

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CIVIL APPEAL STATEMENT**

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 20-13027

Caption: NLRB v. E.A. Renfroe & Co., Inc.	District and Division: <u>National Labor Relations Board</u> Name of Judge: _____ Nature of Suit: <u>unfair labor practice</u>
	Date Complaint Filed: <u>3/4/16</u> District Court Docket Number: <u>NLRB, 10-CA-171072</u>
	Date Notice of Appeal Filed: <u>8/12/20</u> <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action
	Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____

	Attorney Name	Mailing Address	Telephone, Fax, Email
For Appellant:			
<input type="checkbox"/> Plaintiff	David Habenstreit	1015 Half St. SE	elizabeth.heaney@nlrb
<input type="checkbox"/> Defendant	Elizabeth Heaney	Washington, DC 20570	.gov
<input checked="" type="checkbox"/> Other (Specify)	Joel Heller (petitioner)		joel.heller@nlrb.gov 202-273-2960

For Appellee:			
<input type="checkbox"/> Plaintiff	K. Bryce Metheny	Burr & Forman LLP	bmetheny@burr.com
<input type="checkbox"/> Defendant	(respondent)	420 20th Street North,	(205) 251-3000
<input checked="" type="checkbox"/> Other (Specify)		Suite 3400	
		Birmingham, AL 35203	

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question	<input type="checkbox"/> Final Judgment, 28 USC 1291	<input type="checkbox"/> Dismissal/Jurisdiction	Amount Sought by Plaintiff: \$ _____
<input type="checkbox"/> Diversity	<input type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1)	<input type="checkbox"/> Default Judgment	Amount Sought by Defendant: \$ _____
<input type="checkbox"/> US Plaintiff	<input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b)	<input type="checkbox"/> Summary Judgment	Awarded: \$ _____ to _____
<input type="checkbox"/> US Defendant	<input type="checkbox"/> Interlocutory Order, Qualified Immunity	<input type="checkbox"/> Judgment/Bench Trial	Injunctions:
	<input checked="" type="checkbox"/> Final Agency Action (Review)	<input type="checkbox"/> Judgment/Jury Verdict	<input type="checkbox"/> TRO
	<input type="checkbox"/> 54(b)	<input type="checkbox"/> Judgment/Directed Verdict/NOV	<input type="checkbox"/> Preliminary <input type="checkbox"/> Granted
		<input type="checkbox"/> Injunction	<input type="checkbox"/> Permanent <input type="checkbox"/> Denied
		<input checked="" type="checkbox"/> Other <u>Supplemental Decision & Order</u>	

Based on your present knowledge:

(1) Does this appeal involve a question of First Impression? Yes No
What is the issue you claim is one of First Impression? _____

(2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? Yes No

If Yes, provide

(a) Case Name/Statute National Labor Relations Act

(b) Citation 29 U.S.C. 151, et seq.

(c) Docket Number if unreported _____

(3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that

(a) Arises from substantially the same case or controversy as this appeal? Yes No

(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? Yes No

If Yes, provide

(a) Case Name _____

(b) Citation _____

(c) Docket Number if unreported _____

(d) Court or Agency _____

(4) Will this appeal involve a conflict of law

(a) Within the Eleventh Circuit? Yes No

(b) Among circuits? Yes No

If Yes, explain briefly:

(5) Issues proposed to be raised on appeal, including jurisdictional challenges:

Whether substantial evidence supports the National Labor Relations Board's findings that E.A. Renfroe & Co. violated Section 8(a)(1) of the National Labor Relations Act by maintaining an arbitration policy that employees reasonably would believe prohibits them from filing charges with the Board and by discharging employee Kimani Adams for refusing to sign the policy.

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 24th DAY OF August, 2020.

David Habenstreit

NAME OF COUNSEL (Print)

s/David Habenstreit

SIGNATURE OF COUNSEL