

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

GREEN APPLE SUPERMARKET OF
JAMAICA, INC.,

Respondent.

No. 18-2407

Board Case Nos.
29-CA-183238 and 29-CA-188130

**RESPONDENT’S ANSWER TO THE APPLICATION FOR
ENFORCEMENT OF AN ORDER OF THE NATIONAL LABOR
RELATIONS BOARD**

Pursuant to FED. R. APP. P. 15(b)(2), Green Apple Supermarket of Jamaica, Inc. (“Respondent”), *via its undersigned attorney David Yan*, hereby answers the National Labor Relations Board’s (“NLRB” or the “Board”) Application for Enforcement of an Order of the National Labor Relations Board in Case Nos. 29-CA-183238 and 29-CA-188130, reported at reported at 366 NLRB No 124 on July 11, 2018, as follows:

1. Respondent hereby incorporates by reference all exceptions, claims and defenses asserted by Respondent in the administrative proceedings underlying the Board’s Order.

2. Respondent admits that the Board issued its Decision and Order in Board Case Nos. 29-CA-183238 and 29-CA-188130 against it on July 11, 2018, reported at 366 NLRB No 124. Respondent admits that on August 16, 2018, Petitioner filed an application with this Court to enforce the same Board Order dated July 11, 2018.

3. Respondent admits that this Court has jurisdiction over Petitioner's Application for Enforcement and that venue is proper in this Circuit.

4. Respondent denies that it violated the National Labor Relations Act, as alleged in the Board's Decision and Order dated July 11, 2018, in which Petitioner seeks to enforce.

5. Respondent denies the allegations and findings set forth in the Board's Decision and Order dated July 11, 2018, in which Petitioner seeks to enforce.

6. Respondent denies that the Board's factual findings are supported by substantial evidence on the record and, further, denies that the legal conclusions in the Board's July 11, 2018 Decision and Order has a reasonable basis in law.

7. Respondent denies that the Board is entitled to enforcement of its Order.

WHEREFORE, Respondent respectfully requests that the Court deny the Board's Application for Enforcement and grant such other and further relief as this Court may find just and proper.

Dated: Flushing, New York
April 5, 2019

Respectfully submitted,

/s/ David Yan

David Yan, Esq.

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*Attorney for Respondent Green Apple
Supermarket of Jamaica, Inc.*

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CERTIFICATE OF SERVICE

I certify that on April 5, 2019, I electronically filed the foregoing **ANSWER** with the Clerk of the Court for the United States Court of Appeals for the Second Circuit using the appellate CM/ECF system. I also certify that the foregoing was served on all parties or their counsels of record through the CM/ECF system as all counsels are registered users.

/s/ David Yan

David Yan, Esq.

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*Attorney for Respondent Green Apple
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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 27(d)(2), Respondent, via its undersigned counsel, certifies that this Answer to the Petitioner's Application for Enforcement contains 618 words of proportionally-spaced, 14-point type, and the word processing system used was Microsoft Word 2001.

Dated: Flushing, New York
April 5, 2019

/s/ David Yan

David Yan, Esq.

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