



UNITED STATES GOVERNMENT

**NATIONAL LABOR RELATIONS BOARD**

**OFFICE OF THE GENERAL COUNSEL**

Washington, D.C. 20570

May 1, 2017

Clerk, United States Court of  
Appeals for the Sixth Circuit  
540 Potter Stewart U.S. Courthouse  
100 East Fifth Street  
Cincinnati, OH 45202-3988

Re: *NLRB v. Ohio V.I., Inc. d/b/a Little  
Caesars*, Board Case Nos. 08-CA-181629  
and 08-CA-181658

Dear Ms. Hunt:

I am enclosing an application of the National Labor Relations Board for enforcement of its order in this case, and a proposed judgment. Respondent expressly consented to the entry of this judgment in a stipulation contained in the record. I am also enclosing the certified record.

Please serve a copy of the application on Respondent, whose addresses appear 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 certified 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:

Christian Padilla, Employer Rep.  
Ohio V. I., Inc., dba Little Caesars  
3004 Broadway Ave.  
Lorain, OH 44052

Phone: (440) 244-3332

### RESPONDENT COUNSEL:

Robert Pivonka, Esq.  
Rolf Goffman Martin Lang LLP  
30100 Chagrin Blvd., Ste 350  
Cleveland, OH 44124

Phone: (216) 514-1100

Fax: (216) 682-2109

Email: [www.rolflaw.com](http://www.rolflaw.com)

### CHARGING PARTY:

Leirimar Rodriguez  
3860 Beavercrest Dr Apt 307  
Lorain, OH 44053-1754

Mobile Phone: (440) 796-8426

Email: [rodriguezleirimar97@gmail.com](mailto:rodriguezleirimar97@gmail.com)

### REGIONAL DIRECTOR:

Allen Binstock , Regional Dir.  
National Labor Relations Board  
1240 East 9th Street – Room 1695  
Cleveland, OH 44199-2086

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

|                                      |   |                  |
|--------------------------------------|---|------------------|
| NATIONAL LABOR RELATIONS BOARD       | : |                  |
|                                      | : |                  |
| Petitioner                           | : | No.              |
| v.                                   | : |                  |
|                                      | : | Board Case Nos.: |
| OHIO V.I., INC. D/B/A LITTLE CAESARS | : | 08-CA-181629     |
|                                      | : | 08-CA-181658     |
| Respondent                           | : |                  |

APPLICATION FOR ENFORCEMENT OF AN ORDER  
OF THE NATIONAL LABOR RELATIONS BOARD  
UPON STIPULATION OF THE PARTIES FOR CONSENT JUDGMENT

To the Honorable, the Judges of the United States  
Court of Appeals for the Sixth 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 enforcement of its order against Ohio V.I., Inc. d/b/a Little Caesars (“Respondent”), issued in Board Case Nos. 08-CA-181629 and 08-CA-181658, on April 11, 2017. The Board is entitled to enforcement because Respondent has expressly consented to entry of this judgment in a stipulation that Respondent entered into during the proceedings before the Board. 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 Lorain, Ohio. The Board's final order issued on April 11, 2017.

**B. The Respondent Entered into a Stipulation  
Providing for Entry of an Order by the  
Board and a Consent Judgment by the Court**

1. The Board entered an order against Respondent pursuant to a stipulation authorizing the Board to enter an order embodying its terms. The Board's order does not vary from those terms.

2. Paragraph V of the stipulation authorized the Board to apply to an appropriate U.S. Court of Appeals for a judgment enforcing the Board's order, and provided that Respondent "waives all defenses to the entry of the judgment . . . ."

3. In support of this application, the Board is certifying and filing with this Court the record of proceedings before the Board, including the pleadings, stipulation, findings of fact, and order of the Board.

WHEREFORE, the Board respectfully requests that the Court, after serving a copy of this application upon Respondent, enter a consent judgment enforcing the Board's order in full. A copy of the proposed consent 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

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Dated in Washington, D.C.  
this 1st day of May, 2017

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

|                                      |   |                  |
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| NATIONAL LABOR RELATIONS BOARD       | : |                  |
|                                      | : |                  |
| Petitioner                           | : | No.              |
| v.                                   | : |                  |
|                                      | : | Board Case Nos.: |
| OHIO V.I., INC. D/B/A LITTLE CAESARS | : | 08-CA-181629     |
|                                      | : | 08-CA-181658     |
| Respondent                           | : |                  |

JUDGMENT

THIS CAUSE was submitted upon the application of the National Labor Relations Board for the enforcement of a certain order on consent issued by it against Respondent, Ohio V.I., Inc. d/b/a Little Caesars, its officers, agents, successors, and assigns, on April 11, 2017, in Board Case Nos. 08-CA-181629 and 08-CA-181658; and upon the record in that proceeding, certified and filed in this Court enforcing the order.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by the United States Court of Appeals for the Sixth Circuit that the order of the National Labor Relations Board be, and the same is hereby enforced; and that the Respondent, Ohio V.I., Inc. d/b/a Little Caesars, its officers, agents, successors, and assigns, abide by and perform the directions of the Board set forth in its order. (See Attached Order and Appendix)

ENTERED BY ORDER OF THE COURT

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Clerk

NATIONAL LABOR RELATIONS BOARD

v.

OHIO V.I., INC. D/B/A LITTLE CAESARS

**ORDER**

Ohio V.I., Inc. d/b/a Little Caesars, Lorain, Ohio, its officers, agents, successors and assigns, shall

1. Cease and desist from
  - (a) Interfering with, restraining, or coercing employees in the exercise of rights guaranteed by Section 7 of the Act.
  - (b) Retaliating against employees for talking about their terms and conditions of employment, including scheduling and shift exchange practices or engaging in other concerted activities with respect to their terms and conditions of employment.
  - (c) Removing employees from their schedule and discharging employees in retaliation for their concerted activities.
  - (d) In any other manner, interfering with, restraining or coercing employees in the exercise of their Section 7 rights under the Act.
2. Take the following affirmative actions necessary to effectuate the policies of the Act.
  - (a) Within 14 days from the date of the Board's Order, make Leirimar Rodriguez and Luis Ramos whole for their loss of earnings resulting from the Respondent's July 24, 2016 action of removing them from the schedule and discharging them on July 25, 2016 because Rodriguez and Ramos engaged in concerted activities. Rodriguez is to be paid \$500.00. Ramos is to be paid \$1,100.00. Rodriguez and Ramos are not seeking reinstatement to their former positions.

- (b) Within 14 days from the date of the Board's Order, provide Rodriguez and Ramos with written confirmation that any records of their removal from the schedule and their discharges have been expunged from all of the Respondent's files.
- (c) Within 14 days of service by the Region, post at the Respondent's facility copies of the attached notice, marked Appendix A. Copies of the notice, on forms provided by the Region, after being signed by the Respondent's authorized representatives, 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. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material.
- (d) Within 21 days after service by the Region, file with the Regional Director for Region 8 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 A**

### **NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER  
AND A CONSENT JUDGMENT OF ANY APPROPRIATE  
UNITED STATES COURT OF APPEALS**

#### **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.

**WE WILL NOT** retaliate against employees who have engaged in protected concerted activities such as concertedly complaining about scheduling and shift swapping practices or questioning the fairness of our scheduling practices and our approvals of shift swapping.

**WE WILL NOT** remove employees from the schedule or discharge employees in retaliation for their protected concerted activities, including their concerted complaints regarding their terms and conditions of employment.

**WE WILL NOT**, in any other manner, interfere with your rights under Section 7 of the Act.

**WE WILL MAKE** Leirimar Rodriguez and Luis Ramos whole for losses suffered as a result of our action in removing Rodriguez and Ramos from the schedule and terminating their employment. Rodriguez and Ramos are not seeking reinstatement. **WE WILL** provide Rodriguez and Ramos with written confirmation that records of

their unlawful removal from the schedule and termination have been expunged from our files.

### **OHIO V.I., INC. D/B/A LITTLE CAESARS**

The Board's decision can be found at [www.nlr.gov/case/08-CA-181629](http://www.nlr.gov/case/08-CA-181629) 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 St., S.E., Washington, D.C. 20570, or by calling (202) 273-1940.



UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD :  
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 :  
 Petitioner : No.  
 v. :  
 : Board Case Nos.:  
 OHIO V.I., INC. D/B/A LITTLE CAESARS : 08-CA-181629  
 : 08-CA-181658  
 Respondent :

CERTIFICATE OF THE NATIONAL LABOR RELATIONS BOARD

The National Labor Relations Board, by its Executive Secretary, authorized by Section 102.115, Rules and Regulations of the National Labor Relations Board, Series 8 (29 C.F.R.), certifies that the documents annexed hereto constitute the entire record of a proceeding had before the Board and known upon its records as Case Nos. 08-CA-181629 and 08-CA-181658.

The attached documents are as follows:

| <u>Date</u> | <u>Document Description</u>   | <u>Pages</u> |
|-------------|---|--------------|
| 04/11/17    | Decision and Order, <i>Ohio V.I., Inc. d/b/a Little Caesars and Leirimar Rodriguez and Luis Ramos</i> , Case Nos. 08-CA-181629 and 08-CA-181658                       | 5            |
| 01/23/17    | Formal Settlement Stipulation, <i>Ohio V.I., Inc. d/b/a Little Caesars and Leirimar Rodriguez and Luis Ramos</i> , Case Nos. 08-CA-181629 and 08-CA-181658 w/exhibits | 26           |

IN TESTIMONY WHEREOF, the Executive Secretary of the National Labor Relations Board, being duly authorized, has hereunto set his hand and affixed the

seal of the National Labor Relations Board in the city of Washington, District of  
Columbia, this this 1st day of May, 2017.

Gary Shinnors  
Gary Shinnors  
Executive Secretary  
NATIONAL LABOR RELATIONS BOARD

(seal)

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

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|                                      | : | 08-CA-181658     |
| Respondent                           | : |                  |

CERTIFICATE OF SERVICE

The undersigned certifies that one copy each of the Board's application for enforcement, proposed judgment, appearance of counsel forms, and certificate of record, in the above case, has this day been served by first class mail upon the following parties at the addresses listed below:

Christian Padilla, Employer Rep.  
Ohio V. I., Inc., dba Little Caesars  
3004 Broadway Ave.  
Lorain, OH 44052

Robert Pivonka, Esq.  
Rolf Goffman Martin Lang LLP  
30100 Chagrin Blvd., Ste 350  
Cleveland, OH 44124

/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 1st day of May, 2017

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

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NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

OHIO V.I., INC. D/B/A LITTLE CAESARS

Respondent

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ITEMS SHOWN ON BOARD'S CERTIFICATE  
OF RECORD ARE CONTAINED HEREIN