



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

September 29, 2020

Lyle W. Cayce
Clerk United States Court of
Appeals for the Fifth Circuit
F. Edward Hebert Bldg.
600 S. Maestri Place, Ste. 115
New Orleans, LA 70130-3408

Re: *NLRB v. Conventions Unlimited, Inc.*
d/b/a Convention Services of Louisiana,
Board Case No. 15-CA-230783

Dear Mr. Cayce:

I am enclosing the Board's application for summary entry of a judgment enforcing the Board's order in this case and a proposed judgment.

Please serve a copy of the application on Respondent, whose address appears on the service list. I have served a copy of the Board's application and proposed judgment on each party admitted to participate in the Board proceedings, and their names and addresses also appear on the service list.

I am counsel of record for the Board, and all correspondence should be addressed to me.

Very truly yours,

s/David Habenstreit

David Habenstreit
Assistant General Counsel
NATIONAL LABOR RELATIONS BOARD
1015 Half St., S.E.
Washington, D.C. 20570
(202) 273-2960

cc: service list

SERVICE LIST

RESPONDENT:

Don Fisk, Owner
Conventions Unlimited, Inc. DBA Convention
Services of Louisiana ("CSI of LA")
P.O. Box 7945
Metairie, LA 70010-7945

THE BOARD IS NOT AWARE OF
A COUNSEL FOR RESPONDENT
AT THIS TIME

Tel: (504) 482-5292
Mobile: (504) 481-5292
Email: donfisk@peoplepc.com

CHARGING PARTY:

International Alliance of Theatrical Stage
Employees and Moving Picture Technicians,
Artists and Allied Crafts of the United States
and Canada, AFL-CIO (IATSE), Local 39
PO Box 19289
New Orleans, LA 70179-0289

Tel: (504) 872-2225

CHARGING PARTY COUNSEL:

Jay Ginsberg Esq.
JAY GINSBERG
2227 Wirth Pl.
New Orleans, LA 70115-6565

Tel: (504) 884-7132
Mobile: (504) 884-7132
Email: jayginsberg@msn.com

REGIONAL DIRECTOR:

Kathleen McKinney, Rgnl. Dir.
National Labor Relations Board
600 South Maestri Pl., 7th Floor
New Orleans, LA 70130-3413

Tel: (504) 589-6362

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	
CONVENTIONS UNLIMITED, INC. D/B/A	:	Board Case No.:
CONVENTION SERVICES OF LOUISIANA	:	15-CA-230783
	:	
Respondent	:	

APPLICATION FOR SUMMARY ENTRY OF A JUDGMENT
ENFORCING AN ORDER OF
THE NATIONAL LABOR RELATIONS BOARD

To the Honorable, the Judges of the United States
Court of Appeals for the Fifth Circuit:

The National Labor Relations Board, (the “Board”) pursuant to Section 10(e) of the National Labor Relations Act, as amended (29 U.S.C. §§ 151, 160(e)), applies to this Court for summary entry of a judgment enforcing its order against Conventions Unlimited, Inc. d/b/a Convention Services of Louisiana (“Respondent”). The Board is entitled to summary enforcement of its order because Respondent failed to file an answer to the Board’s unfair labor practice complaint and the Board entered an order by default. In support, the Board shows:

A. Jurisdiction of this Court

This Court has jurisdiction over this application under Section 10(e) of the Act (29 U.S.C. § 160(e)). Venue is proper in this Circuit because the unfair labor

practices occurred in Louisiana. The Board's final order issued on July 30, 2019 and is reported at 368 NLRB No. 27.

B. Proceedings Before the Board

1. On March 29, 2019, the Board's General Counsel issued a complaint and notice of hearing in Case No. 15-CA-230783, charging Respondent with certain violations of the Act. The complaint, in part, advised the Respondent that under the Board's Rules (29 C.F.R. 102.20 and 102.21), the Respondent was required to file an answer by April 12, 2019, and that if the Respondent failed to file an answer, the allegations of the complaint would be deemed to be true.

2. Having not received an answer, on April 19, 2019, the Board's Regional Director sent the Respondent a letter advising that if no answer was received by April 26, 2019, the Board's Regional Office will file a Motion for Default Judgment with the Board.

3. The Respondent did not file an answer or ask for an extension of time.

4. On May 3, 2019, counsel for the General Counsel filed with the Board a Motion to Transfer Proceedings to the Board and Motion for Default Judgment based upon the Respondent's failure to file an answer to the complaint.

5. By order dated May 7, 2019, the Board transferred the case to itself and issued a Notice to Show Cause, giving Respondent until May 21, 2019, to file with the Board in Washington, D.C., a response to the Motion for Default Judgment.

6. Respondent did not file a response.

7. The Board, on July 30, 2019, issued a Decision and Order granting the Motion for Default Judgment in the absence of good cause being shown for Respondent's failure to file an answer, and entering an appropriate order against the Respondent.

C. The Board Is Entitled to Summary Enforcement of Its Order

On these facts, the Board is entitled to summary enforcement of its order against Respondent. Where a respondent in a Board proceeding fails to file an appropriate answer to the unfair labor practice complaint in a timely manner, the Board, may, pursuant to Board Rule 102.20, absent a showing of "good cause," deem the complaint's allegations admitted, and then may enter an order, essentially by default, against the respondent. No cause for Respondent's failure to file an answer was alleged or shown here.

It is settled that the Board is entitled to have that default judgment summarily enforced. Under Section 10(e) of the Act (29 U.S.C. § 160(e)), no objection that has not been urged before the Board shall be considered by a court of appeals "unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances." Interpreting that requirement, courts have consistently held that a respondent's failure to assert any defense before the Board entitles the Board, absent extraordinary circumstances, to summary

enforcement of its order. *See, e.g., NLRB v. Brookshire Grocery Co.*, 919 F.2d 359, 363 n.2 (5th Cir. 1990), *Father and Sons Lumber v. NLRB*, 931 F.2d 1093, 1095-96, 1097 (6th Cir. 1991); *NLRB v. Continental Hagen Corp.*, 932 F.2d 828, 830 (9th Cir. 1991); *NLRB v. Dane County Dairy*, 795 F.2d 1313, 1319-21 (7th Cir. 1986); *Oldwick Materials, Inc. v. NLRB*, 732 F.2d 339, 341 (3d Cir. 1984).

No such circumstances have been alleged or shown here.

WHEREFORE, the Board respectfully requests that the Court, after serving notice of the filing of this application on Respondent, enter judgment summarily enforcing the Board's order in full. A proposed judgment is attached.

/s/ David Habenstreit
David Habenstreit
Assistant General Counsel
National Labor Relations Board
1015 Half St., S.E.
Washington, D.C. 20570

Dated in Washington, D.C.
this 29th day of September 2020

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
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Petitioner	:	No.
v.	:	
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CONVENTIONS UNLIMITED, INC. D/B/A	:	Board Case No.:
CONVENTION SERVICES OF LOUISIANA	:	15-CA-230783
	:	
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, Conventions Unlimited, Inc. d/b/a Convention Services of Louisiana, its officers, agents, successors, and assigns, enforcing its order dated July 30, 2019, in Case No. 15-CA-230783, reported at 368 NLRB No. 27 (July 30, 2019), and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, Conventions Unlimited, Inc. d/b/a Convention Services of Louisiana, its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).

Mandate shall issue forthwith.

ENTERED:

NATIONAL LABOR RELATIONS BOARD

v.

CONVENTIONS UNLIMITED, INC. D/B/A CONVENTION SERVICES OF LOUISIANA

ORDER

Conventions Unlimited, Inc. d/b/a Convention Services of Louisiana, River Ridge, Louisiana, its officers, agents, successors, and assigns, shall

1. Cease and desist from
 - (a) Refusing to bargain collectively with the International Alliance of Theatrical Stage Employees and Moving Picture Technicians, Artists and Allied Crafts of the United States and Canada, AFL–CIO (IATSE), Local 39 as the exclusive collective-bargaining representative of the bargaining-unit employees by failing and refusing to furnish it with requested information that is relevant and necessary to the Union’s performance of its representative functions.
 - (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) Furnish to the Union in a timely manner the information it requested on September 14 and October 5 and 22, 2018.
 - (b) Within 14 days after service by the Region, post at its facility in River Ridge, Louisiana, copies of the attached notice marked “Appendix.” Copies of the notice, on forms provided by the Regional Director for Region 15, 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 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 October 22, 2018.

- (c) Within 21 days after service by the Region, file with the Regional Director for Region 15 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 refuse to bargain collectively with the International Alliance of Theatrical Stage Employees and Moving Picture Technicians, Artists and Allied Crafts of the United States and Canada AFL–CIO (IATSE), Local 39, by failing and refusing to furnish it with requested information that is necessary and relevant to the performance of its functions as the collective-bargaining representative of our unit employees.

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 furnish to the Union in a timely manner the information it requested on September 14 and October 5 and 22, 2018.

CONVENTIONS UNLIMITED, INC.

D/B/A CONVENTION SERVICES OF LOUISIANA

The Board's decision can be found at www.nlrb.gov/case/15-CA-230783 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.



UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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CONVENTION SERVICES OF LOUISIANA	:	15-CA-230783
	:	
Respondent	:	

CERTIFICATE OF SERVICE

The undersigned certifies that one copy each of the Board's application for summary entry of judgment and proposed judgment, in the above-captioned case, has this day been served by first class mail upon the following party at the address listed below:

Don Fisk, Owner
Conventions Unlimited, Inc. d/b/a Convention
Services of Louisiana ("CSI of LA")
P.O. Box 7945
Metairie, LA 70010-7945

/s/ David Habenstreit
David Habenstreit
Assistant General Counsel
National Labor Relations Board
1015 Half St., S.E.
Washington, D.C. 20570

Dated at Washington, D.C.
this 29th day of September 2020