

United States Court of Appeals  
For the Eighth Circuit

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No. 14-3099

No. 14-3211

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MikLin Enterprises, Inc., doing business as Jimmy John's

*Petitioner*

v.

National Labor Relations Board

*Respondent*

Industrial Workers of the World

*Intervenor*

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JUDGMENT  
August 3, 2017

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Before RILEY, Chief Judge,\* WOLLMAN, LOKEN, MURPHY, SMITH,  
COLLTON, GRUENDER, BENTON, SHEPHERD, and KELLY, Circuit Judges,  
*En Banc.*

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\*The Honorable William Jay Riley stepped down as chief Judge of the United States Court of Appeals for the Eighth Circuit at the close of business on March 10, 2017. He has been succeeded by the Honorable Lavenski R. Smith.

This cause came to be heard upon a petition filed by MikLin Enterprises, Inc. d/b/a Jimmy John's to review, and upon a cross-application filed by the National Labor Relations Board to enforce, an Order of the National Labor Relations Board in Board Case Nos. 18-CA-019707, 18-CA-19727, 18-CA-019760, reported at 361 NLRB No. 27 (Aug. 21, 2014). On July 3, 2017, the Court, being fully advised in the premises, handed down its opinion granting in part the petition of MikLin Enterprises, Inc. d/b/a Jimmy John's and granting in part the Board's cross-petition for enforcement. The Board has timely filed a proposed Judgment; MikLin has not objected to the Board's proposal. See Fed. R. App. P. 19. The court has concluded that the Board's proposal conforms with our decision. (Judge Murphy and Judge Kelly would enter an order enforcing the order the Board filed to have enforced.) Accordingly, it is hereby

ORDERED AND ADJUDGED by the Court that MikLin Enterprises, Inc. d/b/a Jimmy John's, Minneapolis, Minnesota, its officers, agents, successors, and assigns, shall abide by the attached Order and Appendix.

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ORDER

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MikLin Enterprises, Inc. d/b/a Jimmy John's, Minneapolis, Minnesota, it's offers, agents, successors, and assigns, shall:

1. Cease and desist from
  - (a) Removing protected postings from bulletin boards or other areas on the Respondent's property on which other postings are generally allowed without restriction.

- (b) Soliciting employees, supervisors, or managers to contact employees who support the Industrial Workers of the World, or any other union, about the prounion employees' protected activities.
  - (c) Soliciting employees, supervisors, or managers to disseminate disparaging pictures of prounion employees.
  - (d) 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) Within 14 days after service by the Region, post at its stores in the Minneapolis, Minnesota area copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 18, 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, the 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 notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, 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 February 10, 2011.

- (b) Within 21 days after service by the Region, file with the Regional Director a sworn certificate of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.
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## 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 Federal labor law and has ordered us to post and obey 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 remove protected postings from bulletin boards or other areas on our property on which other postings are generally allowed without restriction.

WE WILL NOT solicit employees, supervisors, or managers to contact you about your activities in support of the Industrial Workers of the World, or any other union.

WE WILL NOT solicit employees, supervisors, or managers to disseminate degrading pictures of you because you support the Industrial Workers of the World, or any other union.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

MIKLIN ENTERPRISES, INC. D/B/A JIMMY JOHN'S