



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

October 13, 2020

Clerk, United States Court of  
Appeals for the Seventh Circuit  
Everett McKinley Dirksen Courthouse  
219 South Dearborn Street, Rm. 2722  
Chicago, IL 60604

Re: *NLRB v. Zeigler Lincolnwood, LLC d/b/a Zeigler Buick GMC of Lincolnwood & Cadillac of Lincolnwood and Zeigler North Riverside, LLC d/b/a Zeigler Ford of North Riverside*, Case Nos. 13-CA-255786, 13-CA-255789 and 13-CA-255791

Dear Clerk:

I am enclosing an application of the National Labor Relations Board for enforcement of its order in this case, and a proposed judgment. Respondent expressly consented to the entry of this judgment in a stipulation contained in the record. I am also enclosing the certified record, including the order and the underlying stipulation.

Please serve a copy of the application on Respondents, whose addresses appear 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 Street, S.E.  
Washington, D.C. 20570  
(202) 273-2960

cc & documents to: Service List

## SERVICE LIST

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### REGIONAL DIRECTOR:

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Tel: (312) 353-7570

UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:
	:
Petitioner	: Docket No.
v.	:
	:
ZEIGLER LINCOLNWOOD, LLC D/B/A ZEIGLER BUICK	: Board Nos.:
GMC OF LINCOLNWOOD & CADILLAC OF	: 13-CA-255786
LINCOLNWOOD AND ZEIGLER NORTH RIVERSIDE, LLC	: 13-CA-255789
D/B/A ZEIGLER FORD OF NORTH RIVERSIDE	: 13-CA-255791
	:
Respondents	:

APPLICATION FOR ENFORCEMENT OF AN ORDER  
OF THE NATIONAL LABOR RELATIONS BOARD  
UPON STIPULATION OF THE PARTIES FOR CONSENT JUDGMENT

To the Honorable, the Judges of the United States  
Court of Appeals for the Seventh 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 enforcement of its order against Zeigler Lincolnwood, LLC d/b/a Zeigler Buick GMC of Lincolnwood & Cadillac of Lincolnwood and Zeigler North Riverside, LLC d/b/a Zeigler Ford of North Riverside (“Respondents”), issued in Board Case Nos. 13-CA-255786, 13-CA-255789 and 13-CA-255791. The Board is entitled to enforcement because Respondents have expressly consented to entry of this judgment in a stipulation that Respondents entered into during the proceedings before the Board. 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 activities giving rise to this proceeding occurred in Illinois. The Board’s final order issued on September 18, 2020.

### **B. The Respondents Entered into a Stipulation Providing for Entry of an Order by the Board and a Consent Judgment by the Court**

1. The Board entered an order against Respondents pursuant to a stipulation authorizing the Board to enter an order embodying its terms. The Board’s order does not vary from those terms.

2. Paragraph VII of the stipulation authorized the Board to apply to an appropriate U.S. Court of Appeals for a judgment enforcing the Board’s order, and provided that Respondents “waive all defenses to the entry of the judgment . . . .”

3. In support of this application, the Board is certifying and filing with this Court the record of proceedings before the Board, including the pleadings, stipulation, findings of fact, and order of the Board.

WHEREFORE, the Board respectfully requests that the Court, after serving a copy of this application upon Respondents, enter a consent judgment enforcing

the Board's order in full. A copy of the proposed consent judgment is attached.

/s/David Habenstreit

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

Dated in Washington, D.C.  
this 13th day of October, 2020

UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:
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Petitioner	: Docket No.
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ZEIGLER LINCOLNWOOD, LLC D/B/A ZEIGLER BUICK	: Board Nos.:
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D/B/A ZEIGLER FORD OF NORTH RIVERSIDE	: 13-CA-255791
	:
Respondents	:

JUDGMENT

THIS CAUSE was submitted upon the application of the National Labor Relations Board for the enforcement of a certain order on consent issued by it against Respondents, Zeigler Lincolnwood, LLC d/b/a Zeigler Buick GMC of Lincolnwood & Cadillac of Lincolnwood and Zeigler North Riverside, LLC d/b/a Zeigler Ford of North Riverside, their officers, agents, successors, and assigns, on September 18, 2020, in Board Case Nos. 13-CA-255786, 13-CA-255789 and 13-CA-255791; and upon the record in that proceeding, certified and filed in this Court enforcing the order.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by the United States Court of Appeals for the Seventh Circuit that the order of the National Labor Relations Board be, and the same is hereby enforced; and the Zeigler Lincolnwood, LLC d/b/a Zeigler Buick GMC of Lincolnwood & Cadillac of Lincolnwood and Zeigler North Riverside, LLC d/b/a Zeigler Ford of North Riverside, their officers, agents, successors, and assigns shall abide by and perform the directions of the Board set forth in its order. (See Attached Order and Notice)

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Judge, United States Court of  
Appeals for the Seventh Circuit

NATIONAL LABOR RELATIONS BOARD

v.

ZEIGLER LINCOLNWOOD, LLC D/B/A ZEIGLER BUICK GMC OF  
LINCOLNWOOD & CADILLAC OF LINCOLNWOOD AND ZEIGLER  
NORTH RIVERSIDE, LLC D/B/A ZEIGLER FORD OF NORTH RIVERSIDE

**ORDER**

Zeigler Lincolnwood, LLC d/b/a Zeigler Buick GMC of Lincolnwood & Cadillac of Lincolnwood, Lincolnwood, Illinois, and Zeigler North Riverside, LLC d/b/a Zeigler Ford of North Riverside, North Riverside, Illinois, their officers, agents, successors, and assigns shall

1. Cease and desist from
  - (a) Telling employees that the Respondents are nonunion or that employees are paying the union for nothing, or making statements that suggest that employees' union activities are futile.
  - (b) Soliciting employees to revoke their authorizations for the checkoff of union dues from their wages.
  - (c) Failing to furnish the Union with the relevant requested information, or in any like or related manner refusing to bargain collectively and in good faith with the Union as the exclusive collective-bargaining representative of the units at Respondents' Lincolnwood and North Riverside, Illinois facilities.
  - (d) In any like or related manner interfering with employees' rights under Section 7 of the Act.
2. Take the following affirmative actions necessary to effectuate the policies of the Act.
  - (a) Provide the Union with the information it requested on December 19, 2019, including:
    1. State the reason for the May 2018 layoff and provide all documents the Company considered in making the layoff decision.

2. List each employee who was laid off in May 2018. For each employee on the list, provide their seniority date, their monthly salary, their department and their classification.
3. List the part-time employees who worked at the Company at the time of the layoff. For each employee state their seniority date, their department and their classification.
4. State whether the Company has had any vacancies in the 731-bargaining unit since May 2018. For each vacancy, state the department and classification.
5. List all employees hired by the Company in the Local 731-bargaining unit since May 2018. For [ ] individual hired, state their department and classification.
6. State whether Zeigler ever contacted the employees laid off in May 2018 and recalled them to work. If so, state the date of the contact and the response of the employee.
7. Provide any Company documents which contain the notice given to Local 731 of the layoff.
8. A list of all current employees that Zeigler believes are in the bargaining unit at both dealerships.
9. The salary history of Joseph Petrov and Ken Richards from the beginning of their employment at Lincolnwood.
10. Any individual employment agreements between either dealership and their employees, including the employment agreements that Zeigler has with the parts department employees at North Riverside. This request also includes any employment agreements with Charlene Kelly, Ken Richards or Joe Petrov at Lincolnwood and the individual employment agreements with Roger Clabough and Anthony Kees prior to the end of their employment at Lincolnwood. The contents of these agreements will assist the Union in identifying fruitful areas of bargaining over the issues of wages, bonuses and insurance.
11. The job title and wage and salary history of each employee at the two dealerships since August 30, 2019.
12. Any documents which set forth the terms and conditions of the Company's "Final Offer" and any other documents which

describe or set forth the current wages, hours and terms and conditions of Zeigler employees in the two bargaining units.

13. Please state whether Zeigler is currently withholding union dues for the bargaining unit employees at each location.

- (b) Within 14 days after service by the Region, post copies of the attached notice marked as Appendix A at the Respondents' facilities in Lincolnwood and North Riverside, Illinois. Copies of the notice, on forms provided by Region 13, after being signed by the Respondents' authorized representatives, shall be posted by the Respondents and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondents will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.
- (c) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondents have taken to comply.

## **APPENDIX A**

### **NOTICE TO EMPLOYEES**

POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER  
AND A CONSENT JUDGMENT OF ANY APPROPRIATE  
UNITED STATES COURT OF APPEALS

#### **THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:**

Form, join, or assist a union;  
Choose a representative 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** interfere with, restrain, or coerce you in the exercise of the above rights.

**WE WILL NOT** fail and refuse, or unreasonably delay in providing Teamsters Local 731, International Brotherhood of Teamsters, AFL-CIO with the requested information that is relevant and necessary to its role as the exclusive collective bargaining representative of the employees in the unit specified below.

All full-time and regular part-time Service Department employees including full-time parts counter employees, stock room employees, stock room attendant, drivers, utility, and garage attendant employees.

**WE WILL NOT** tell you that we are not union or that you are paying the Union for nothing, or make statements that suggest your union activities are futile.

**WE WILL NOT** solicit our employees to revoke their authorizations for the checkoff of union dues from their wages.

**WE WILL NOT** in any like or related manner interfere with your rights under Section 7 of the National Labor Relations Act.

**WE WILL** provide the Union with the information it requested December 19, 2019 including:

1. State the reason for the May 2018 layoff and provide all documents the Company considered in making the layoff decision.
2. List each employee who was laid off in May 2018. For each employee on the list, provide their seniority date, their monthly salary, their department and their classification.
3. List the part-time employees who worked at the Company at the time of the layoff. For each employee state their seniority date, their department and their classification.
4. State whether the Company has had any vacancies in the 731-bargaining unit since May 2018. For each vacancy, state the department and classification.
5. List all employees hired by the Company in the Local 731-bargaining unit since May 2018. For [ ] individual hired, state their department and classification.
6. State whether Zeigler ever contacted the employees laid off in May 2018 and recalled them to work. If so, state the date of the contact and the response of the employee.
7. Provide any Company documents which contain the notice given to Local 731 of the layoff.
8. A list of all current employees that Zeigler believes are in the bargaining unit at both dealerships.
9. The salary history of Joseph Petrov and Ken Richards from the beginning of their employment at Lincolnwood.
10. Any individual employment agreements between either dealership and their employees, including the employment agreements that Zeigler has with the parts department employees at North Riverside. This request also includes any employment agreements with Charlene Kelly, Ken Richards or Joe Petrov at Lincolnwood and the individual employment agreements with Roger Clabough and

Anthony Kees prior to the end of their employment at Lincolnwood. The contents of these agreements will assist the Union in identifying fruitful areas of bargaining over the issues of wages, bonuses and insurance.

11. The job title and wage and salary history of each employee at the two dealerships since August 30, 2019.

12. Any documents which set forth the terms and conditions of the Company's "Final Offer" and any other documents which describe or set forth the current wages, hours and terms and conditions of Zeigler employees in the two bargaining units.

13. Please state whether Zeigler is currently withholding union dues for the bargaining unit employees at each location.

**ZEIGLER NORTH RIVERSIDE, LLC D/B/A  
ZEIGLER FORD OF NORTH RIVERSIDE**

**and**

**ZEIGLER LINCOLNWOOD, LLC D/B/A  
ZEIGLER BUICK GMC OF LINCOLNWOOD  
& CADILLAC OF LINCOLNWOOD**

The Board's decision can be found at [www.nlr.gov/case/13-CA-255786](http://www.nlr.gov/case/13-CA-255786) 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 St., S.E., Washington, D.C. 20570, or by calling (202) 273-1940.



UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
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Petitioner	:	Docket No.
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ZEIGLER LINCOLNWOOD, LLC D/B/A ZEIGLER BUICK	:	Board Nos.:
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D/B/A ZEIGLER FORD OF NORTH RIVERSIDE	:	13-CA-255791
	:	
Respondents	:	

CERTIFICATE OF THE NATIONAL LABOR RELATIONS BOARD

The National Labor Relations Board, by its Executive Secretary, authorized by Section 102.115, Rules and Regulations of the National Labor Relations Board, Series 8 (29 C.F.R.), certifies that the documents annexed hereto constitute the entire record of a proceeding had before the Board and known upon its records as Case Nos. 13-CA-255786, 13-CA-255789 and 13-CA-255791.

The attached documents are as follows:

<u>Date</u>	<u>Document Description</u>	<u>Pages</u>
09/18/2020	Board Decision and Order, <i>Zeigler Lincolnwood, LLC d/b/a Zeigler Buick GMC of Lincolnwood &amp; Cadillac of Lincolnwood and Zeigler North Riverside, LLC d/b/a Zeigler Ford of North Riverside. and Teamsters Local 731, International Brotherhood of Teamsters, AFL-CIO</i> , Case Nos. 13-CA-255786, 13-CA-255789 and 13-CA-255791	8
07/15/2020	Formal Settlement Stipulation, <i>Zeigler Lincolnwood, LLC</i>	37

*d/b/a Zeigler Buick GMC of Lincolnwood & Cadillac of Lincolnwood and Zeigler North Riverside, LLC d/b/a Zeigler Ford of North Riverside. and Teamsters Local 731, International Brotherhood of Teamsters, AFL-CIO, Case Nos. 13-CA-255786, 13-CA-255789 and 13-CA-255791 w/exhibit*

IN TESTIMONY WHEREOF, the Executive Secretary of the National Labor Relations Board, being duly authorized, has hereunto set his hand and affixed the seal of the National Labor Relations Board in the city of Washington, District of Columbia, this 13th day of October, 2020.

/s/ Roxanne Rothschild

Roxanne Rothschild  
Acting Executive Secretary  
NATIONAL LABOR RELATIONS BOARD

(seal)

UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

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D/B/A ZEIGLER FORD OF NORTH RIVERSIDE	: 13-CA-255791
	:
Respondents	:

CERTIFICATE OF SERVICE

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

James F. Hendricks Jr., Esq.  
Leech Tishman Fuscaldo and Lampl LLC  
2215 York Road Suite 310  
Oak Brook, IL 60523

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

Dated in Washington, D.C.  
this 13th day of October, 2020