

Per PACER docket, no objections to the Board's proposed judgment were filed within 14 days as per the terms of the order. Consequently, the proposed judgment submitted by the Board in this case has been adopted by the Circuit.

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**General Docket**  
**United States Court of Appeals for the Ninth Circuit**

<b>Court of Appeals Docket #:</b> 19-73231 NLRB v. Blue Earth Digital Printing <b>Appeal From:</b> National Labor Relations Board <b>Fee Status:</b> USA - No Fee Req	<b>Docketed:</b> 12/18/2019 <b>Termed:</b> 06/23/2020
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**Case Type Information:**

- 1) agency
- 2) enforcement
- 3) null

**Originating Court Information:**

**District:** NLRB-1 : 31-CA-133542

**Date Filed:** 12/18/2019

**Date Decided:**  
10/18/2019

**Date Rec'd COA:**  
12/18/2019

- 12/18/2019 [1](#) FILED NLRB'S APPLICATION FOR SUMMARY ENTRY OF A JUDGMENT ENFORCING AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD. DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. NOTIFIED RESPONDENTS OF FILING. SEND MQ: No. [11537650] (HC) [Entered: 12/18/2019 03:58 PM]
- 12/18/2019 [2](#) RECEIVED PROPOSED JUDGMENT. [11537655] (HC) [Entered: 12/18/2019 04:00 PM]
- 12/19/2019 [3](#) Filed (ECF) Petitioner NLRB Mediation Questionnaire. Date of service: 12/19/2019. [11537993] [19-73231] (Habenstreit, David) [Entered: 12/19/2019 07:48 AM]
- 12/19/2019 [4](#) The Mediation Questionnaire for this case was filed on 12/19/2019. To submit pertinent **confidential** information directly to the Circuit Mediators, please use the following [link](#). Confidential submissions may include any information relevant to mediation of the case and settlement potential, including, but not limited to, settlement history, ongoing or potential settlement discussions, non-litigated party related issues, other pending actions, and timing considerations that may impact mediation efforts.[11538583]. [19-73231] (AD) [Entered: 12/19/2019 12:44 PM]
- 12/30/2019 [5](#) MEDIATION ORDER FILED: The Mediation Program of the 9th Circuit Court of Appeals facilitates settlement while appeals are pending. By 01/13/2020, counsel for all parties intending to file briefs in this matter are requested to inform the Circuit Mediator by email of their clients' views on whether the issues on appeal or the underlying dispute might be amenable to settlement presently or in the foreseeable future. This communication will be kept confidential, if requested... This communication should not be filed with the court.. [11546356] (VS) [Entered: 12/30/2019 11:15 AM]
- 01/15/2020 [6](#) MEDIATION ORDER FILED: This case is RELEASED from the Mediation Program. [11562789] (VS) [Entered: 01/15/2020 09:07 AM]
- 06/11/2020 [7](#) Filed (ECF) Petitioner NLRB Correspondence: Notification pursuant to Advisory Committee Note to Circuit Rule 25-2. Date of service: 06/11/2020 [11718744] [19-73231] (Habenstreit, David) [Entered: 06/11/2020 12:10 PM]
- 06/23/2020 [8](#) Filed order (SUSAN P. GRABER, KIM MCLANE WARDLAW and RYAN D. NELSON) The application (Docket Entry No. [1](#)) of the National Labor Relations Board for enforcement of its October 18, 2019 order is granted. Unless objections as to form are received within fourteen days of the date of this order, the form of judgment submitted at Docket Entry No. [2](#) will be the judgment of the court. The Clerk will serve the proposed judgment submitted at Docket Entry No. [2](#) on respondent. [11731288] (WL) [Entered: 06/23/2020 04:20 PM]

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
U.S. Court of Appeals for the 9th Circuit - 07/08/2020 05:54:15			
<b>PACER Login:</b>	NLRB2014	<b>Client Code:</b>	
<b>Description:</b>	Case Summary	<b>Search Criteria:</b>	19-73231
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.10

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

JUN 23 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NATIONAL LABOR RELATIONS  
BOARD,

Petitioner,

v.

BLUE EARTH DIGITAL PRINTING,  
INC., AKA Bonada Enterprises, Inc.,

Respondent.

No. 19-73231

NLRB No. 31-CA-133542  
National Labor Relations Board

ORDER

Before: GRABER, WARDLAW, and R. NELSON, Circuit Judges.

The application (Docket Entry No. 1) of the National Labor Relations Board for enforcement of its October 18, 2019 order is granted. Unless objections as to form are received within fourteen days of the date of this order, the form of judgment submitted at Docket Entry No. 2 will be the judgment of the court.

The Clerk will serve the proposed judgment submitted at Docket Entry No. 2 on respondent.

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	
BLUE EARTH DIGITAL PRINTING, INC.,	:	Board Case No.:
A/K/A BONADA ENTERPRISES, INC.	:	31-CA-133542
	:	
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, Blue Earth Digital Printing, Inc., a/k/a Bonada Enterprises, Inc., its officers, agents, successors, and assigns, enforcing its order dated October 18, 2019, in Case No. 31-CA-133542, reported at 368 NLRB No. 99, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, Blue Earth Digital Printing, Inc., a/k/a Bonada Enterprises, Inc., its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).

Endorsed, Judgment Filed and Entered

/s/ Molly Dwyer  
Molly Dwyer  
Clerk

NATIONAL LABOR RELATIONS BOARD

v.

BLUE EARTH DIGITAL PRINTING, INC.,  
A/K/A BONADA ENTERPRISES, INC.

**ORDER**

Blue Earth Digital Printing, Inc., also known as Bonada Enterprises, Inc., Culver City, California, its officers, agents, successors, and assigns, shall

1. Cease and desist from
  - (a) Discharging employees because they engage in protected concerted activities.
  - (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) Within 14 days from the date of this Order, offer Vivian Escalante full reinstatement to her former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to her seniority or any other rights or privileges previously enjoyed.
  - (b) Make Vivian Escalante whole for any loss of earnings and other benefits suffered as a result of the discrimination against her, in the manner set forth in the remedy section of the judge's decision.
  - (c) Compensate Vivian Escalante for the adverse tax consequences, if any, of receiving a lump-sum backpay award, and file with the Regional Director for Region 31, within 21 days of the date the amount of backpay is fixed, either by agreement or Board order, a report allocating the backpay award to the appropriate calendar years.
  - (d) Within 14 days from the date of this Order, remove from its files any reference to the unlawful discharge, and within 3 days thereafter, notify the employee in writing that this has been done and that the discharge will not be used against her in any way.

- (e) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.
- (f) Within 14 days after service by the Region, post at its Culver City, California facility copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 31, 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 June 26, 2014.
- (g) Within 21 days after service by the Region, file with the Regional Director for Region 31 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 discharge or otherwise discriminate against any of you for engaging in protected concerted activities.

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, within 14 days from the date of the Board's Order, offer Vivian Escalante full reinstatement to her former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to her seniority or any other rights or privileges previously enjoyed.

WE WILL make Vivian Escalante whole for any loss of earnings and other benefits resulting from her discharge, less any net interim earnings, plus interest, and WE WILL also make Escalante whole for her reasonable search-for-work and interim employment expenses, plus interest.

WE WILL compensate Vivian Escalante for the adverse tax consequences, if any, of receiving a lump-sum backpay award, and WE WILL file with the Regional Director for Region 31, within 21 days of the date the amount of backpay is fixed, either by agreement or Board order, a report allocating the backpay award to the appropriate calendar years.

WE WILL, within 14 days from the date of the Board's Order, remove from our files any reference to the unlawful discharge of Vivian Escalante, and WE WILL, within 3

days thereafter, notify her in writing that this has been done and that the discharge will not be used against her in any way.

BLUE EARTH DIGITAL PRINTING, INC.,  
ALSO KNOWN AS BONADA ENTERPRISES, INC.

The Board's decision can be found at <http://www.nlr.gov/case/31-CA-133542> 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.

