

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

NATIONAL LABOR RELATIONS BOARD	)	
	)	
Petitioner	)	Case No. 20-2015
	)	
v.	)	
	)	
NOLAN ENTERPRISES, INC.	)	Board Case No.
d/b/a CENTERFOLD CLUB	)	09-CA-220677
	)	
Respondent	)	

**UNOPPOSED JOINT MOTION FOR ENTRY OF A CONSENT  
JUDGMENT ENFORCING AN ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD**

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

The National Labor Relations Board and Nolan Enterprises, Inc. respectfully  
move this Court for entry of a consent judgment enforcing the Board’s Order  
against Nolan. In support, they show as follows:

1. The Board issued a Decision and Order against Nolan, reported at 370  
NLRB No. 2 (July 31, 2020).
2. The Board filed an application for enforcement of the Board’s Order  
on October 16, 2020.
3. As part of a resolution of the case, the parties have agreed to entry of a  
consent judgment, which will obviate the need for any further proceedings in this  
matter.

4. Each party is to bear its own costs.
5. Counsel for Nolan has authorized counsel for the Board to file this motion on its behalf.

WHEREFORE, the Board and Nolan respectfully request that the Court enter a consent judgment enforcing the Board's Order in full. A copy of the proposed consent judgment is attached.

Respectfully submitted,

/s/Jim Coutinho  
Jim Coutinho  
Allen Stovall Neuman Fisher &  
Ashton LLP  
17 South High Street, Suite 1220  
Columbus, OH 43215

/s/David Habenstreit  
David Habenstreit  
Assistant General Counsel  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570

Dated at Washington, DC  
this 10th day of December 2020



NATIONAL LABOR RELATIONS BOARD

v.

NOLAN ENTERPRISES, INC. d/b/a CENTERFOLD CLUB

**ORDER**

Nolan Enterprises, Inc. d/b/a Centerfold Club, Columbus, Ohio, its officers, agents, successors, and assigns, shall

1. Cease and desist from
  - (a) Discharging or otherwise discriminating against employees because they filed or threatened to file unfair labor practice charges with the Board or gave testimony under the Act.
  - (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) Within 14 days from the date of this Order, offer Brandi Campbell full reinstatement to her former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to her seniority or any other rights or privileges previously enjoyed.
  - (b) Make Brandi Campbell whole for any loss of earnings and other benefits suffered as a result of the discrimination against her, in the manner set forth in the remedy section of the judge's decision.
  - (c) Compensate Brandi Campbell for the adverse tax consequences, if any, of receiving a lump-sum backpay award, and file with the Regional Director for Region 9, within 21 days of the date the amount of backpay is fixed, either by agreement or Board order, a report allocating the backpay award to the appropriate calendar years.
  - (d) Within 14 days from the date of this Order, remove from its files any reference to the unlawful discharge of Brandi Campbell and, within 3 days thereafter, notify her in writing that this has been done and that the discharge will not be used against her in any way.

- (e) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.
- (f) Post at its Columbus, Ohio facility copies of the attached notice marked “Appendix.”<sup>1</sup> Copies of the notice, on forms provided by the Regional Director for Region 9, 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. The Respondent shall take reasonable steps 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 April 7, 2018.
- (g) Within 21 days after service by the Region, file with the Regional Director for Region 9 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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<sup>1</sup> 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 Disease 2019 (COVID-19) pandemic, the notices must be posted within 14 days after the facility 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 any 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 discharge or otherwise discriminate against any of you because you filed or threatened to file unfair labor practice charges with the Board or gave testimony under the Act.

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, within 14 days from the date of the Board's Order, offer Brandi Campbell full reinstatement to her former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to her seniority or any other rights or privileges previously enjoyed.

WE WILL make Brandi Campbell whole for any loss of earnings and other benefits resulting from her unlawful discharge, less any net interim earnings, plus interest, and WE WILL also make Brandi Campbell whole for reasonable search-for-work and interim employment expenses, plus interest.

WE WILL compensate Brandi Campbell for the adverse tax consequences, if any, of receiving a lump-sum backpay award, and WE WILL file with the Regional Director for Region 9, within 21 days of the date the amount of backpay is fixed, either by agreement or Board order, a report allocating the backpay award to the appropriate calendar years for Brandi Campbell.

WE WILL, within 14 days from the date of the Board's Order, remove from our files any reference to the unlawful discharge of Brandi Campbell, and WE WILL, within 3 days thereafter, notify her in writing that this has been done and that the discharge will not be used against her in any way.

**NOLAN ENTERPRISES, INC. D/B/A CENTERFOLD CLUB**

The Board's decision can be found at <https://www.nlr.gov/case/09-CA-220677> 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.



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CENTERFOLD CLUB,	)	
	)	
Respondent	)	

**CERTIFICATE OF COMPLIANCE**

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that its motion contains 186 words of proportionally spaced, 14-point type, and the word-processing system used was Microsoft Word for Office 365.

/s/David Habenstreit  
David Habenstreit  
Assistant General Counsel  
National Labor Relations Board  
1015 Half Street, S.E.  
Washington, DC 20570  
(202) 273-2960

Dated at Washington, DC  
this 10th day of December 2020

UNITED STATES COURT OF APPEALS  
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CENTERFOLD CLUB,	)	
	)	
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 10, 2020, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit using the appellate CM/ECF system. I further certify that the foregoing document was served on the parties or their counsel of record through the CM/ECF system.

/s/ David Habenstreit  
David Habenstreit  
Assistant General Counsel  
National Labor Relations Board  
1015 Half Street, S.E.  
Washington, DC 20570  
(202) 273-2960

Dated at Washington, DC  
this 10th day of December 2020