UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HORSESHOE ENTERTAINMENT, L.P. d/b/a HORSESHOE BOSSIER CITY HOTEL AND CASINO Petitioner v. NATIONAL LABOR RELATIONS BOARD Respondent	No. 20-60647 Board Case No. 15-CA-215656 *et al*

RESPONSE TO THE BOARD'S CROSS-APPLICATION FOR ENFORCEMENT OF AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD

Petitioner-Cross-Respondent Horseshoe Entertainment, LP, d/b/a Horseshoe Bossier City Hotel & Casino, admits that this Court has jurisdiction over the Cross-Application for Enforcement filed by the National Labor Relations Board. Petitioner-Cross-Respondent, however, denies that the Board is entitled to the enforcement of its Order or to any other relief, for the following reasons, among others:

1. The Board erred in concluding that Dual Rate Dealers were not supervisors or managerial employees within the meaning of the National Labor Relations Act.
2. The Board erred in concluding that the Union campaign "was initiated by DRD Judith Murduca."
3. The Board erred in concluding that the discharge of Judith Murduca was due to her union activities.
4. The Board erred in concluding that the Respondent unlawfully interrogated Murduca.
5. The Board erred in concluding that the Respondent solicited grievances or impliedly offering to remedy them in violation of the Act, given that the Respondent routinely reviewed the results of their Employee Opinion Surveys early in the year.
6. The Board erred in concluding that the Respondent stated that the DRDs were supervisors that would not be permitted to vote in a Union election.
7. The Board erred in concluding that a Respondent's statement of opinion that the DRDs were supervisors was unlawful under the Act.
8. The Board erred in concluding that the Respondent "threatened" that the employees would no longer be permitted to take last-minute days off.

9. The Board erred in concluding that the Respondent violated the Act by ordering employees to remove their Union pins from their badges, which legally must be kept clean.
10. The Board erred in concluding that the Respondent unlawfully created the impression of surveillance.
11. The Board erred in concluding that the Respondent unlawfully refused to allow DRDs to bid on full-time dealer positions.

Dated this 27th day of August, 2020.

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UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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CERTIFICATE OF SERVICE

I hereby certify that the forgoing response to the board's cross-application for enforcement of an order of the national labor relations board was served by U.S. First Class Mail on August 27, 2020, to the following:

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