700 West Century Blvd
Inglewood, CA 90304-1442

K&G Franchise Corporation
P.O. Box 2611
Orange, CA 92859

KB In & Out, Inc.
d/b/a Century Car Wash
P.O. Box 2611
Orange, CA 90304

Agent:
Steven Rush
4700 West Century Blvd
Inglewood, CA 90304

Agent:
Steven Rush
1600 Rosecrans, 4th Fl.
Manhattan Beach, CA 90266

Steven Rushtabadi aka Steven Rush
904 Summerlin Lane
Las Vegas, NV 89125

Steven Rushtabadi aka Steven Rush
145 East Harman Avenue, #81
Las Vegas, NV 89109

Steven Rushtabadi aka Steven Rush
12081 Business Center Drive, Suite
230
Irvine, CA 92162

Steven Rushtabadi aka Steven Rush
PO Box 6553
Orange, CA 92863

Kenneth Gharib
Register Number: 69026-112
MDC Los Angeles
Metropolitan Detention Center
P.O. Box 1500
Los Angeles, CA 90053

/s/ Linda Dreeben

Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570

Dated at Washington, D.C.
this 25th day of October, 2016

If you view the you will be charged for 1 Pages \$0.10

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 16-72928
NLRB v. KB In & Out, Inc., et al
Appeal From: National Labor Relations Board
Fee Status: USA - No Fee Req

Docketed: 09/02/2016
Termed: 11/15/2016

Case Type Information:

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

Originating Court Information:

District: NLRB-1 : 31-CA-076280

Date Filed: 09/02/2016

Date Rec'd COA:

09/02/2016

District: NLRB-1 : 31-CA-078621

Date Filed: 09/02/2016

Date Rec'd COA:

09/02/2016

District: NLRB-1 : 31-CA-078622

Date Filed: 09/02/2016

Date Rec'd COA:

09/02/2016

District: NLRB-1 : 31-CA-082049

Date Filed: 09/02/2016

Date Rec'd COA:

09/02/2016

District: NLRB-1 : 31-CA-091603

Date Filed: 09/02/2016

Date Rec'd COA:

09/02/2016

- 09/02/2016 [1](#) FILED APPLICATION FOR SUMMARY ENTRY OF A JUDGMENT ENFORCING A SUPPLEMENTAL ORDER OF THE NLRB. . [10111871] (BY) [Entered: 09/02/2016 02:08 PM]
- 09/02/2016 [2](#) RECEIVED PROPOSED JUDGMENT. [10111884] (BY) [Entered: 09/02/2016 02:11 PM]
- 09/02/2016 [3](#) Filed Petitioner NLRB Mediation Questionnaire. Served on 09/02/2016. [10111888] (BY) [Entered: 09/02/2016 02:12 PM]
- 09/13/2016 [4](#) Mail returned on 09/12/2016 addressed to Steven Rushtabadi, re: case opening information [\[1\]](#) sent on 09/02/2016. Returned envelope reads: return to sender; NSS. Resending to: 4700 West Century Blvd., Inglewood, CA 90304-1442. [10122615]--[Edited: address updated. 09/13/2016 by RY] (LA) [Entered: 09/13/2016 05:31 PM]
- 10/24/2016 [5](#) Filed clerk order (Deputy Clerk: TF): Docket Entry No. [\[2\]](#) appears to erroneously reference a judgment entered on November 6, 2012 in case no. 12-73360. This court entered judgment on July 7, 2014 in case no. 14-71501 enforcing the order of the National Labor Relations Board ("NLRB") in NLRB Case No. 31-CA-076280. Respondent may file a corrected proposed judgment within 14 days of the filing date of this order. [10170208] (WL) [Entered: 10/24/2016 08:28 AM]
- 10/25/2016 [6](#) Filed (ECF) Petitioner NLRB reply to response to Court order dated 10/24/2016. Date of service: 10/25/2016. [10173062] [16-72928] (Dreeben, Linda) [Entered: 10/25/2016 01:46 PM]
- 11/15/2016 [7](#) Filed order (WILLIAM C. CANBY, A. WALLACE TASHIMA and M. MARGARET MCKEOWN) The application of the National Labor Relations Board for summary enforcement of its March 30, 2016 supplemental order 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 at Docket Entry No. [\[6\]](#) will be the judgment of the court. The Clerk shall serve the proposed judgment on respondents. [10197679] (WL) [Entered: 11/15/2016 01:51 PM]

PACER Service Center

Transaction Receipt

U.S. Court of Appeals for the 9th Circuit - 11/30/2016 15:26:07

PACER Login:	NLRB2014	Client Code:	
Description:	Case Summary	Search Criteria:	16-72928
Billable Pages:	1	Cost:	0.10