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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 WILLIAM B. COWEN, Regional
12 Director of Region 21 of the National
Labor Relations Board, for and on
13 behalf of the NATIONAL LABOR
RELATIONS BOARD,

14 Petitioner,

15 v.

16 STAR FISHERIES, INC.,
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18 Respondent.
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Civil No. 2:17-cv-02679-ODW (JEMx)

(PROPOSED) ORDER GRANTING
TEMPORARY INJUNCTION UNDER
SECTION 10(j) OF THE NATIONAL
LABOR RELATIONS ACT, AS
AMENDED [29 U.S.C. SEC. 160(J)]

Date: May 8, 2017

Time: 1:30 p.m.

Judge: Honorable Otis D. Wright, II

Courtroom: 5D, Fifth Floor
First Street Courthouse

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23 This case came to be heard on the petition of William B. Cowen, Regional
24 Director of Region 21 of the National Labor Relations Board, for a temporary
25 injunction pursuant to Section 10(j) of the National Labor Relations Act, as
26 amended (29 U.S.C. Sec. 160(j))(herein called the Act), pending final disposition
27 of the matters involved pending before the Board. The Court, upon consideration
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1 of the pleadings, evidence, briefs, arguments of counsel, and the entire record in
2 this case, has made and filed its findings of fact and conclusions of law, finding
3 and concluding that Petitioner is likely to successfully establish in administrative
4 proceedings that Respondent has engaged in, and is engaging in, acts and conduct
5 in violation of Section 8(a)(1) , (3), and (5) of the Act (29 U.S.C. Sec. 158(a)(1),
6 (3) and (5)), affecting commerce within the meaning of Section 2(6) and (7) of the
7 Act (29 U.S.C. Sec. 152(6), and (7)), and that such acts and conduct will likely be
8 repeated or continued unless enjoined.

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10 Now, therefore, upon the entire records, it is ORDERED, ADJUDGED
11 AND DECREED, that, pending final disposition of the matters involved pending
12 before the Board:

13 1. Respondent, Star Fisheries, Inc., its officers, agents, successors, assigns,
14 and all other persons acting in concert or participation with it are enjoined from:

15 (a) telling employees they could return to work for Respondent if
16 they resigned from the Union;

17 (b) offering employees better wages if they stopped their Union
18 activity;

19 (c) offering employees their jobs back if they came to work
20 without the Union;

21 (d) telling employees they could not come back to work because of
22 the damage the employees and the Union had done to the Respondent;

23 (e) hiring permanent replacements with the unlawful purpose of
24 denying reinstatement to striking employees;

25 (f) failing to establish a preferential hiring list for the hiring of the
26 employees that went on strike;
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1 (g) withdrawing from the Union Pension fund and Health and
2 Welfare fund without notice to or bargaining with the Union;

3 (h) Refusing to reinstate the striking employees to their former
4 positions of employment upon their unconditional offers to return to work; and

5 (i) In any like or related manner, interfering with, restraining or
6 coercing employees in the exercise of the rights guaranteed under Section 7 of the
7 Act (29 U.S.C. Sec. 157).

8 2. Respondent, its officers, agents, successors, assigns, and all other persons
9 acting in concert or participation with it are affirmatively ordered pending final
10 Board adjudication to:

11 (a) Within 5 days of the issuance of the District Court's Order,
12 offer all employees who have made unconditional offers to return to work interim
13 reinstatement to their former jobs or, if those jobs no longer exists, to substantially
14 equivalent positions, without prejudice to their seniority or any other rights or
15 privileges previously enjoyed, displacing if necessary any workers hired,
16 transferred, or reassigned after the strike began on December 18, 2015.

17 (b) Within 5 days of the issuance of the District Court's Order,
18 after the striking employees have been returned to work, rescind any changes to the
19 Union's pension fund and health and welfare benefit plans, and resume making all
20 contributions, for those employees;

21 (c) Within 5 days of the issuance of the District Court's Order,
22 post copies of the Order in conspicuous places in and throughout its facility at the
23 Wilmington, California location, in English and in Spanish, and any other
24 Respondent facility where unit employees are employed, including all places
25 where notices to employees are customarily posted, those postings to be
26 maintained during the pendency of the Board's administrative proceedings free
27 from all obstructions and defacements; all employees shall have free and
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1 unrestricted access to the Order. Translation of the Order into Spanish shall be at
2 Respondent's expense, with the translation to be approved by the Regional
3 Director;

4 (d) Within 10 days of the issuance of the District Court's Order,
5 convene all employees during working time at a mandatory meeting and during
6 each shift at its Wilmington, California location and have a responsible
7 management official of Respondent read the Order to employees in English and
8 Spanish, with a Board agent and representative of the Union present at any
9 assembly called for the purpose of reading the Order; or at Respondent's option,
10 have a Board agent read the notice to employees in the presence of a responsible
11 Respondent official and a representative of the Union.

12 (e) Grant to agents of the Board reasonable access to Respondent's
13 Wilmington, California facility in order to monitor compliance with the posting
14 requirement; and

15 (f) Within 21 days of the issuance of the District Court's Order,
16 file with the Court, with a copy to the Regional Director of Region 21 of the
17 Board, a sworn affidavit from a responsible official of Respondent setting forth
18 with specificity the manner in which Respondent has complied with the terms of
19 this Order, including how and when it posted the documents required by the Order.

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1 3. This case shall remain open on the docket of this Court. On compliance
2 by Respondent with its obligations undertaken hereto, and upon final dispositions
3 of the matters pending before the Board, the Petitioner shall cause this proceeding
4 to be dismissed.

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6 IT IS SO ORDERED.

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9 Dated: _____

The Hon. Otis D. Wright II
United States District Judge

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15 Submitted by:

16
17 /s/ Irma Hernandez

18 Irma Hernandez

19 Attorney for Petitioner
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