United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 24th day of November, two thousand twenty.

Present:

Guido Calabresi,
Robert A. Katzmann,
Richard J. Sullivan,
Circuit Judges.

NATIONAL LABOR RELATIONS BOARD,	:	
	:	
Petitioner,	:	No. 20-3095
v.	:	
	:	
FIVE CORNER PRODUCE LLC	:	Board Case No.:
D/B/A CROSS ISLAND FRUITS,	:	29-CA-257298
	:	
Respondent.	:	

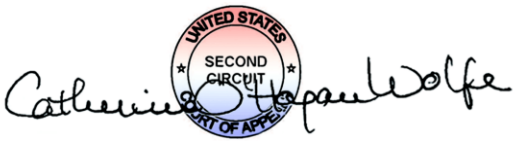
JUDGMENT ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, Five Corner Produce LLC d/b/a Cross Island Fruits, its officers, agents, successors, and assigns, enforcing its order dated July 16, 2020, in Case No. 29-CA-257298, reported at 369 NLRB No. 122, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, Five Corner Produce LLC d/b/a Cross Island Fruits, its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).

Mandate shall issue forthwith.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court



NATIONAL LABOR RELATIONS BOARD

v.

FIVE CORNER PRODUCE LLC D/B/A CROSS ISLAND FRUITS

ORDER

Five Corner Produce LLC d/b/a Cross Island Fruits, Lynbrook, New York, its officers, agents, successors, and assigns shall:

1. Cease and desist from:

   (a) Failing and refusing to bargain collectively and in good faith with Local 2013, United Food and Commercial Workers, AFL–CIO (the Union) as the exclusive collective-bargaining representative of the employees in the bargaining unit.

   (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) On request, bargain with the Union as the exclusive collective-bargaining representative of the employees in the following appropriate unit concerning terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement:

   > All of its employees in all of its present and future locations within the New York Metropolitan area, excluding employees continuously working less than thirty (30) hours a week, supervisors, and guards as defined in the National Labor Relations Act.

   (b) Post at its facility in Lynbrook, New York, copies of the attached notice marked "Appendix."[1] Copies of the notice, on forms provided by the

[1] If the facility involved in these proceedings is open and staffed by a substantial complement of employees, the notices must be posted within 14 days after service by the Region. If the facility involved in these proceedings is closed due to the Coronavirus pandemic, the notices must be posted within 14 days after the facility

Regional Director for Region 29, 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 an 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 about December 18, 2019.

(i) Within 21 days after service by the Region, file with the Regional Director for Region 29 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.

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reopens and a substantial complement of employees have returned to work, and the notices may not be posted until a substantial complement of employees have returned to work. Any delay in the physical posting of paper notices also applies to the electronic distribution of the notice if the Respondent customarily communicates with its employees by electronic means.

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 fail and refuse to bargain collectively and in good faith with Local 2013, United Food and Commercial Workers, AFL–CIO (the Union) as the exclusive collective-bargaining representative of our employees in the bargaining unit.

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, on request, bargain with the Union as the exclusive collective-bargaining representative of our employees in the following appropriate unit concerning terms and conditions of employment and, if an understanding is reached, embody that understanding in a signed agreement:

All of our employees in all of our present and future locations within the New York Metropolitan area, excluding employees continuously working less than thirty (30) hours a week, supervisors, and guards as defined in the National Labor Relations Act.

FIVE CORNER PRODUCE LLC D/B/A CROSS ISLAND FRUITS

The Board's decision can be found at www.nlrb.gov/case/29-CA-257298 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