

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
WASHINGTON, D.C.**

**ATRIUM HOSPITALITY LP d/b/a THE WESTIN  
SOUTHFIELD-DETROIT**

**Respondent**

**and**

**Case 07-CA-239682**

**LOCAL 24, UNITE HERE!, AFL-CIO**

**Charging Party**

**COUNSEL FOR THE GENERAL COUNSEL'S  
MOTIONS TO TRANSFER CASE TO AND CONTINUE PROCEEDINGS BEFORE  
THE BOARD AND FOR DEFAULT JUDGMENT**

Pursuant to Sections 102.24 and 102.50 of the Board's Rules and Regulations, Series 8, as amended (Board's Rules and Regulations), Counsel for the General Counsel Eric S. Cockrell files these Motions to Transfer Cases to and Continue Proceedings Before the Board and Motion for Default Judgment, and in support of the Motions, states as follows:

1. The charge in this proceeding was filed by the Charging Party on April 12, 2019, and a copy was served on Respondent by U.S. mail on April 16, 2019. A copy of the charge, the Region's docketing letter, and the affidavit of service for the charge are attached as Exhibits A, B and C, respectively.
2. On October 30, 2019, the Regional Director for Region Seven issued and served upon Respondent by certified mail at Respondent's address, a Reissued Complaint, Order Revoking Settlement, and Notice of Hearing (Reissued Complaint). Respondent was notified that it must file an answer to the Reissued Complaint on or before November 13, 2019. A copy of the Reissued Complaint, the affidavit of service, and certified mail receipt are attached as Exhibits D, E and F, respectively.

3. Respondent failed to file an answer on or before November 13, 2019.

4. On November 13, 2019, the Acting Regional Director for Region Seven issued and served upon Respondent a letter by regular and certified mail advising Respondent that it had not filed an answer to the Reissued Complaint. Respondent was further advised that unless it filed an appropriate answer by November 21, 2019, a Motion for Default Judgment would be filed with the Board. A copy of the Acting Regional Director's letter, the affidavit of service, and certified mail receipt are attached as Exhibits G, H and I, respectively.

5. To date, no answer to the Reissued Complaint has been filed by Respondent, nor has Respondent filed any document purporting to be an appropriate answer or a request for an extension of time to file an answer.

6. In the Reissued Complaint served upon Respondent, as noted above, Respondent was advised as follows:

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the reissued complaint. The answer must be **received by this office on or before November 13, 2019, or postmarked on or before November 12, 2019.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties. . . . If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the reissued complaint are true.

7. Section 102.20 of the Board's Rules and Regulations, provides, in pertinent part: "All allegations in the complaint, if no answer is filed . . . will be deemed to be admitted to be true and will be so found by the Board, unless good cause to the contrary is shown." Because no answer has been filed to the Reissued Complaint, all of the allegations of the Reissued Complaint should be deemed to be admitted and found to be true. *Local 307, National Postal Mailhandlers Union*, 367 NLRB No. 144 (June 4,

2019); *SDS Distributing Corp.*, 245 NLRB 322 (1979); *Neal B. Scott Commodities, Inc.*, 238 NLRB 32 (1978). Based on the foregoing, it is clear that a hearing in this matter is not necessary and it is appropriate for the Board to issue a Decision and Order without further proceedings.

WHEREFORE, Counsel for the General Counsel respectfully moves:

1. That this Case and these Motions be transferred to the Board and ruled on immediately so that in the event they are granted, the necessity and expense of a hearing involving Respondent will be obviated.
2. That all allegations of the Reissued Complaint be deemed to be admitted to be true, and so found by the Board, and that Respondent be found by the Board to have violated Section 8(a)(1) and (5) of the National Labor Relations Act, as amended, without taking evidence in support of the Reissued Complaint.
3. That the Board issue a Decision containing findings of fact, conclusions of law, and an Order, all consistent with the allegations in the Reissued Complaint against Respondent and the prayer for relief set forth therein.

Respectfully submitted this 12<sup>th</sup> day of December 2019,

/s/ Eric S. Cockrell

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Eric S. Cockrell  
Counsel for the General Counsel  
National Labor Relations Board  
Region Seven  
477 Michigan Avenue, Room 05-200  
Detroit, Michigan 48226  
Telephone: (313) 335-8050  
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E-mail: [eric.cockrell@nlrb.gov](mailto:eric.cockrell@nlrb.gov)

UNITED STATES OF AMERICA  
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ATRIUM HOSPITALITY LP d/b/a THE WESTIN  
SOUTHFIELD-DETROIT

Respondent

and

Case 07-CA-239682

LOCAL 24, UNITE HERE!, AFL-CIO

Charging Party

**CERTIFICATE OF SERVICE**

I certify that I have caused a true and correct copy of the foregoing **COUNSEL FOR THE GENERAL COUNSEL'S MOTIONS TO TRANSFER CASE TO AND CONTINUE PROCEEDINGS BEFORE THE BOARD AND FOR DEFAULT JUDGMENT** to be served upon the following via the NLRB's e-filing system on December 12, 2019:

Roxanne L. Rothschild, Executive Secretary  
Office of the Executive Secretary  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

I further certify that I have caused a true and correct copy of the above-referenced documents to be served on the following electronically on December 12, 2019:

Mark DeLoach, Assistant General Counsel  
Atrium Hospitality LP d/b/a The Westin  
Southfield-Detroit  
Deerfield Point II  
12735 Morris Road Ext, Suite 400  
Alpharetta, GA 30004  
Email: [mdeloach@atriumhospitality.com](mailto:mdeloach@atriumhospitality.com)

Julie Jankowski, General Manager  
Atrium Hospitality LP d/b/a The Westin  
Southfield-Detroit  
1500 Town Center Drive  
Southfield, MI 48075  
Email: [jjankowski@atriumhospitality.com](mailto:jjankowski@atriumhospitality.com)

Marshall J. Widick, Esq.  
Nickelhoff & Widick PLLC  
333 West Fort Street, Suite 1400  
Detroit, MI 48226  
Email: [mwidick@michlabor.legal](mailto:mwidick@michlabor.legal)

/s/ Eric S. Cockrell

---

Eric S. Cockrell  
Counsel for the General Counsel  
National Labor Relations Board  
Region Seven  
477 Michigan Avenue, Room 05-200  
Detroit, Michigan 48226  
Telephone: (313) 335-8050  
Fax: (313) 226-2090  
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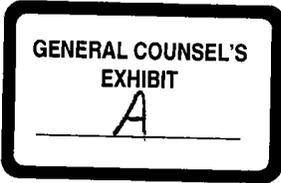
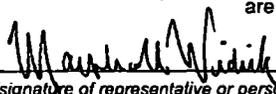


UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case <b>07-CA-239682</b>	Date Filed <b>4-12-2019</b>

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>	
a. Name of Employer <b>Atrium Hospitality LP, d/b/a Westin Southfield-Detroit</b>	
b. Tel. No. <b>678-829-8869</b>	
c. Cell No. <b>404-518-0875</b>	
f. Fax No.	
d. Address (Street, city, state, and ZIP code) <b>1500 Town Center Dr. Southfield, MI 48075</b>	e. Employer Representative <b>Mark DeLoach Julie Jankowski</b>
g. e-mail <b>mdeloach@atriumhospitality.com</b>	
h. Number of workers employed <b>140</b>	
i. Type of Establishment (factory, mine, wholesaler, etc.) <b>Hotel</b>	j. Identify principal product or service <b>Hospitality</b>
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
<b>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</b>	
Since in or about January 2019, the above Employer has failed to bargain in good faith by failing to provide information requested by Charging Party with respect to Rachel Euseary (and/or the grievance relating to her employment termination) which is necessary and relevant to the Charging Party's function as the exclusive collective bargaining representative of the employees of the Employer.	
<b>3. Full name of party filing charge (if labor organization, give full name, including local name and number)</b> <b>UNITEHERE! Local 24</b>	
4a. Address (Street and number, city, state, and ZIP code) <b>300 River Place Drive, Suite 2700 Detroit, MI 48207</b>	4b. Tel. No. <b>313-259-8480</b>
	4c. Cell No.
	4d. Fax No.
	4e. e-mail
	<b>5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)</b> <b>UNITEHERE! International Union</b>
<b>6. DECLARATION</b>	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
 <i>(signature of representative or person making charge)</i>	<b>Marshall J. Widick, Esq.</b> <i>(Print/type name and title or office, if any)</i>
Address <b>333 W. Fort St., Suite 1400, Detroit, MI 48226</b>	
Date <b>April 12, 2019</b>	
Tel. No. <b>313-496-9472</b>	
Office, if any, Cell No.	
Fax No. <b>313-965-4602</b>	
e-mail <b>mwidick@michlabor.legal</b>	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

REC'D IN  
NLR REGION 7  
2019 APR 15 PM 12:25  
DETROIT, MI



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 7

Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 300  
Detroit, MI 48226

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (313)226-3200  
Fax: (313)226-2090



Download  
NLRB  
Mobile App

April 16, 2019

Mr. Mark DeLoach  
Ms. Julie Jankowski  
Atrium Hospitality LP d/b/a  
The Westin Southfield- Detroit  
1500 Town Center Drive  
Southfield, MI 48075

Re: Atrium Hospitality LP d/b/a  
The Westin Southfield-Detroit  
Case 07-CA-239682

Dear Mr. DeLoach and Ms. Jankowski:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Renee D. McKinney whose telephone number is (313)335-8033. If this Board agent is not available, you may contact Deputy Regional Attorney Erikson C.N. Karmol whose telephone number is (313)335-8025.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

GENERAL COUNSEL'S  
EXHIBIT

B

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

April 16, 2019

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Terry Morgan". The signature is written in a cursive, flowing style.

Terry Morgan  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

Renee D. McKinney **QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME Atrium Hospitality LP d/b/a The Westin Southfield-Detroit	CASE NUMBER 07-CA-239682
------------------------------------------------------------------------	-----------------------------

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

CORPORATION  LLC  LLP  PARTNERSHIP  SOLE PROPRIETORSHIP  OTHER (Specify) \_\_\_\_\_

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
----------------------------------------	--------------------------------------------------------------------------------------

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7. A. PRINCIPAL LOCATION:	B. BRANCH LOCATIONS:
---------------------------	----------------------

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. Total: \_\_\_\_\_ B. At the address involved in this matter: \_\_\_\_\_

9. DURING THE MOST RECENT (Check appropriate box):  CALENDAR YR  12 MONTHS or  FISCAL YR (FY dates)

		YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____			
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____			
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____			
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____			
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____			
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____			
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____			
H. Gross Revenues from all sales or performance of services (Check the largest amount): <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.			
I. Did you begin operations within the last 12 months? If yes, specify date: _____			

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

YES  NO (If yes, name and address of association or group)

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**ATRIUM HOSPITALITY LP D/B/A THE  
WESTIN SOUTHFIELD-DETROIT**

Charged Party

and

**LOCAL 24, UNITE HERE!, AFL-CIO**

Charging Party

**Case 07-CA-239682**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 16, 2019, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Mr. Mark DeLoach  
Ms. Julie Jankowski  
Atrium Hospitality LP d/b/a  
The Westin Southfield- Detroit  
1500 Town Center Drive  
Southfield, MI 48075

Local 24, UNITE HERE!, AFL-CIO  
300 River Place Drive  
Suite 2700  
Detroit, MI 48207

Marshall J. Widick, Esq.  
Nickelhoff & Widick PLLC  
2211 East Jefferson Avenue  
Suite 200  
Detroit, MI 48207

April 16, 2019

\_\_\_\_\_  
Date

Carol A. Koper, Designated Agent of  
NLRB

\_\_\_\_\_  
Name

/s/ Carol A. Koper

\_\_\_\_\_  
Signature

GENERAL COUNSEL'S  
EXHIBIT

C



**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION SEVEN**

**ATRIUM HOSPITALITY LP d/b/a THE WESTIN  
SOUTHFIELD-DETROIT**

**Respondent**

**and**

**Case 07-CA-239682**

**LOCAL 24, UNITE HERE!, AFL-CIO**

**Charging Party**

**REISSUED COMPLAINT, ORDER REVOKING SETTLEMENT,  
AND NOTICE OF HEARING**

Based upon a charge filed by the Charging Party on April 12, 2019, a Complaint and Notice of Hearing issued in Case 07-CA-239682, against Respondent, alleging that it violated the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq. by engaging in unfair labor practices. On September 9, 2019, a Settlement Agreement and Notice to Employees was approved (Settlement Agreement), a copy of which is attached as Appendix A, and pursuant to which Respondent agreed to take certain actions to remedy the unfair labor practice alleged in the Complaint. Respondent has failed to comply with the terms of the Settlement Agreement. Accordingly, pursuant to the terms of the Settlement Agreement and Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board), the Complaint is reissued as follows.

1. The charge in this proceeding was filed by the Charging Party on April 12, 2019, and a copy was served on Respondent by U.S. mail on April 16, 2019.
2. (a) At all material times, Respondent, has been a limited partnership, with an office and place of business in Southfield, Michigan, and has been engaged in the business of operating a hotel and providing food and lodgings.  
  
(b) In conducting its operations during the 12-month period ending December 31, 2018, Respondent derived gross revenues in excess of \$500,000.  
  
(c) During the period of time described above in paragraph 2(b) Respondent, in conducting its operations described above in paragraph 2(a), purchased and received at its Southfield, Michigan facility goods valued in excess of \$5,000 directly from points outside the State of Michigan.

GENERAL COUNSEL'S  
EXHIBIT

D

3. At all material times, the Charging Party has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, Respondent's Assistant General Counsel has been an agent of Respondent within the meaning of Section 2(13) of the Act.

5. (a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Lead Cook, Line Cook, Prep Cook, Pantry Attendant, Pantry Attendant Lead, Cafeteria Attendant, Steward, Stewarding Lead, Receiving Clerk, Room Attendant, Public Area Attendant, Laundry Attendant, Laundry Lead, House Attendant, Housekeeping Lead, Bartender, Beverage Server, Food Server, Greeter, Bus Attendant, Outlet Lead, Room Service Server, Room Service Expediter, Captain, Server, Bartender, House Attendant, House Attendant Lead, Banquet Runner, Concierge, Concierge Lobby, Front Desk Agent, Night Front Desk Agent, Front Desk Lead, Operator, Night Operator, Luggage Attendant, Night Luggage Attendant, Door Attendant, Bell Captain, and Lead employed by Respondent at its facility located at 1500 Town Center Drive, Southfield, Michigan 48075, but excluding all managers, confidential employees, security personnel, and guards and supervisors under the Act.

(b) At all material times, Respondent has recognized the Charging Party as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective for the period of December 5, 2016 through February 16, 2021.

(c) At all material times, based on Section 9(a) of the Act, the Charging Party has been the exclusive collective bargaining representative of the Unit.

6. (a) Since about January 11, 2019, the Charging Party has requested in writing that Respondent furnish the Charging Party with the following information:

1. All disciplinary notices (including but not limited to the termination notice) since January 2017;
2. All witness statements relating to the incident;
3. All reports, memos, emails (with any attachments), and other documents constituting or relating to the Employer's investigation into the incident.
4. Any correspondence between police and the hotel relating to the incident (including but not limited to any police reports or statements);

5. Any video or audio recording(s) relating to the incident or to the investigation into the incident;
6. Any policy, rule, or other document that the Employer relied upon in deciding to predicate [the grievant's] termination from employment.

(b) The information requested by the Charging Party, as described above in paragraph 6(a), is necessary for, and relevant to, the Charging Party's performance of its duties as the exclusive collective-bargaining representative of the Unit.

7. (a) Since about January 11, 2019, Respondent, has failed and refused to furnish the Charging Party with the information in Items 1, 2, and 3, as requested by the Charging Party as described above in paragraph 6(a).

(b) From about January 11, 2019 to about May 9, 2019, Respondent unreasonably delayed in informing the Charging Party that the information in Items 4 and 5, as requested by the Charging Party as described above in paragraph 6(a), does not exist.

(c) From about January 11, 2019 to about May 9, 2019, Respondent unreasonably delayed in furnishing the Charging Party with the information in Item 6, as requested by the Charging Party as described above in paragraph 6(a).

8. By the conduct described above in paragraphs 7(a) through (c), Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

9. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

10. (a) In disposition of Case 07-CA-239682, Respondent entered into a Settlement Agreement (Appendix A), which was approved on September 9, 2019.

(b) Since about September 12, 2019, by failing to provide the information described above in paragraph 6(a) and by failing to post a Notice to Employees, Respondent has failed and refused to comply with the Settlement Agreement described above in paragraph 10(a).

(c) In light of the conduct described above in paragraph 10(b), Respondent violated the terms of the Settlement Agreement described above in paragraph 10(a).

11. It is therefore ORDERED, pursuant to Section 101.9(e)(2) of the Board's Rules and Regulations, that the Settlement Agreement described above in paragraph 10(a) is vacated and set aside.

**WHEREFORE**, it is prayed that Respondent be ordered to:

1. Cease and desist from engaging in the conduct described in paragraphs 7(a) through (c), or in any other like or related manner refusing to bargain collectively and in good faith with the Charging Party as the Unit's exclusive collective-bargaining representative.

2. Take the following affirmative action:

(a) Upon request, furnish the relevant information requested by the Charging Party in paragraph 6(a).

(b) Upon request, bargain collectively and in good faith with the Charging Party as the Unit's exclusive collective-bargaining representative.

(c) Post appropriate notices.

The General Counsel further prays for such other relief as may be just and proper to remedy the unfair labor practices herein alleged.

#### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the reissued complaint. The answer must be **received by this office on or before November 13, 2019, or postmarked on or before November 12, 2019.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed,

or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the reissued complaint are true.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **February 27, 2020, 10:00 am**, at **Patrick V. McNamara Federal Building, 477 Michigan Avenue, 5<sup>th</sup> Floor, Room 05-200, Detroit, Michigan**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this reissued complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: October 30, 2019



---

Terry Morgan  
Regional Director  
National Labor Relations Board - Region 7  
Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 05-200  
Detroit, MI 48226

Attachments

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 7

**ATRIUM HOSPITALITY LP d/b/a THE WESTIN  
SOUTHFIELD-DETROIT**

and

Case 07-CA-239682

**LOCAL 24, UNITE HERE!, AFL-CIO**

**AFFIDAVIT OF SERVICE OF: REISSUED COMPLAINT, ORDER REVOKING  
SETTLEMENT, AND NOTICE OF HEARING** (with forms NLRB-4338 and NLRB-4668  
attached)

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on , I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Mark DeLoach, Assistant General Counsel  
Atrium Hospitality LP d/b/a The Westin  
Southfield- Detroit  
Deerfield Point II  
12735 Morris Road Ext., Suite 400  
Alpharetta, GA 30004

**FIRST CLASS MAIL**

Julie Jankowski, General Manager  
Atrium Hospitality LP d/b/a The Westin  
Southfield-Detroit  
1500 Town Center Drive  
Southfield, MI 48075

**CERTIFIED MAIL, RETURN RECEIPT  
REQUESTED  
7003 3110 0004 3671 9524**

Marshall J. Widick, Esq.  
Nickelhoff & Widick, PLLC  
333 West Fort Street, Suite 1400  
Detroit, MI 48226

**FIRST CLASS MAIL**

Local 24, UNITE HERE!, AFL-CIO  
300 River Place Drive, Suite 2700  
Detroit, MI 48207

**CERTIFIED MAIL  
7003 3110 0004 3671 9531**

October 30, 2019

Date

J. Moore, Designated Agent of NLRB

Name

*/s/ J. Moore*

Signature

GENERAL COUNSEL'S  
EXHIBIT

E

7003 3110 0004 3671 9524  
 7003 3110 0004 3671 9531

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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

**Sent To**

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Julie Jankowski, General Manager  
 Atrium Hospitality LP d/b/a The Westin  
 Southfield-Detroit  
 1500 Town Center Drive  
 Southfield, MI 48075

CPT/CA-239682/RDM/jm



9590 9402 2748 6351 5687 20

2. Article Number (Transfer from service label)

7003 3110 0004 3671 9524

**COMPLETE THIS SECTION ON DELIVERY**

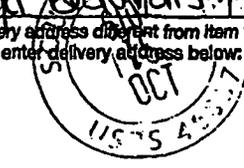
**A. Signature**

Agent  
 Addressee

**B. Received by (Printed Name)**  
 Tania Jankowski

**C. Date of Delivery**  
 10/31/19

**D. Is delivery address different from item 1?**  Yes  
 If YES, enter delivery address below:  No



**3. Service Type**

Adult Signature  
 Adult Signature Restricted Delivery  
 Certified Mail®  
 Certified Mail Restricted Delivery  
 Collect on Delivery  
 Collect on Delivery Restricted Delivery  
 Restricted Delivery

Priority Mail Express®  
 Registered Mail™  
 Registered Mail Restricted Delivery  
 Return Receipt for Merchandise  
 Signature Confirmation™  
 Signature Confirmation Restricted Delivery

GENERAL COUNSEL'S  
 EXHIBIT  
**F**





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 7

Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 05-200  
Detroit, MI 48226

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (313)226-3200  
Fax: (313)226-2090

November 14, 2019

**Certified and Regular Mail**

Julie Jankowski, General Manager  
Atrium Hospitality LP d/b/a The Westin  
Southfield- Detroit  
1500 Town Center Drive  
Southfield, MI 48075

**Regular Mail**

Mark DeLoach, Assistant General Counsel  
Atrium Hospitality LP d/b/a The Westin Southfield-Detroit  
Deerfield Point II  
12735 Morris Road Ext., Suite 400  
Alpharetta, GA 30004

Re: Atrium Hospitality LP d/b/a The Westin  
Southfield-Detroit  
Case 07-CA-239682

Dear Ms. Jankowski and Mr. DeLoach

According to our records, the Respondent has not filed an answer to the Reissued Complaint, Order Revoking Settlement, and Notice of Hearing (hereinafter Reissued Complaint) which issued in this case on October 30, 2019, a copy of which is attached hereto. As you were advised at the time the Reissued Complaint issued, Respondent was required to file an original and four copies of an Answer to the Reissued Complaint on or before November 13, 2019. This is pursuant to the Board's Rules and Regulations, Sections 102.20 and 102.21.

An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer

GENERAL COUNSEL'S  
EXHIBIT

6

containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

Any answer to the Reissued Complaint filed now would be untimely and should be accompanied by a statement indicating the reason for its late submission.

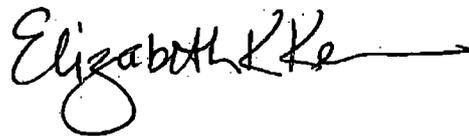
Please be advised that unless you comply with the Board's Rules and Regulations with respect to the filing of an appropriate Answer by **Thursday, November 21, 2019**, we will have no alternative but to file a Motion for Default Judgment with the Board and, if granted, all the allegations in the Reissued Complaint would be deemed admitted as true.

In the event you are having problems meeting the time requirements as to filing an Answer, please be advised that you may receive an extension of time, pursuant to Section 102.22 of the Board's Rules and Regulations, by submitting proper cause therefore to the Regional Director. A letter to the Regional Director with copies to the other parties setting forth the reason for the request will suffice. Your request will be ruled upon promptly.

If you have any questions or requests concerning this letter or the Board's Rules, please call the agent to whom the case is assigned or in his/her absence, the immediate supervisor or me.

Thank you for your kind cooperation.

Very truly yours,

A handwritten signature in black ink that reads "Elizabeth K. Kerwin". The signature is written in a cursive style with a long horizontal stroke extending to the right from the end of the name.

Elizabeth K. Kerwin  
Acting Regional Director

Attachment:

Copy of Reissued Complaint, Order Revoking Settlement, and Notice of Hearing

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 7**

**ATRIUM HOSPITALITY LP d/b/a THE WESTIN  
SOUTHFIELD-DETROIT**

**and**

**Case 07-CA-239682**

**LOCAL 24, UNITE HERE!, AFL-CIO**

**AFFIDAVIT OF SERVICE OF: LETTER REQUESTING ANSWER TO REISSUED  
COMPLAINT, ORDER REVOKING SETTLEMENT, AND NOTICE OF HEARING**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on November 14, 2019, I served the above-entitled document(s) by **certified and/or regular mail** upon the following persons, addressed to them at the following addresses:

Julie Jankowski, General Manager  
Atrium Hospitality LP d/b/a The Westin  
Southfield-Detroit  
1500 Town Center Drive  
Southfield, MI 48075

**REGULAR MAIL  
and  
CERTIFIED MAIL – RETURN RECEIPT  
REQUESTED  
7004 2510 0001 3777 0389**

Mark DeLoach, Assistant General Counsel  
Atrium Hospitality LP d/b/a The Westin  
Southfield-Detroit  
Deerfield Point II  
12735 Morris Road Ext., Suite 400  
Alpharetta, GA 30004

**REGULAR MAIL**

November 14, 2019

Date

J. Moore, Designated Agent of NLRB

Name

*/s/ J. Moore*

Signature

GENERAL COUNSEL'S  
EXHIBIT

H



**U.S. Postal Service™**  
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Postage	\$	Postmark Here
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Return Receipt Fee <small>(Endorsement Required)</small>		
Restricted Delivery Fee <small>(Endorsement Required)</small>		
<b>Total Postage &amp; Fees</b>	<b>\$</b>	

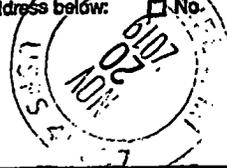
*Sent To*

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

7004 2510 0001 3777 0389

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY		
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> <p>1. Article Addressed to:            Julie Jankowski, General Manager            Atrium Hospitality LP d/b/a The Westin            Southfield, Detroit            1500 Town Center Drive            Southfield, MI 48075</p> <p style="text-align: center;">CPT/ANS/CA-239682/ESC/jm</p> <div style="text-align: center;">               9590 9402 2748 6351 5676 62           </div> <p>2. Article Number (Transfer from service label)  <span style="font-size: large; font-weight: bold;">7004 2510 0001 3777 0389</span></p>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Tanya Beauvais</i>      <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <i>Tanya Beauvais</i></p> <p>C. Date of Delivery  <i>11-20-19</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes        If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> <div style="text-align: center; margin: 10px 0;">  </div> <p>3. Service Type</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"> <input type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input checked="" type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Mail Restricted Delivery             </td> <td style="vertical-align: top;"> <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Signature Confirmation Restricted Delivery             </td> </tr> </table>	<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Mail Restricted Delivery	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Mail Restricted Delivery	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery		

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

**GENERAL COUNSEL'S  
EXHIBIT**

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