

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

National Labor Relations Board,

Petitioner,

Case No. 20-731

v.

**Key Food Stores Co-Operative, Inc.,
1525 Albany Ave Meat LLC, HB Food Corp.,
Paramount Supermarkets Inc., Riverdale
Grocers LLC, Seven Seas Union Square, LLC,
100 Greaves Lane Meat LLC, Jar 259 Food
Corp.,**

Respondents.

ANSWER TO PETITION FOR ENFORCEMENT

Respondent Key Food Stores Co-Operative, Inc. (“Key Food”), in answer to the Petition of the National Labor Relations Board (“NLRB”) for Enforcement of the NLRB’s Decision and Order, dated October 16, 2019, in Board Case Nos. 29-CA-164058, 29-CA-167245, 29-CA-167319, 29-CA-167327, 29-CA-167400, 29-CA-173762, and 29-CA-180296, reported at 368 NLRB No 92 (the “Decision and Order”), responds as follows:

1. Admits that this Court has jurisdiction over this matter and that venue is properly placed.
2. Denies that Key Food violated the National Labor Relations Act (“NLRA”).

3. Denies that the factual findings contained in the Decision and Order as to Key Food are supported by substantial evidence and denies that the NLRB's legal conclusion that Key Food was a joint employer is correct.
4. Denies that Petitioner is entitled to enforcement of the Decision and Order in whole or in part.
5. Denies that Petitioner is entitled to the relief sought in the Decision and Order in whole or in part.

WHEREFORE, Key Food respectfully requests that the Court deny enforcement of the Decision and Order and that it grant Key Food such other and further relief as this Court may deem just and proper.

Dated: March 19, 2020

Respectfully submitted,

ROPES & GRAY LLP

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