



UNITED STATES GOVERNMENT

**NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL**

Contempt, Compliance, and Special Litigation Branch
Division of Legal Counsel
1015 Half Street, S.E. – Fourth Floor
Washington, D.C. 20003

August 31, 2017

Clerk, United States District Court
for the Western District of New York
2120 Kenneth B. Keating Federal Building
100 State Street
Rochester, NY 14614

Re: *National Labor Relations Board v. Ace Masonry Inc., et al*, No. 16-2200

To Whom It May Concern:

Please find enclosed for registration, pursuant to 28 U.S.C. § 1963, a certified copy of a judgment rendered and entered in a civil action, No. 16-2200, by the United States Court of Appeals for the Second Circuit, on June 30, 2017. Mandate issued on August 22, 2017. The judgment is in favor of petitioner National Labor Relations Board ("Board"), on whose behalf registration is requested, and against respondents Ace Masonry Inc., d/b/a/ Ace Unlimited, and Bella Masonry, LLC, a single member employer and alter egos, and Lisa Bellavigna, Robert Bellavigna, and Henry Bellavigna, Domenick Bellavigna and Bella Furniture Solutions, Inc. (collectively, "Respondents"). Section 1963 permits registration of money judgments in favor of the United States "entered in any court of appeals, district court, bankruptcy court, or in the Court of International Trade" and provides that such judgments may be registered "any time after judgment is entered."

Also enclosed, for your certification, are two (2) copies of an Abstract of Judgment, based on the Second Circuit's Judgment, and a certified copy of the underlying Board order in *Ace Masonry, Inc.*, 363 NLRB No. 181 (May 3, 2016). The proposed abstract reflects that Respondents owe \$11,309.11 in backpay, 363 NLRB No. 181 at *4, and \$128,773.05 to the trust funds, *id.* at *5, for a total of \$140,082.16, plus interest as proscribed. Of the \$140,082.16 that is owed, Bella Furniture Solutions, Inc. and Domenick Bellavigna are liable for \$32,995.00. *Id.* at 5.

Kindly notify the undersigned when registration has been effected and provide us the district court docket number of the registered judgment. We would appreciate your arranging to have a stamped copy of the registered judgment and two (2) certified Abstracts of Judgment returned to us in the enclosed stamped, self-addressed envelope. Should any questions arise, please do not hesitate to contact the undersigned at 202-273-1921 or portia.gant@nlrb.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Portia Gant".

Portia Gant
Trial Attorney

MANDATE

16-2200(L)
NLRB v. Ace Masonry Inc., et al.

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

1 At a stated term of the United States Court of Appeals
2 for the Second Circuit, held at the Thurgood Marshall United
3 States Courthouse, 40 Foley Square, in the City of New York,
4 on the 30th day of June, two thousand seventeen.

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6 PRESENT: DENNIS JACOBS,
7 PIERRE N. LEVAL,
8 REENA RAGGI,
9 Circuit Judges.

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12 NATIONAL LABOR RELATIONS BOARD,
13 Petitioner/Cross-Respondent,

14
15 -v.- 16-2200
16 16-2705

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18 ACE MASONRY INC., d/b/a ACE UNLIMITED,
19 and BELLA MASONRY, LLC, a single
20 member employer and alter egos, and
21 LISA BELLAVIGNA, ROBERT BELLAVIGNA,
22 and HENRY BELLAVIGNA, DOMENICK
23 BELLAVIGNA and BELLA FURNITURE
24 SOLUTIONS, INC,
25 Respondents/Cross-
26 Petitioner.

27
28 - - - - -X

1 2001); see also International Ladies' Garment Workers' Union
2 v. Quality Mfg. Co., 420 U.S. 276, 281 n.3 (1975) (applying
3 same principal to forfeiture of procedural due process
4 claim). We therefore also reject the unpreserved due
5 process challenge to Domenick's personal liability.

6 For the foregoing reasons, and finding no merit in the
7 respondents' other arguments, we hereby **GRANT** the NLRB's
8 petition and **DENY** respondents' cross-petition for review.

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FOR THE COURT:
CATHERINE O'HAGAN WOLFE, CLERK



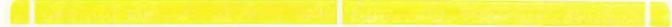

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit




ATRUE COPY
Catherine O'Hagan Wolfe, Clerk
by 
DEPUTY CLERK


-CERTIFIED: August 22, 2017 -

Abstract of Judgment Notice

Pursuant to Title 28, United States Code, § 3201, this judgment, upon the filing of this abstract in the manner in which a notice of tax lien would be filed under paragraphs (1) and (2) of 26 U.S.C. §6323(f), creates a lien on all real property of the defendants and has priority over all other liens or encumbrances which are perfected later in time. The lien created by this section is effective, unless satisfied, for a period of 20 years and may be renewed by filing a notice of renewal. If such notice of renewal is filed before the expiration of the 20 year period to prevent the expiration of the lien and the court approves the renewal, the lien shall relate back to the date the judgment is filed.

<p style="text-align: center;">Names and addresses of parties against whom Judgment has been obtained:</p> <p>BELLA FURNITURE SOLUTIONS, INC 9616 Ashville Highway Greenville, FL 32331-6390</p> <p>DOMENICK BELLAVIGNA 240 Smokehouse Way Greenville, FL 32331-7312</p> <p>ACE MASONRY INC., d/b/a/ ACE UNLIMITED, LISA BELLAVIGNA, and ROBERT BELLAVIGNA 2980 VanZandt Hollow Road Watkins Glen, NY 14891-9578</p> <p>HENRY BELLAVIGNA and BELLA MASONRY, LLC 5209 County Road 4 Burdett, NY 14818-9715</p>	<p style="text-align: center;">Name of Party in whose favor Judgment has been obtained:</p> <p>NATIONAL LABOR RELATIONS BOARD, an independent agency of the UNITED STATES OF AMERICA 1015 Half Street, S.E., Fourth Floor Washington, D.C. 20003</p>	
<p style="text-align: center;">Amount of Judgment against Bella Furniture Solutions, Inc. and Domenick Bellavigna: \$32,995.00</p> <p style="text-align: center;">Amount of Judgment against Ace Masonry Inc., d/b/a Ace Unlimited, Bella Masonry, LLC, Lisa Bellavigna, Robert Bellavigna, and Henry Bellavigna:</p> <p style="text-align: center;">[see next page]</p>	<p style="text-align: center;">Name of Creditor's Attorney:</p> <p>PORTIA GANT, <i>Attorney</i> Email: portia.gant@nlrb.gov</p> <p>HELENE D. LERNER, <i>Supervisory Attorney</i> Email: helene.lerner@nlrb.gov</p>	<p style="text-align: center;">Case Number and Date Docketed:</p> <p>Western District of NY: Case No. _____ Docketed _____, 2017</p> <p>Second Circuit Court of Appeals Case No. 16-2200</p>

**\$11,309.11 in
backpay**

(plus interest to be computed in the manner prescribed in *New Horizons*, 283 NLRB 1173 (1987), compounded daily as prescribed in *Kentucky River Medical Center*, 356 NLRB No. 8 (2010), minus tax withholdings required by Federal and State laws).

**\$128,773.05 in trust
fund contributions**

(plus interest to be computed in the manner prescribed in *Merryweather Optical Co.*, 240 NLRB 1213, 1216 fn. 7 (1979)).

United States of America

Clerk's Office

U.S. District Court for the
Western District of New York

/ss/

I CERTIFY that the foregoing is a correct Abstract of the Judgment entered or registered by this court.

Date: _____,

_____, Clerk

By: _____, Deputy Clerk

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Pursuant to Title 28, United States Code, § 3201, this judgment, upon the filing of this abstract in the manner in which a notice of tax lien would be filed under paragraphs (1) and (2) of 26 U.S.C. §6323(f), creates a lien on all real property of the defendants and has priority over all other liens or encumbrances which are perfected later in time. The lien created by this section is effective, unless satisfied, for a period of 20 years and may be renewed by filing a notice of renewal. If such notice of renewal is filed before the expiration of the 20 year period to prevent the expiration of the lien and the court approves the renewal, the lien shall relate back to the date the judgment is filed.

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United States of America

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Western District of New York

/ss/

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Date: _____,

_____, Clerk

By: _____, Deputy Clerk

United States of America

National Labor Relations Board

THE NATIONAL LABOR RELATIONS BOARD, BY ITS EXECUTIVE SECRETARY, DULY AUTHORIZED BY SECTION 102.115, RULES AND REGULATIONS OF THE NATIONAL LABOR RELATIONS BOARD – SERIES 8, (C.F.R.) HEREBY CERTIFIES THAT THE DOCUMENTS ANNEXED HERETO CONSTITUTE A FULL AND ACCURATE COPY OF:

1. SECOND SUPPLEMENTAL DECISION AND ORDER DATED MAY 3, 2016 IN ACE MASONRY, INC., D/B/A ACE UNLIMITED AND BELLA MASONRY, LLC, ALTER EGOS AND BELLA FURNITURE SOLUTIONS, INC., CASE NOS. 03-CA-073540, 03-CA-073549, 03-CA-074523, 03-CA-074531 AND 03-CA-079606; 363 NLRB NO. 181.

IN TESTIMONY WHEREOF, THE EXECUTIVE SECRETARY OF THE NATIONAL LABOR RELATIONS BOARD, BEING THEREUNTO DULY AUTHORIZED AS AFORESAID, HAS HEREUNTO SET HIS HAND AND AFFIXED THE SEAL OF THE NATIONAL LABOR RELATIONS BOARD IN THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA, THIS 30TH DAY OF JUNE 2017.



Gary Shinnors

Gary Shinnors, Executive Secretary
NATIONAL LABOR RELATIONS BOARD