

Exhibit A

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NATIONAL LABOR RELATIONS BOARD
Petitioner/Cross-Respondent
NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES
AND TECHNICIANS, COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO, LOCAL 31
Intervenors
v.
CNN AMERICA, INC.
Respondent/Cross-Petitioner
Nos. 15-1112,
15-1209

JUDGMENT

Before: GARLAND, Chief Judge, and KAVANAUGH and PILLARD, Circuit Judges

THIS CAUSE came to be heard upon the application for enforcement of the National Labor Relations Board and cross-petition for review by CNN America, Inc. of the Board's order dated September 15, 2014, in Case Nos. 05-CA- 031828 and 05-CA-033125. The Court heard argument of all parties and has considered the briefs and agency record filed in this cause. On August 4, 2017, the Court, being fully advised in the premises, handed down its opinion granting in part the application for enforcement of the National Labor Relations Board and granting in part the cross-petition of CNN America, Inc. In conformity therewith, it is hereby

ORDERED AND ADJUDGED by the Court that CNN America, Inc., its officers, agents, including Turner Broadcasting Systems, its officers, agents, and

their successors and assigns, shall abide by said order (See Attached Order and Appendix); and

FURTHER ORDERED AND ADJUDGED by the Court that the case be REMANDED for further proceedings before the Board consistent with the Court's opinion.

Judge, United States Court of Appeals
for the District of Columbia Circuit

Judge, United States Court of Appeals
for the District of Columbia Circuit

Judge, United States Court of Appeals
for the District of Columbia Circuit

ENTERED:

NATIONAL LABOR RELATIONS
BOARD

v.

CNN AMERICA, INC.

Subject to further proceedings and a subsequent order by the Board (the “Board’s Remedial Order”), CNN America, Inc., its officers, agents, including Turner Broadcasting Systems, its officers, agents, and their successors and assigns, shall

1. Cease and desist from
 - (a) Failing to hire bargaining unit employees of Team Video Services (TVS) its predecessor employer at the Washington, DC (DC) and New York, New York (NYC) bureaus because of their union-represented status in TVS’ operation; or because of their union activities and membership; or otherwise discriminating against these employees to avoid having to recognize and bargain with NABET Local 11 and NABET Local 31 (the Union).
 - (b) Informing bargaining unit employees at both the DC and NYC bureaus that the Respondent intended to operate a nonunion workplace, and that the employees’ employment in the TVS bargaining units or their union activity, affiliation, or membership disqualified them from employment with the Respondent.
 - (c) 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) Nothing in this order shall authorize or require the withdrawal or elimination of any wage increase or other improved benefits or terms and conditions of employment that the Respondent may have established at its DC or NYC bureau since the termination of its contracts with TVS.
 - (b) Within 14 days of entry of the Board’s Remedial Order, offer employment to the former TVS employees listed below to their former positions or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed.

DC Bureau (TVS unit employees not hired by CNN)

Jeffrey Adkinson	Mark Marchione
Emmanuel Agomuoh	Ralph Marcus
Charles Anderson	Joseph Mosley
Rodney Atkinson	Luis Munoz
Tim Bintrim	Jeffrey Noble
James Cook	Dennis Norman
Keith Crennan	James Norris
Timothy Durham	Sarah Pacheco
Bill Evans	John Quinnette
Danny Farkas	Tyrone Riggs
Dennis Faulkner	Oscar Romay
Christopher Hamilton	Fred Schall
Vernon Herald	Paul Skaife
David Jenkins	James Stubbs
Martin Jimenez	James Suddeth
Michael Kauffman	James Suissa
Nicholas Kiraly	John Urman
Adilson Kiyasu	Joseph Wade
Donna Lacey	Aaron Webster
Larry Langley	Darrin White
Myron Leake	

NYC Bureau (TVS-unit employees not hired by CNN)

Marc Abramson	Jeffrey Edelman
Melanie Baker	Jay Eric
Marcus Bassett	Vince Everett
Paul Bernius	Donald Fenster
Doriann Bertino	Felix Fermaintt
Richard Birch	Todd Ferrand
Steve Burnett	Jon C. Ford
Joseph Cantali	John Gallagher
Jeffrey Carlough	Mitchell Gomila
Timothy Cassese	Fernando Gracia
Christopher Collins	Daniel Hacker
Duff Conner	Phil Hadrovic
Robert Cummings	Kristi Harper
Christopher	Peter Hedeman
Cunningham	Juan Hortua
Viktor David	Patrick Howley
Jennifer DeStefano	Jeffrey Jaramillo
John Diaconu	Asprey Jones
Michael Diana	Kenneth S. Kaplan

Brian Kiederling	Todd Pivawer
Robert Knolle	Charles Rainone Jr.
Glen Kreigsman	John Rappa
Beth Lasch	Daniel Rodriguez
Steven Lima	Christian Roebing
Connie Long	Hamid "David" Rokshar
Perry MacLean	Daniel Scalley
Tommy Maney	Shari Schlager
Sarael Martinez	William Seiden
Robert Matteo	Charles Serra
Roy McClain	Michael Sollenberger
Kathleen McLaughlin	Mickael Squier
Edward McShea	Danielle St. John
Barbara Morrissey	Robert Sullivan Mary
Rod Nino	Theodore Richard
Ramon Olivo	Uhoda Pedro
Tracy Organ	Valentin
James Peithman	Brian Wood
Mark Peters	

- (c) Within 14 days of entry of the Board's Remedial Order, provide to the employees named in the preceding paragraph 2(b) whatever training the Respondent has provided since its termination of the contracts with TVS, if such training is necessary to allow these employees to perform their former jobs or substantially equivalent positions.
- (d) Within 14 days of entry of the Board's Remedial Order, remove from its files any reference to the unlawful refusal to hire the employees named in the preceding paragraph 2(b), and within 3 days thereafter, notify them in writing that this has been done and that the refusal to hire them will not be used against them in any way.
- (e) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause show, provide at a reasonable place designated by the Board or its agents, all payroll records.
- (f) Within 14 days after service by the Region, post at its DC and NYC bureaus copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Directors for Regions 2 and 5, 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 physically posting of paper notices, notices shall be distributed electronically, such as by email, posting on an internet or intranet 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 the 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 bureaus involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice that has been signed by the Respondent's authorized representative to all current employees and former employees employed by the Respondent at any time after December 6, 2003 at its DC, and any time after January 17, 2004 at its NYC, bureaus.

- (g) Within 21 days after service by the Region, file with the Regional Director 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

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 refuse to hire you because of your prior employment with Team Video Services (TVS) or your union activities and membership, or otherwise discriminate against you to avoid having to recognize and bargain with NABET Local 11 and NABET Local 31 (the Union).

WE WILL NOT inform you that we intend to operate a nonunion workplace, or that your employment in the TVS bargaining units or your union activity, affiliation, or membership disqualifies you from employment with CNN.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Federal labor law.

WE WILL, subject to and within 14 days from the date of a subsequent remedial order by the Board, offer employment to the following named former employees of TVS in their former positions or, if those jobs no longer exist, in substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed, discharging if necessary any employees hired in their places:

DC Bureau

Jeffrey Adkinson
Emmanuel Agomuoh
Charles Anderson
Rodney Atkinson
Tim Bintrim
James Cook
Keith Crennan
Timothy Durham
Bill Evans
Danny Farkas
Dennis Faulkner
Christopher Hamilton
Vernon Herald
David Jenkins
Martin Jimenez
Michael Kauffman
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Fred Schall
Paul Skaife
James Stubbs
James Suddeth
James Suissa
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Joseph Wade
Aaron Webster
Darrin White

NYC Bureau

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Melanie Baker
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Paul Bernius
Doriann Bertino

Richard Birch
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Danielle St. John
Robert Sullivan Mary
Theodore Richard
Uhoda Pedro
Valentin
Brian Wood

WE WILL, subject to and within 14 days from the date of a subsequent remedial order by the Board, provide to the above-named employees whatever training we have provided since the failure to hire them, if such training is necessary to allow them to perform their former jobs or substantially equivalent positions.

WE WILL, subject to and within 14 days from the date of a subsequent remedial order by the Board, remove from our files any reference to our unlawful discharge of or refusal to hire the above-named employees, and WE WILL, within 3 days thereafter, notify them in writing that this has been done and that our unlawful

discharge of or refusal to hire them will not be used against them in any way.

CNN AMERICA, INC.

The Board's decision can be found at www.nlr.gov/case/05-CA-031828 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 Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.



Exhibit B

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

NATIONAL LABOR RELATIONS BOARD)	
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Petitioner/Cross-Respondent)	
)	
NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES AND TECHNICIANS, COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO, LOCAL 31)	Nos. 15-1112,
)	15-1209
Intervenors)	
)	
v.)	
)	
CNN AMERICA, INC.)	
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Respondent/Cross-Petitioner)	

JUDGMENT

Before: GARLAND, *Chief Judge*, and KAVANAUGH and PILLARD, *Circuit Judges*

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Judge, United States Court of Appeals
for the District of Columbia Circuit

Judge, United States Court of Appeals
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Judge, United States Court of Appeals
for the District of Columbia Circuit

ENTERED:

NATIONAL LABOR RELATIONS BOARD

v.

CNN AMERICA, INC.

~~CNN~~ Subject to further proceedings and a subsequent order by the Board (the “Board’s Remedial Order”), CNN America, Inc., its officers, agents, including Turner Broadcasting Systems, its officers, agents, and their successors and assigns, shall

1. Cease and desist from

- (a) Failing to hire bargaining unit employees of Team Video Services (TVS) its predecessor employer at the Washington, DC (DC) and New York, New York (NYC) bureaus because of their union-represented status in TVS’ operation; or because of their union activities and membership; or otherwise discriminating against these employees to avoid having to recognize and bargain with NABET Local 11 and NABET Local 31 (the Union).
- ~~(b) Refusing to comply with the collective bargaining agreements between TVS and the Union at both the DC and the NYC bureaus.~~
- ~~(c) Refusing to recognize and bargain in good faith with the Union as the exclusive collective bargaining representatives of its employees in the bargaining units recognized by TVS at both the DC and the NYC bureaus.~~
- ~~(d) Unilaterally limiting the number of TVS bargaining unit employees it hired, and changing the wages, hours, and other terms and conditions of employment of those it hired and the work that they previously performed or functionally equivalent work, without giving the Union notice and an opportunity to bargain.~~
- (b) ~~(e)~~ Informing bargaining unit employees at both the DC and NYC bureaus that the Respondent intended to operate a nonunion workplace, and that the employees’ employment in the TVS bargaining units or their union activity, affiliation, or membership disqualified them from employment with the Respondent.
- (c) ~~(f)~~ 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.

Take the following affirmative action necessary to effectuate the policies of the Act.

- (d) Nothing in this order shall authorize or require the withdrawal or

elimination of any wage increase or other improved benefits or terms and conditions of employment that the Respondent may have established at its DC or NYC bureau since the termination of its contracts with TVS.

- (e) Within 14 days ~~from the date of entry~~ of the Board's Remedial Order, offer employment to the former TVS employees listed below to their former positions or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed.

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Scalley
Shari Schlager William
Seiden Charles Serra
Michael Sollenberger
Mickael Squier Danielle St.

John Robert Sullivan
Mary Theodore
Richard Uhoda Pedro
Valentin
Brian Wood

- (f) ~~Provide~~ Within 14 days of entry of the Board's Remedial Order, provide to the employees named in the preceding paragraph 2(b) whatever training the Respondent has provided since its termination of the contracts with TVS, if such training is necessary to allow these employees to perform their former jobs or substantially equivalent positions.
- (g) Within 14 days ~~from~~ of entry of the ~~date of this~~ Board's Remedial Order, remove from its files any reference to the unlawful refusal to hire the employees named in the

~~3~~ preceding paragraph 2(b), and within 3 days thereafter, notify them in writing that this has been done and that the refusal to hire them will not be used against them in any way.

- ~~(e) Restore any bargaining unit work, which has been contracted out without notice to and bargaining with the Union.~~
- ~~(f) Remit to the Union with interest, any dues that the Respondent was required to withhold and transmit under the DC bureau's collective bargaining agreement since December 6, 2003, and the NYC bureau's collective bargaining agreement since January 17, 2004.~~
- (h) ~~(g)~~ Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause show, provide at a reasonable place designated by the Board or its agents, all payroll records.
- (i) ~~(h)~~ Within 14 days after service by the Region, post at its DC and NYC bureaus copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Directors for Regions 2 and 5, 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 physically posting of paper notices, notices shall be distributed electronically, such as by email, posting on an internet or intranet 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 the 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 bureaus involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice that has been signed by the Respondent's authorized representative to all current employees and former employees employed by the Respondent at any time after December 6, 2003 at its DC, and any time after January 17, 2004 at its NYC, bureaus.

- (j) (i) Within 21 days after service by the Region, file with the Regional Director 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
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 refuse to hire you because of your prior employment with Team Video Services (TVS) or your union activities and membership, or otherwise discriminate against you to avoid having to recognize and bargain with NABET Local 11 and NABET Local 31 (the Union).

~~WE WILL NOT refuse to comply with the collective bargaining agreements between TVS and the Union at both the DC and the NYC bureaus, or change your terms and conditions of employment without first notifying the Union and giving it an opportunity to bargain.~~

~~WE WILL NOT refuse to recognize and bargain in good faith with the Union as your exclusive collective bargaining representative by refusing its requests for bargaining over our decision to terminate the contracts with TVS and implement the Bureau Staffing Project and the effects of that decision on you.~~

~~WE WILL NOT unilaterally limit the number of former TVS bargaining unit employees that we hire, or change your wages, hours and other terms and conditions of employment, or the work that you previously performed, or any functionally equivalent work, without first bargaining with the Union.~~

~~WE WILL NOT withdraw or eliminate any wage increase or other improved benefits or terms and conditions of employment established at the DC and NYC bureaus since the termination of the TVS contracts.~~

~~WE WILL NOT contract out your work without giving the Union notice and an opportunity to bargain over these changes.~~

WE WILL NOT inform you that we intend to operate a nonunion workplace, or that your employment in the TVS bargaining units or your union activity, affiliation, or membership disqualifies you from employment with CNN.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Federal labor law.

WE WILL, subject to and within 14 days from the date of a subsequent remedial order by the Board's ~~Order~~, offer employment to the following named former employees of TVS in their former positions or, if those jobs no longer exist, in substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed, discharging if necessary any employees hired in their places:

~~I.~~ **DC Bureau**

Jeffrey Adkinson
 Emmanuel Agomuoh
 Charles Anderson
 Rodney Atkinson
 Tim Bintrim
 James Cook
 Keith Crennan
 Timothy Durham
 Bill Evans
 Danny Farkas
 Dennis Faulkner
 Christopher Hamilton
 Vernon Herald
 David Jenkins
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 Adilson Kiyasu
 Donna Lacey
 Larry Langley
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Mark Marchione
 Ralph Marcus
 Joseph Mosley
 Luis Munoz
 Jeffrey Noble
 Dennis Norman
 James Norris
 Sarah Pacheco
 John Quinnette
 Tyrone Riggs
 Oscar Romay
 Fred Schall
 Paul Skaife
 James Stubbs
 James Suddeth
 James Suissa
 John Urman
 Joseph Wade
 Aaron Webster
 Darrin White

~~II.~~ **NYC**

Bureau

Marc Abramson
 Melanie Baker
 Marcus Bassett
 Paul Bernius
 Doriann Bertino

Richard Birch
 Steve Burnett
 Joseph Cantali
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 Timothy Cassese

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3 has been done and that our unlawful

discharge of or refusal to hire them will not be used against them in any way.

~~WE WILL restore any bargaining unit work that has been contracted out since our termination of the contracts with TVS.~~

~~WE WILL remit to the Union, with interest, any dues that we were required to withhold and transmit under the DC bureau's collective bargaining agreement since December 6, 2003, and the NYC bureau's collective bargaining agreement since January 17, 2004.~~

CNN AMERICA, INC.

The Board's decision can be found at www.nlr.gov/case/05-CA-031828 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 Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

