

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
AT CINCINNATI**

Matthew T. Denholm, Regional Director )  
of the Ninth Region of the National Labor )  
Relations Board, for and on behalf of the )  
NATIONAL LABOR RELATIONS BOARD )  
 )  
Petitioner )  
 )  
v. )  
 )  
OHIO LOGISTICS, AFFILIATED WITH )  
FINDLAY'S TALL TIMBERS )  
DISTRIBUTION CENTER, LLC )  
 )  
Respondent )

Civil No. 1:20-CV-560

**ORDER GRANTING PRELIMINARY INJUNCTION**

This cause came on to be heard upon the verified petition of Matthew T. Denholm, Regional Director of the Ninth Region of the National Labor Relations Board, for and on behalf of said Board, for a preliminary injunction pursuant to Section 10(j) of the National Labor Relations Act (the Act), as amended, pending the final disposition of the matters involved pending before said Board, and upon the issuance of an order to show cause why injunctive relief should not be granted as prayed in said petition. The Court, upon consideration of the pleadings, evidence, memoranda, argument of counsel, and the entire record in the case, has made and filed its Findings of Fact and Conclusions of Law, finding and concluding that there is reasonable cause to believe that respondent has engaged in, and is engaging in, acts and conduct in violation of Sections 8(a)(1), (3) and (5) of the Act, and that such acts and conduct will likely be repeated or continued unless enjoined.

Now, therefore, upon the entire record, it is

ORDERED, ADJUDGED AND DECREED that, pending the final disposition of the matters involved pending before the National Labor Relations Board, respondent, Ohio Logistics, Affiliated with Findlay's Tall Timbers Distribution Center, LLC, its officers, representatives, agents, servants, employees, attorneys, successors and assigns, and all persons acting in concert or participation with it, be and they hereby are enjoined and restrained from:

(a) Refusing to hire or consider for hire applicants because of their membership in the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, AFL-CIO (the Union) or because of their union support.

(b) Refusing to recognize the Union as the exclusive collective-bargaining representative of our employees in the following appropriate unit:

All employees employed at the facility located at 5564 Alan B. Shepard, Trenton, Ohio as certified by the National Labor Relations Board in Cases No. 9-RC-18275, 18279, and 19281, including all full-time and regular part time general warehouse employees, including material operators, group leads, maintenance employees, warehouse plant clericals, shipping and receiving coordinators, but excluding all professional employees, supervisors, managers, and guards as defined by the Act, and all other employees.

(c) Failing and refusing to bargain in good faith with the Union for a collective-bargaining agreement covering employees in the bargaining unit described above.

(d) In any like or related manner interfering with, restraining or coercing its employees in the exercise of the rights guaranteed by Section 7 of the Act.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pending the final disposition of the matters before the National Labor Relations Board, respondent, its officers, representatives, agents, servants, employees, attorneys, successors and assigns, and all persons acting in concert or participation with it, shall take the following affirmative action:

(a) Immediately recognize and, upon request, bargain in good faith with the Union as the exclusive collective-bargaining representative of the respondent's employees in the unit described above.

(b) Within five (5) days of the district court's order, offer Kasey Roy interim reinstatement to the position to which he applied; or, if that position no longer exists, to a substantially equivalent position, displacing, if necessary, any employee who may have been hired or reassigned to fill that posting;

(c) Within 5 days of the Court's Order, post copies of the Court's Order in English and in any other language deemed appropriate, in all locations where other notices to employees are customarily posted; maintain these postings during the pendency of the Board's administrative process free from all obstructions and defacements.

(d) (i) Hold one or more mandatory employee meetings, on working time and at times when respondent customarily holds employee meetings, and scheduled to ensure the widest possible employee attendance, at which the Order will be read to the bargaining unit employees by a responsible respondent official in the presence of a Board agent or, at respondent's option, by a Board agent in the presence of a responsible respondent official; (ii) announce the meeting(s) for the order reading in the same manner it would customarily announce a meeting of employees; and (iii) require that all employees of the unit attend the meeting(s).

If the facility involved in these proceedings is open and staffed by a substantial complement of employees, the Order must be posted and read within 5 and 14 days (respectively) after the Order issues. If the facility involved in these proceedings is closed due to the Coronavirus Disease 2019 (COVID-19) pandemic, the Order must be posted and read within 14 days after the facility

reopens and a substantial complement of employees have returned to work, and the Order may not be posted until a substantial complement of employees have returned to work.

(e) Within 20 days of the issuance of the District Court's Order, file with the District Court, and serve a copy on the Board, a sworn affidavit from a responsible official of respondent, setting forth with specificity the manner in which it has complied with the Court's Order including the location(s) of the posting required by the Order.

Dated at Cincinnati, Ohio this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

---

United States District Judge