



UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

October 15, 2020

Clerk, United States Court of
Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, OH 45202-3988

Re: *NLRB v. Bridgestone Americas Tire
Operations, LLC*, (6th Cir.) Board Case No.
10-CA-230142

Dear Ms. Hunt:

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.

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 & documents to: Service List

SERVICE LIST

RESPONDENT'S COUNSEL:

John J. Krimm Jr., Attorney
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Nashville, TN 37201

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REGIONAL DIRECTOR:

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NOTIFICATION:

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UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	Board Case No.:
BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC	:	10-CA-230142
	:	
Respondent	:	

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 Sixth 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 Bridgestone Americas Tire Operations, LLC (“Respondent”), issued in Board Case No. 10-CA-230142, on October 7, 2020. The Board is entitled to enforcement because Respondent has expressly consented to entry of this judgment in a stipulation that Respondent 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 Tennessee. The Board’s final order

issued on October 7, 2020.

**B. The Respondent 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 Respondent 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 VI 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 Respondent "waives 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 Respondent, 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 St. S.E.
Washington, D.C. 20570

Dated in Washington, D.C.
this 15th day of October 2020

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
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	:	Board Case No.:
BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC	:	10-CA-230142
	:	
Respondent	:	

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 Respondent, Bridgestone Americas Tire Operations, LLC, its officers, agents, successors, and assigns, on October 7, 2020, in Board Case No. 10-CA-230142; 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 Sixth Circuit that the order of the National Labor Relations Board be, and the same is hereby enforced; and that the Respondent, Bridgestone Americas Tire Operations, LLC, its officers, agents, successors, and assigns, abide by and perform the directions of the Board set forth in its order. (See Attached Order and Appendix)

ENTERED BY ORDER OF THE COURT

Clerk

NATIONAL LABOR RELATIONS BOARD

v.

BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC

ORDER

Bridgestone Americas Tire Operations, LLC, La Vergne, Tennessee, its officers, agents, successors, and assigns, shall:

1. Cease and desist from:
 - (a) Refusing to bargain collectively and in good faith with the Union by refusing to furnish to the Union information that is relevant and necessary to the performance of the Union's duties as the exclusive collective-bargaining representative of the Unit.
 - (b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act:
 - (a) Within 14 days of the Board's Order, provide the 2017 canvass sheets to the Union and either provide the Union with the 2017 and 2018 scan times or, if unduly burdensome to provide, explain to the Union why the Respondent believes that producing the information is burdensome and meet with the Union to reach an accommodation that will provide the Union with the information it needs in a manner that is not unduly burdensome for the Respondent.
 - (b) Within 14 days of service by the Region, post at its La Vergne, Tennessee facility copies of the Notice to Employees attached as Appendix 1. Copies of the notice, on forms provided by the Regional Director for Region 10, 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.

- (c) In the event that, during the pendency of these proceedings, the Respondent has closed its La Vergne, Tennessee facility 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 the closed facility at any time since April 30, 2018.

- (d) Within 21 days after service by the Region, file with the Regional Director for Region 10 a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply. The certification shall include a copy of the documents signed by a responsible official attesting to the dates that the notices were posted, where the notices were posted, and a digital photograph of each posted notice with metadata, including date taken and GPS coordinates.

APPENDIX 1

NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES COURT OF APPEALS ENFORCING AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD

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

FEDERAL LAW 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, upon request, refuse to provide information the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International, AFL-CIO, CLC and its Local 1055L needs to represent those of you in the following bargaining unit:

All maintenance employees and boiler operators, but excluding office clerical employees, professional employees, guards and supervisors as defined in the National Labor Relations Act.

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

WE WILL provide the 2017 canvass sheets requested by the Union.

WE WILL provide the Union with the 2017 and 2018 scan times it requested or, if unduly burdensome to provide, explain to the Union why we believe that producing the information is burdensome and bargain with the Union to reach an

accommodation that will provide the Union with the information it needs in a manner that is not unduly burdensome for us.

BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC

The Board's decision can be found at www.nlr.gov/case/10-CA-230142 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 SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD :
 :
 :
 Petitioner : No.
 v. :
 : Board Case No.:
 BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC : 10-CA-230142
 :
 :
 Respondent :

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 No. 10-CA-230142.

The attached documents are as follows:

<u>Date</u>	<u>Document Description</u>	<u>Pages</u>
10/07/2020	Decision and Order, <i>Bridgestone Americas Tire Operations, LLC and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International, AFL-CIO, CLC and its Local 1055L</i> , Case No. 10-CA-230142	6
07/31/2020	Formal Settlement Stipulation, <i>Bridgestone Americas Tire Operations, LLC and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International, AFL-CIO, CLC and its Local 1055L</i> , Case No. 10-CA-230142 w/exhibits	20

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 this 15th day of October 2020.

/s/ Roxanne Rothschild

Roxanne Rothschild

Executive Secretary

NATIONAL LABOR RELATIONS BOARD

(seal)

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC	:	10-CA-230142
	:	
Respondent	:	

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:

John J. Krimm Jr., Attorney
Bridgestone America's Tire Operations, Inc.
200 4th Avenue South
Nashville, TN 37201

/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 this 15th day of October 2020

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC

Respondent

ITEMS SHOWN ON BOARD'S CERTIFICATE
OF RECORD ARE CONTAINED HEREIN