



UNITED STATES GOVERNMENT

**NATIONAL LABOR RELATIONS BOARD**

**OFFICE OF THE GENERAL COUNSEL**

Washington, D.C. 20570

November 13, 2019

Clerk, United States Court of  
Appeals for the Seventh Circuit  
Everett McKinley Dirksen Courthouse  
219 South Dearborn Street, Rm. 2722  
Chicago, IL 60604

Re: *NLRB v. CC Traffic and Property  
Management Company LLC*, Board Case  
No. 13-CA-215998

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 proposed judgment.

Please serve a copy of the application on Respondent, whose address appears 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 appears 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/ David Habenstreit

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

cc & documents to: Service List

## SERVICE LIST

### RESPONDENT:

Jose Castillo Ralon, Agent & Mgr  
CC Traffic and Property  
Management Company LLC  
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Chicago, IL 60607-3913

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Phone: (312) 877-5775

### CHARGING PARTY:

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### REGIONAL DIRECTOR:

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### RESPONDENT COUNSEL:

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### INVOLVED PARTY:

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UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	No.
Petitioner	:	
v.	:	
	:	Board Case No.:
CC TRAFFIC AND PROPERTY MANAGEMENT COMPANY LLC	:	13-CA-215998
	:	
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 Seventh Circuit:

The National Labor Relations Board (the “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 against CC Traffic and Property Management Company LLC (“Respondent”). The Board is entitled to summary enforcement because Respondent failed to file an answer to the Board’s unfair labor practice complaint 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 activities giving rise to this proceeding occurred in Illinois. The Board’s final order issued

on September 24, 2019, and is reported at 368 NLRB No. 79.

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

1. On August 2, 2018, the General Counsel issued an amended complaint in Case No. 13-CA-215998, charging Respondent with certain violations of the Act. The complaint, in part, advised the Respondent that under the Board's Rules (29 C.F.R. 102.20 and 102.21), the Respondent was required to file an answer by August 17, 2018, and that if the Respondent failed to file an answer the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the allegations in the complaint are true.

2. Respondent did not file an answer.

3. On August 22, 2018, counsel for the General Counsel sent Respondent a letter stating that no answer had been received regarding the Complaint and Notice of Hearing. The letter notified Respondent that if an answer is not received by August 27, 2018, the Region will file a Motion for Default Judgment with the Board.

4. Respondent did not file an answer.

5. On January 15, 2019, counsel for the General Counsel filed with the Board a Motion for Default Judgment based upon the Respondent's failure to file an answer to the complaint.

6. By order dated January 18, 2019, the Board transferred the case to itself

and issued a Notice to Show Cause, giving Respondent until February 1, 2019, to file with the Board, a response to the Motion for Default Judgment. In order to ensure service on Respondent's counsel and its new counsel, the Board reissued the Order Transferring and the Notice to Show Cause on May 30, 2019 and June 19, 2019, ultimately extending the response due date to July 3, 2019.

7. Respondent did not file a response. The allegations in the motion were therefore undisputed.

8. The Board, on September 24, 2019, issued its Decision and Order, granting the Motion for Default Judgment in the absence of good cause being shown for Respondent's failure to file a timely answer, and entering an appropriate order against the Respondent.

### **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 Respondent. Where a respondent in a Board proceeding fails to file an answer to the unfair labor practice complaint in a timely manner, the Board may, pursuant to Board Rule 102.20, absent a showing of "good cause," deem the complaint's allegations admitted, and then may enter an order, essentially by default, against the respondent. No good cause for Respondent's failure to file an answer was shown here.

It is settled that the Board is entitled to have that 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.” This limitation is jurisdictional and its application is mandatory. *Woelke & Romero Framing v. NLRB*, 456 U.S. 645, 666-67 (1982). Interpreting that requirement, courts have consistently held that a respondent’s failure to assert any defense before the Board entitles the Board, absent extraordinary circumstances, to summary enforcement of its order. *See, e.g., NLRB v. Dane County Dairy*, 795 F.2d 1313, 1319-21 (7th Cir. 1986); *Father and Sons Lumber v. NLRB*, 931 F.2d 1093, 1095-96, 1097 (6th Cir. 1991); *NLRB v. Continental Hagen Corp.*, 932 F.2d 828, 830 (9th Cir. 1991); *Oldwick Materials, Inc. v. NLRB*, 732 F.2d 339, 341 (3d Cir. 1984); *NLRB v. Aaron Convalescent Home*, 479 F.2d 736, 738-39 (6th Cir. 1973). No such circumstances have been shown here.

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

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

Dated in Washington, D.C.  
this 13th day of November, 2019

UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	No.
Petitioner	:	
v.	:	
	:	Board Case No.:
CC TRAFFIC AND PROPERTY MANAGEMENT COMPANY LLC	:	13-CA-215998
	:	
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, CC Traffic and Property Management Company LLC, its officers, agents, successors, and assigns, enforcing its order dated September 24, 2019, in Case No. 13-CA-215998, reported at 368 NLRB No. 79, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, CC Traffic and Property Management Company LLC, its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).

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Judge, United States Court of  
Appeals for the Seventh Circuit

# NATIONAL LABOR RELATIONS BOARD

v.

## CC TRAFFIC AND PROPERTY MANAGEMENT COMPANY LLC

### ORDER

CC Traffic and Property Management Company LLC, its officers, agents, successors, and assigns, shall

1. Cease and desist from
  - (a) Failing and refusing to recognize and bargain collectively and in good faith with Teamsters Local Union No. 727 as the exclusive collective-bargaining representative of its employees in the appropriate bargaining unit.
  - (b) Failing or refusing to bargain collectively with the Union by failing and refusing to furnish it with requested information that is relevant and necessary to the Union's performance of its functions as the exclusive collective-bargaining representative of the Respondent's unit employees.
  - (c) Changing the terms and conditions of employment of its unit employees by failing and refusing to make contributions to the Union's Health and Welfare, Pension, and Legal and Educational Assistance Funds since January 1, 2018, without first notifying the Union and giving it an opportunity to bargain.
  - (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) Recognize and, on request, bargain with the Union as the exclusive representative of the employees in the appropriate bargaining unit concerning terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement.
  - (b) Furnish to the Union in a timely manner the information requested on February 21, 2018.

- (c) On request of the Union, rescind the changes to unit employees' terms and conditions of employment, make contributions to the Union's Health and Welfare, Pension, and Legal and Educational Assistance Funds that have not been made since January 1, 2018, and continue to make those contributions until negotiating with the Union to agreement or impasse.
- (d) Make the unit employees whole for any expenses ensuing from its failure to make contributions to the Union's Health and Welfare, Pension, and Legal and Educational Assistance Funds since January 1, 2018, in the manner set forth in the remedy section of this decision.
- (e) Within 14 days after service by the Region, post at its facility in Chicago, Illinois, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 13, 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 January 1, 2018.
- (f) Within 21 days after service by the Region, file with the Regional Director for Region 13 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 fail and refuse to recognize and bargain in good faith with the Union as the exclusive collective-bargaining representative of our employees in the following appropriate unit:

All employees, including, but not limited to: cashiers, hikers, attendants, porters, maintenance men/custodians, drive men, washers, collectors, customer service representatives (excluding those who do sales and/or marketing), drivers, dispatchers, bellmen, doormen and supervisors who perform bargaining unit work, but excluding clerical employees, guards, professional employees and supervisors as defined in the National Labor Relations Act, who do not perform bargaining unit work.

WE WILL NOT refuse to bargain collectively with the Union by failing and refusing to furnish it with requested information that is necessary and relevant to the performance of its functions as the collective-bargaining representative of our unit employees.

WE WILL NOT change the terms and conditions of employment of our unit employees by failing and refusing to make contributions to the Union's Health and Welfare, Pension, and Legal and Educational Assistance Funds without first giving notice to and bargaining with the Union.

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 recognize and, on request, bargain with the Union as the exclusive representative of the employees in the above-described unit concerning terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement.

WE WILL furnish to the Union in a timely manner the information it requested on February 21, 2018.

WE WILL, on request of the Union, rescind changes to the terms and conditions of employment of the employees in the above-described unit, make contributions to the Union's Health and Welfare, Pension, and Legal and Educational Assistance Funds that have not been made since January 1, 2018, and continue to make those contributions until we negotiate in good faith with the Union to agreement or to impasse.

WE WILL make unit employees whole, plus interest, for any losses caused by our failure to make the required fund contributions.

## CC TRAFFIC AND PROPERTY MANAGEMENT COMPANY LLC

The Board's decision can be found at [www.nlr.gov/case/13-CA-215998](http://www.nlr.gov/case/13-CA-215998) 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 SEVENTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD :  
 : No.  
 :  
 Petitioner :  
 :  
 v. :  
 : Board Case No.:  
 : 13-CA-215998  
 CC TRAFFIC AND PROPERTY MANAGEMENT :  
 COMPANY LLC :  
 :  
 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 mail upon the following parties at the addresses listed below:

James O. Stola, Esq. Law Office of James O. Stola 306 S. Halsted Street, Apt 1 Chicago, IL 60661-5410	James O. Stola, Esq. 3057 N. Rockwell St. Chicago, IL 60618	James O. Stola Law Offices James O. Stola 1200 W. 35 <sup>th</sup> Street Chicago, IL 60609
----------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------	------------------------------------------------------------------------------------------------------

Jose Castillo Ralon, Agt. & Mgr.  
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Management Company, LLC  
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Chicago, IL 60607-3913

Jose Ralon, Agent & Mgr  
CC Traffic  
412 S Dearborn St  
Chicago, IL 60605-1107

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

Dated at Washington, D.C.  
this 13th day of November, 2019