



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
**OFFICE OF THE GENERAL COUNSEL**  
Washington, D.C. 20570

December 7, 2018

Clerk, United States Court of  
Appeals for the Sixth Circuit  
540 Potter Stewart U.S. Courthouse  
100 East Fifth Street  
Cincinnati, OH 45202-3988

Re: *NLRB v. Paragon Systems, Inc.*,  
(6th Cir.) Board Case No. 08-CA-184044

Dear Clerk:

I am enclosing the Board's application for summary entry of a judgment enforcing the Board's order in this case, and a copy of a proposed judgment.

Please serve a copy of the application on Respondents, whose addresses appear on the service list. I have served a copy of the Board's application and proposed judgment on each party admitted to participate in the Board proceedings, and their names and addresses also appear on the service list.

I am counsel of record for the Board, and all correspondence should be addressed to me. I would appreciate your furnishing the Board's Regional Director, whose name and address also appear on the service list, with a copy of all correspondence the Court sends to counsel in this case, and a copy of the judgment issued.

Very truly yours,

/s/ Linda Dreeben

Linda Dreeben  
Deputy Associate General Counsel  
NATIONAL LABOR RELATIONS BOARD  
1015 Half Street, S.E.  
Washington, D.C. 20570  
(202) 273-2960

## SERVICE SHEET

### RESPONDENT/COUNSEL:

Laura M. Hagan, VP, Gen. Counsel  
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Herndon, VA 20171-4634

Tel: (703) 263-9527  
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### CHARGING PARTY:

Victor Jordan  
1400 Francis Ct.  
Cleveland, OH 44121-3606

Tel: (216) 322-0811  
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### RESPONDENT:

Janna Chirdon  
Paragon Systems  
1240 East Ninth St., Rm. 787  
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Tel: (216) 522-7511

### REGIONAL DIRECTOR:

Allen Binstock  
1240 East 9th St., Rm 1695  
Cleveland, OH 44199-2086

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	Board Case No.
PARAGON SYSTEMS, INC.	:	08-CA-184044
	:	
Respondent	:	

APPLICATION FOR SUMMARY ENTRY OF A JUDGMENT  
ENFORCING AN ORDER OF  
THE NATIONAL LABOR RELATIONS BOARD

To the Honorable, the Judges of the United States  
Court of Appeals for the Sixth Circuit:

The National Labor Relations Board, pursuant to Section 10(e) of the National Labor Relations Act, as amended (29 U.S.C. §§ 151, 160(e)), applies to this Court for summary entry of a judgment enforcing its order in Case No. 08-CA-184044 against Paragon Systems, Inc. (“Respondent”). The Board is entitled to summary enforcement of its order because Respondent failed to provide an answer to the Board’s Notice to Show Cause and the Board entered an order by default. In support, the Board shows:

**A. Jurisdiction of this Court**

This Court has jurisdiction over this application under Section 10(e) of the Act (29 U.S.C. § 160(e)). Venue is proper in this Circuit because the unfair labor practices occurred in Ohio. The Board’s final order issued on July 25, 2018, and is

reported at 366 NLRB No. 139.

## **B. Proceedings Before the Board**

1. Upon a charge and amended charge filed by Victor Jordan, a complaint was issued on January 30, 2017, alleging that Respondent had violated the National Labor Relations Act. Respondent filed an answer.

2. Subsequently, the Respondent and the Union entered into an informal settlement agreement which was approved by the Regional Director for Region 8 on April 26, 2017. Pursuant to the terms of the settlement agreement, the Respondent agreed, among other things, to take certain affirmative actions to remedy various unfair labor practices.

3. The settlement agreement contained the following noncompliance provision:

The Charged Party agrees that in case of noncompliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such noncompliance without remedy by the Charged Party, the Regional Director will reissue the complaint previously issued on January 30, 2017 in the instant case(s). Thereafter, the General Counsel may file a motion for default judgment with the Board on the allegations of the complaint. The Charged Party understands and agrees that the allegations of the aforementioned complaint will be deemed admitted and its Answer to such complaint will be considered withdrawn. The only issue that may be raised before the Board is whether the Charged Party defaulted on the terms of this Settlement Agreement. The Board may then, without necessity of trial or any other proceeding, find all allegations of the complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all

issues raised by the pleadings. The Board may then issue an Order providing a full remedy for the violations found as is appropriate to remedy such violations. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board order ex parte, after service or attempted service upon Charged Party/Respondent at the last address provided to the General Counsel.

4. By letter dated June 3, 2017, the regional Compliance Officer advised Respondent and its counsel that it was not in compliance with the settlement agreement. The letter informed Respondent that noncompliance with the Settlement Agreement would result in the Region reissuing the complaint and filing a motion for default judgment with the Board.

5. Respondent's counsel sent an email to the regional Compliance Officer on June 15, 2017, apologizing for the Respondent's failure to provide a timely response and requesting guidance regarding compliance steps. Thereafter the regional Compliance Officer left multiple telephone messages acknowledging receipt of the Respondent's counsel email and requesting that Respondent's counsel contact her. Respondent's counsel failed to return these telephone calls.

6. On July 12, 2017, the Region again sent a letter to the Respondent and its counsel notifying Respondent that failure to comply with the Settlement Agreement would result in the Region reissuing the complaint and filing a motion for default judgment with the Board.

7. Respondent did not respond and failed to comply with the provisions of the settlement agreement. Accordingly, pursuant to the terms of the noncompliance

provision of the settlement agreement, on August 10, 2017, the Regional Director issued a complaint and on September 19, 2017, the General Counsel filed a Motion for Default Judgment with the Board.

8. By order dated September 20, 2017, the Board issued an order transferring the case to itself and a Notice to Show Cause why the motion should not be granted. The Order provided Respondent until October 4, 2017, to file with the Board a response to the Motion for Default Judgment.

9. The Respondents did not file a response. The allegations in the motion were therefore undisputed.

10. In the absence of a response and pursuant to the noncompliance provisions of the settlement agreement, on July 25, 2018, the Board issued its Decision and Order granting the Motion for Default Judgment and entering an appropriate order against Respondents.

### **C. The Board Is Entitled to Summary Enforcement of Its Order**

On these facts, the Board is entitled to summary enforcement of its order against Respondents. Respondents did not dispute before the Board that it had breached its settlement agreement. Therefore Respondents cannot dispute before this Court the Board's finding that it had breached the settlement agreement.

It is settled that the Board is entitled to have the default judgment summarily enforced. Under Section 10(e) of the Act (29 U.S.C. § 160(e)), no objection that

has not been urged before the Board shall be considered by a court of appeals “unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.” Interpreting that requirement, courts have consistently held that a respondent’s failure to assert a defense before the Board entitles the Board, absent extraordinary circumstances, to summary enforcement of its order. *See e.g., N.L.R.B. v. Innkeepers of Ohio, Inc.*, 596 F.2d 177, 178 (6th Cir. 1979). *See also NLRB v. Mays Printing Co.*, 452 F.App’x 593 (6th Cir. 2009), *Father and Sons Lumber v. NLRB*, 931 F.2d 1093, 1095-96, 1097 (6th Cir. 1991); *NLRB v. Aaron Convalescent Home*, 479 F.2d 736, 738-39 (6th Cir. 1973); *NLRB v. Innkeepers of Ohio, Inc.*, 596 F.2d 177 (6th Cir. 1979); *NLRB v. Dane County Dairy*, 795 F.2d 1313, 1319-21 (7th Cir. 1986); *Oldwick Materials, Inc. v. NLRB*, 732 F.2d 339, 341 (3d Cir. 1984). No such circumstances have been alleged or shown here.

WHEREFORE, the Board respectfully requests that the Court, after serving notice of the filing of this application on Respondents, enter judgment summarily enforcing the Board’s order in full. A proposed judgment is attached.

/s/ Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half Street, S.E.  
Washington, D.C. 20570

Dated in Washington, D.C.  
this 7th day of December 2018

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD :  
 :  
 :  
 Petitioner : No.  
 v. :  
 : Board Case No.  
 PARAGON SYSTEMS, INC. : 08-CA-184044  
 :  
 :  
 Respondent :

JUDGMENT ENFORCING AN 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, Paragon Systems, Inc., its officers, agents, successors, and assigns, enforcing its order dated July 25, 2018, in Case No. 08-CA-184044, reported at 366 NLRB No. 139, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, Paragon Systems, Inc., its officers, agents, successors, and assigns, shall abide by said order (see attached Order and Appendix).

ENTERED BY ORDER OF THE COURT

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Clerk

NATIONAL LABOR RELATIONS BOARD

v.

PARAGON SYSTEMS, INC.

**ORDER**

Paragon Systems, Inc., Herndon, Virginia, its officers, agents, successors, and assigns, shall

1. Cease and desist from

- (a) Maintaining the following unlawful work rules in its employee handbook:

Rules for Personal Conduct, Major Offenses:

Rule 23: Using personal radios, television sets, computers, cell phones, cards, games, or other items at the facility that may result in distraction from duties.

Rule 26: Participation in any activity that would adversely affect the reputation of the clients.

Rule 28: Failure to demonstrate the highest standards of integrity, personal, and moral conduct expected from Security professionals.

Rules for Personal Conduct, Minor Offenses:

Rule 4: Disparaging Company's client, whether this occurs on or off company property/time; and

Rule 13: Engaging in personal work or activities while on duty.

- (b) 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) To the extent it has not already done so, rescind Rules for Personal Conduct, Major Offenses, Rules 23, 26, and 28, and Rules for Personal Conduct, Minor Offenses, Rules 4 and 13.

- (b) Revise the employee handbook to delete the above unlawful rules and advise employees in writing that it has done so and that the unlawful rules will no longer be enforced.
- (c) Furnish all current employees with inserts for the employee handbook that (1) advise that the unlawful rules have been rescinded or (2) provide the language of lawful policies, or publish and distribute to all current employees a revised employee handbook that (1) does not contain the unlawful rules or (2) provides the language of lawful policies.
- (d) Within 14 days after service by the Region, post at its Cleveland, Ohio facility copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 8, 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, 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 the notices are not altered, defaced, or covered by any other material. If 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 March 12, 2016.
- (e) Within 21 days after service by the Region, file with the Regional Director for Region 8 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 maintain unlawful rules in our employee handbook.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL, to the extent we have not already done so, rescind the following unlawful rules as they appear in our employee handbook:

Rules for Personal Conduct, Major Offenses:

Rule 23: Using personal radios, television sets, computers, cell phones, cards, games, or other items at the facility that may result in distraction from duties.

Rule 26: Participation in any activity that would adversely affect the reputation of the clients.

Rule 28: Failure to demonstrate the highest standards of integrity, personal, and moral conduct expected from Security professionals.

Rules for Personal Conduct, Minor Offenses:

Rule 4: Disparaging Company's client, whether this occurs on or off company property/time; and

Rule 13: Engaging in personal work or activities while on duty.

WE WILL revise the employee handbook to delete the above unlawful rules, and WE WILL advise employees in writing that we have done so and that the unlawful rules

will no longer be enforced.

WE WILL furnish all current employees with inserts for the employee handbook that (1) advise that the unlawful rules have been rescinded or (2) provide the language of lawful policies, or publish and distribute to all current employees a revised employee handbook that (1) does not contain the unlawful rules or (2) provides the language of lawful policies.

PARAGON SYSTEMS, INC.

The Board's decision can be found at <https://www.nlr.gov/case/08-CA-184044> 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.



UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD :  
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 Petitioner : No.  
 v. :  
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 : Board Case No.  
 PARAGON SYSTEMS, INC. : 08-CA-184044  
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 Respondent :

CERTIFICATE OF SERVICE

The undersigned certifies that one copy each of the Board's application for summary entry of judgment and proposed judgment, in the above-captioned case, has this day been served by first class mail upon the following parties at the addresses listed below:

Laura M. Hagan, VP, Gen. Counsel  
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/s/ Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half Street, S.E.  
Washington, D.C. 20570

Dated at Washington, D.C.  
this 7th day of December 2018