

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.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 25 2017

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

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

RED DEVIL AUTO & FLEET REPAIR,
LLC,

Respondent.

No. 17-70759

NLRB Nos. 28-CA-146421
28-CA-152886

ORDER

Before: SILVERMAN, McKEOWN, and HURWITZ, Circuit Judges.

The application of the National Labor Relations Board (“Board”) for summary enforcement of its January 24, 2017 Supplemental Decision and 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 will be the judgment of the court.

The Clerk shall serve the proposed judgment on respondent.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	Board Case Nos.:
RED DEVIL AUTO & FLEET REPAIR, LLC	:	28-CA-146421,
	:	28-CA-152886
Respondent	:	

JUDGMENT ENFORCING A SUPPLEMENTAL 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, Red Devil Auto & Fleet Repair, LLC, its officers, agents, successors, and assigns, enforcing its supplemental order dated January 24, 2017, in Case Nos. 28-CA-146421 and 28-CA-152886, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, Red Devil Auto & Fleet Repair, LLC, its officers, agents, successors, and assigns, shall make whole discriminatee Robert D. Kamalo by paying him the amount of \$10,281.40, 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

Endorsed, Judgment Filed and Entered

/s/ Molly Dwyer
Molly Dwyer, Clerk

¹ This amount does not yet include any excess tax. As set forth in the compliance specification, the Respondent is 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. Any adverse tax consequences shall be reported in accordance with *AdvoServ of New Jersey, Inc.*, 363 NLRB No. 143 (2016); *Don Chavas, LLC d/b/a Tortillas Don Chavas*, 361 NLRB No. 10 (2014).

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

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 17-70759 NLRB v. Red Devil Auto & Fleet Repair, Appeal From: National Labor Relations Board Fee Status: USA - No Fee Req	Docketed: 03/16/2017 Termed: 04/25/2017
Case Type Information: 1) agency 2) enforcement 3) null	
Originating Court Information: District: NLRB-1 : 28-CA-146421 Date Rec'd COA: 03/16/2017 District: NLRB-1 : 28-CA-152886 Date Rec'd COA: 03/16/2017	

- 03/16/2017 [1](#) FILED NLRB'S APPLICATION FOR SUMMARY ENTRY OF A JUDGMENT ENFORCING A SUPPLEMENTAL ORDER OF THE NATIONAL LABOR RELATIONS BOARD. DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. NOTIFIED RESPONDENTS OF FILING. [10359673] (HC) [Entered: 03/16/2017 02:12 PM]
- 03/16/2017 [2](#) RECEIVED PROPOSED JUDGMENT. [10359694] (HC) [Entered: 03/16/2017 02:15 PM]
- 03/16/2017 [3](#) Filed Petitioner NLRB Mediation Questionnaire. Served on 03/16/2017. [10359702] (HC) [Entered: 03/16/2017 02:16 PM]
- 03/20/2017 [4](#) 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. [10363174] (VS) [Entered: 03/20/2017 11:50 AM]
- 04/25/2017 [5](#) Filed order (BARRY G. SILVERMAN, M. MARGARET MCKEOWN and ANDREW D. HURWITZ) The application of the National Labor Relations Board ("Board") for summary enforcement of its January 24, 2017 Supplemental Decision and 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 will be the judgment of the court. The Clerk shall serve the proposed judgment on respondent. [10410456] (OC) [Entered: 04/25/2017 02:08 PM]

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Billable Pages:	1	Cost:	0.10