

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**TACOMA BAKING COMPANY, INC.**

and

**Cases 19-CA-258566  
19-CA-260381**

**HANNAH RITNER, an Individual**

and

**19-CA-263343**

**EMMA YODER, an Individual**

**MOTION FOR DEFAULT JUDGMENT**

Comes now Counsel for the General Counsel (“General Counsel”) of the National Labor Relations Board (the “Board”) and files this Motion for Default Judgment pursuant to § 102.24(b) of the Rules and Regulations of the Board, as revised, requesting default judgment, as there are no genuine issues of material fact in dispute and, accordingly, the General Counsel is entitled to judgment as a matter of law. In support of this Motion, the General Counsel submits the following.

1. On March 30, 2020, Hannah Ritner (“Ritner”), filed an unfair labor practice charge in Case 19-CA-258566, alleging that Tacoma Baking Company (“Respondent”) had violated § 8(a)(1) of the Act. That charge was served on Respondent by regular mail on or about that date. Copies of the charge and the affidavit of service are attached as Exhibits 1(a) and 1(b), respectively.

2. On June 5, 2020, Ritner filed the first amended charge in Case 19-CA-258566, alleging Respondent had violated § 8(a)(1) of the Act. That charge was served

on Respondent by regular mail on or about June 8, 2020. Copies of the charge and the affidavit of service are attached as Exhibits 2(a) and 2(b), respectively.

3. On May 14, 2020, Ritner filed an unfair labor practice charge in Case 19-CA-260381, alleging that Respondent had violated § 8(a)(1) of the Act. That charge was served on Respondent by regular mail on or about that date. Copies of the charge and the affidavit of service are attached as Exhibits 3(a) and 3(b), respectively.

4. On September 1, 2020, the first amended charge in Case 19-CA-260381 was filed by Ritner, alleging that Respondent had violated § 8(a)(1) of the Act. That amended charge was served on Respondent by U.S. mail on about September 3, 2020. Copies of the charge and the affidavit of service are attached as Exhibits 4(a) and 4(b), respectively.

5. On July 21, 2020, Emma Yoder (“Yoder”) filed an unfair labor practice charge in Case 19-CA-263343, alleging that Respondent had violated § 8(a)(1) of the Act. That charge was served on Respondent by U.S. mail on about July 22, 2020. Copies of the charge and the affidavit of service are attached as Exhibits 5(a) and 5(b), respectively.

6. Following an investigation of the charges in these matters, the Regional Director for Region 19 issued a Consolidated Complaint and Notice of Hearing (the “Complaint”) on September 29, 2020, alleging Respondent had violated § 8(a)(1) of the Act. On that same date, the Complaint was served by e-service on Respondent. Copies of the Complaint and affidavit of service are attached as Exhibits 6(a) and 6(b), respectively.

7. The Answer to the Complaint was due to be received in the Regional Office on or before October 13, 2020. No Answer was received.

8. On December 9, 2020, the Region sent a letter to Respondent by United States Postal Service, first class mail and by e-mail to multiple e-mail addresses on file because Respondent's facility has since closed. This letter notified Respondent that it had failed to submit an Answer in response to the Complaint and the significance of that failure. The letter provided Respondent with additional time until December 16, 2020, to file its Answer. A copy of the December 9, 2020, letter and affidavit of service are attached as Exhibits 7(a) and 7(b), respectively.

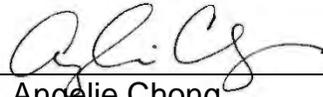
9. To date, Respondent has failed and/or refused to file an Answer to the Complaint.

On the basis of the foregoing and the exhibits attached hereto, it is respectfully submitted that the pleadings in the instant case raise no material issues of fact, that Respondent submitted no Answer or defense for the acts alleged in the Complaint, that no hearing is necessary in this matter, and that it is appropriate for the Board to issue a Decision and Order without further proceedings. Thus, it is respectfully requested that the Board make findings of fact and conclusions of law, finding that Respondent's conduct violated § 8(a)(1) of the Act as alleged in the attached Complaint.

**WHEREFORE**, as the remedy for Respondent's unfair labor practices as alleged in the Complaint, the General Counsel further requests that the Board issue the proposed Order and Notice to Employees, which are attached as Exhibits 8(a) and 8(b),

respectively, and/or that the Board issue any other order and/or remedy deemed appropriate.

**DATED** at Seattle, Washington, this 22<sup>nd</sup> day of December, 2020.



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Angelie Chong  
Counsel for the General Counsel  
National Labor Relations Board, Region 19  
915 2nd Ave., Ste. 2948  
Seattle, WA 98174-1006

Attachments

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**

Case	Date Filed
19-CA-258566	3/30/2020

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>	
a. Name of Employer Tacoma Baking Company	b. Tel. No. (253) 315-5944
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 1316 Martin Luther King Jr. Way WA Tacoma 98405-3928	e. Employer Representative Jessica DeVisser CEO
	g. e-Mail jessica@tacomabakingcompany.com
	h. Number of workers employed 60
i. Type of Establishment (factory, mine, wholesaler, etc.) Services	j. Identify principal product or service Bakery and Coffee
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) g of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
--See additional page--	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Hannah Lawson Ritner Title:	
4a. Address (Street and number, city, state, and ZIP code) 2015 S. 7th Street Apt #13 WA Tacoma 98405-3016	4b. Tel. No. (949) 584-9545
	4c. Cell No. (949) 584-9545
	4d. Fax No.
	4e. e-Mail hannahritner97@gmail.com
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
<b>6. DECLARATION</b>	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By Hannah Lawson Ritner (signature of representative or person making charge)	Hannah Lawson Ritner Title: (Print/type name and title or office, if any)
2015 S. 7th Street Apt #13 Address Tacoma WA 98405-3016	03/28/2020 19:19:18 (date)
	Tel. No. (949) 584-9545
	Office, if any, Cell No. (949) 584-9545
	Fax No.
	e-Mail hannahritner97@gmail.com

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.**EXHIBIT 1(a)**

## Basis of the Charge

### 8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
Hannah Ritner	3/6/2020

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**TACOMA BAKING COMPANY**

Charged Party

and

**HANNAH LAWSON RITNER**

Charging Party

**Case 19-CA-258566**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 30, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Jessica DeVisser, CEO  
Tacoma Baking Company  
1316 Martin Luther King Jr. Way  
Tacoma, WA 98405-3928

March 30, 2020

Date

Leila Robles, Designated Agent of NLRB

Name

/s/ Leila Robles

Signature

**EXHIBIT 1(b)**

FORM NLRB-501  
(2-18)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

Amended

DO NOT WRITE IN THIS SPACE

Case  
19-CA-258566Date Filed  
6-5-2020

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Tacoma Baking Company		b. Tel. No. (253) 315-5944
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 1316 Martin Luther King Jr. Way Tacoma, WA 98405-3928	e. Employer Representative Jessica DeVisser, CEO	g. e-mail jessica@tacomabakingcompany.com
		h. Number of workers employed 60
i. Type of Establishment (factory, mine, wholesaler, etc.) services	j. Identify principal product or service bakery and coffee	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past 6 mos, on about March 6, 2020, the above named employer has discriminated against Ms. Hannah Ritner by discharging or constructively discharging her, in retaliation for engaging in protected concerted activity, including voicing concerns about employees' pay on social media.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)  
Hannah Lawson Ritner

4a. Address (Street and number, city, state, and ZIP code) 2015 S. 7th Street, Apt #13 Tacoma, WA 98405-3016	4b. Tel. No. (949) 584-9545
	4c. Cell No. (949) 584-9545
	4d. Fax No.
	4e. e-mail hannahritner97@gmail.com

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Hannah Lawson Ritner, an individual

(signature of representative or person making charge)

(Print/type name and title or office, if any)

2015 S. 7th Street, Apt #13  
Address Tacoma, WA 98405-3016

Date 6/5/2020

Tel. No.  
(949) 584-9545Office, if any, Cell No.  
(949) 584-9545

Fax No.

e-mail  
hannahritner97@gmail.comWILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 161 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

EXHIBIT 2(a)

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**TACOMA BAKING COMPANY**  
  
Charged Party  
  
and  
  
**HANNAH LAWSON RITNER**  
  
Charging Party

**Case 19-CA-258566**

**AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on June 8, 2020, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Jessica DeVisser, CEO  
Tacoma Baking Company  
1316 Martin Luther King Jr. Way  
Tacoma, WA 98405-3928

Jack G. Orr, Attorney  
Jack G. Orr Law Offices  
2610 N. Alder St.  
Tacoma, WA 98407

Pieter DeVisser, Human Resources Officer  
Tacoma Baking Company  
1316 Martin Luther King Jr. Way  
Tacoma, WA 98405

June 8, 2020

Date

Leila Robles, Designated Agent of NLRB

Name

/s/ Leila Robles

Signature

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 19-CA-260381	Date Filed 5/14/2020

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>	
a. Name of Employer <b>Tacoma Baking Company</b>	b. Tel. No. <b>(253) 315-5944</b>
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) <b>1316 Martin Luther King Jr. Way Tacoma, WA 98405-3928</b>	e. Employer Representative <b>Jessica DeVisser, CEO</b>
	g. e-mail <b>jessica@tacomabakingcompany.com</b>
	h. Number of workers employed <b>60</b>
i. Type of Establishment (factory, mine, wholesaler, etc.) services <b>bakery and coffee</b>	j. Identify principal product or service <b>bakery and coffee</b>
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the past 6 mos, including on Jan. 24, Feb. 29 & March 6, 2020, the employer, by Jessica DeVisser, made unlawful statements to employees, by email, including threatening discipline for making statements protected under Section 7, mocking employees for raising pay issues, telling them their postings on social media regarding pay issues should cease, and saying their actions were creating a toxic workplace. On about March 6, Ms. DeVisser and Marie Price, told employees to keep pay issues internal and to not share these concerns on social media because it was "unprofessional" and "immature." On about March 9, 2020, Pieter DeVisser, threatened that employees could be sued for engaging in Section 7 activity, and instructed them not to engage in such activity on social media. On about March 6, 2020, the employer engaged in surveillance and/or the appearance of surveillance of Section 7 activity at the facility and on social media.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) <b>Hannah Lawson Ritner</b>	
4a. Address (Street and number, city, state, and ZIP code) <b>2015 S. 7th Street, Apt #13 Tacoma, WA 98405-3016</b>	4b. Tel. No. <b>(949) 584-9545</b>
	4c. Cell No. <b>(949) 584-9545</b>
	4d. Fax No.
	4e. e-mail <b>hannahritner97@gmail.com</b>
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
<b>6. DECLARATION</b>	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
<b>Hannah Ritner</b> <i>(signature of representative or person making charge)</i>	<b>Hannah Lawson Ritner, an individual</b> <i>(Printtype name and title or office, if any)</i>
<b>2015 S. 7th Street, Apt #13 Tacoma, WA 98405-3016</b> Address	<b>14 May 2020</b> Date
	Tel. No. <b>(949) 584-9545</b>
	Office, if any, Cell No. <b>(949) 584-9545</b>
	Fax No.
	e-mail <b>hannahritner97@gmail.com</b>

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

**EXHIBIT 3(a)**

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**TACOMA BAKING COMPANY**  
Charged Party  
and  
**HANNAH LAWSON RITNER**  
Charging Party

**Case 19-CA-260381**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 14, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Jessica DeVisser, CEO  
Tacoma Baking Company  
1316 Martin Luther King Jr. Way  
Tacoma, WA 98405-3928

May 14, 2020  
Date

Leila Robles, Designated Agent of NLRB  
Name

/s/ Leila Robles  
Signature

FORM NLRB-501  
(2-18)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**AMENDED CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case  
19-CA-260381Date Filed  
9/1/2020**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer  Tacoma Baking Company		b. Tel. No. (253) 315-5944
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code)  1316 Martin Luther King Jr. Way Tacoma, WA 98405-3928	e. Employer Representative  Jessica DeVisser, CEO	g. e-mail jessica@tacomabakingcompany.com
		h. Number of workers employed 60
i. Type of Establishment (factory, mine, wholesaler, etc.) services	j. Identify principal product or service bakery and coffee	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past 6 mos, including on Jan. 24, Feb. 29 & March 6, 2020, the employer, by Jessica DeVisser, made unlawful statements to employees, by email, including threatening discipline for making statements protected under Section 7, telling them their postings on social media and emails regarding pay issues should cease, and saying their actions were creating a toxic workplace which had no place at the employer. On about March 6, Ms. DeVisser and Marie Price, told employees to keep pay issues internal and to not share these concerns on social media because it was "unprofessional" and "immature." On about March 9, 2020, Pieter DeVisser, threatened that employees could be sued for engaging in Section 7 activity, and instructed them not to engage in such activity on social media. On about March 9, 2020, Jessica DeVisser prohibited employees from communicating and emailing about workplace issues, including about pay.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Hannah Lawson Ritner

4a. Address (Street and number, city, state, and ZIP code)  2015 S. 7th Street, Apt #13 Tacoma, WA 98405-3016	4b. Tel. No. (949) 584-9545
	4c. Cell No. (949) 584-9545
	4d. Fax No.
	4e. e-mail hannahritner97@gmail.com

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (949) 584-9545
Hannah Ritner	Hannah Lawson Ritner, an individual	Office, if any, Cell No. (949) 584-9545
_____ (signature of representative or person making charge)	_____ (Print/type name and title or office, if any)	Fax No.
2015 S. 7th Street, Apt #13 Address Tacoma, WA 98405-3016	Date 8/31/2020	e-mail hannahritner97@gmail.com

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

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**EXHIBIT 4(a)**

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**TACOMA BAKING COMPANY**

Charged Party

and

**HANNAH LAWSON RITNER**

Charging Party

**Case 19-CA-260381**

**AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on September 3, 2020, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Jessica DeVisser, CEO  
Tacoma Baking Company  
1316 Martin Luther King Jr. Way  
Tacoma, WA 98405-3928

Jack G. Orr, Attorney  
Jack G. Orr Law Offices  
2610 N. Alder St.  
Tacoma, WA 98407

Pieter DeVisser, Human Resources Officer  
Tacoma Baking Company  
1316 Martin Luther King Jr. Way  
Tacoma, WA 98405

September 3, 2020

Date

Leila Robles, Designated Agent of NLRB

Name

/s/ Leila Robles

Signature

**EXHIBIT 4(b)**

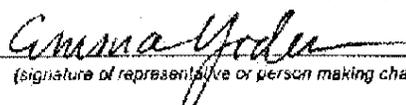
FORM NLRB 301  
(2-18)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 19-CA-263343	Date Filed 7/21/2020

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer  Tacoma Baking Company	b. Tel. No. (253) 315-5944
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 1316 Martin Luther King Jr. Way Tacoma, WA 98405-3928	e. Employer Representative Jessica DeVisser, CEO
	g. e-mail jessica@tacomabakingcompany.com
	h. Number of workers employed 60
i. Type of Establishment (factory, mine, wholesaler, etc.) services	j. Identify principal product or service bakery and coffee
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
Within the past six months, the above named employer discriminated against Emma Yoder, by discharging or constructively discharging her on about March 12, 2020, in retaliation for engaging in protected concerted activities, including starting and circulating a GoFundMe page to help raise funds towards fellow employees' pay; and voicing and sharing workplace and pay concerns on social media, with other employees, and with management.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Emma Yoder	
4a. Address (Street and number, city, state, and ZIP code)  2914 S 7th Street Tacoma, WA 98405	4b. Tel. No. (253) 495-1463
	4c. Cell No.
	4d. Fax No.
	4e. e-mail emmayoder14@gmail.com
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
 (signature of representative or person making charge)	Emma Yoder, an individual (Print/type name and title or office, if any)
Address 2914 S 7th Street, Tacoma, WA 98405	Tel. No. (253) 495-1463
Date 07/21/20	Office, if any, Cell No.
	Fax No.
	e-mail emmayoder14@gmail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information may cause the NLRB to decline to invoke its processes.

EXHIBIT 5(a)

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**TACOMA BAKING COMPANY**

Charged Party

and

**EMMA YODER**

Charging Party

**Case 19-CA-263343**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 22, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Jessica DeVisser, CEO  
Tacoma Baking Company  
1316 Martin Luther King Jr. Way  
Tacoma, WA 98405-3928

Jack G. Orr, Attorney  
Jack G. Orr Law Offices  
2610 N. Alder St.  
Tacoma, WA 98407

Pieter DeVisser, Human Resources Officer  
Tacoma Baking Company  
1316 Martin Luther King Jr. Way  
Tacoma, WA 98405

July 22, 2020

Date

Leila Robles, Designated Agent of NLRB

Name

/s/ Leila Robles

Signature

**EXHIBIT 5(b)**

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

**TACOMA BAKING COMPANY, INC.**

and

**Cases 19-CA-258566  
19-CA-260381**

**HANNAH RITNER, an Individual**

and

**19-CA-263343**

**EMMA YODER, an Individual**

**ORDER CONSOLIDATING CASES, CONSOLIDATED  
COMPLAINT AND NOTICE OF HEARING**

Pursuant to § 102.33 of the Rules and Regulations of the National Labor Relations Board (the "Board") and to avoid unnecessary costs or delay, IT IS ORDERED THAT Cases 19-CA-258566 and 19-CA-260381, which are based on charges filed by Hannah Ritner ("Ritner"), an individual, and Case 19-CA-263343, which is based on a charge filed by Emma Yoder ("Yoder"), an individual, against Tacoma Baking Company ("Respondent"), are consolidated.

This Order Consolidating Cases, Consolidated Complaint, and Notice of Hearing, which is based on these charges, is issued pursuant to § 10(b) of the National Labor Relations Act (the "Act"), 29 U.S.C. § 151 *et seq.*, and § 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

1.

(a) The charge in Case 19-CA-258566 was filed by Ritner on March 30, 2020, and a copy was served on Respondent by U.S. mail on about that date.

**EXHIBIT 6(a)**

(b) The first amended charge in Case 19-CA-258566 was filed by Ritner on June 5, 2020, and a copy was served on Respondent by U.S. mail on about June 8, 2020.

(c) The charge in Case 19-CA-260381 was filed by Ritner on May 14, 2020, and a copy was served on Respondent by U.S. mail on about that date.

(d) The first amended charge in Case 19-CA-260381 was filed by Ritner on September 1, 2020, and a copy was served on Respondent by U.S. mail on about September 3, 2020.

(e) The charge in Case 19-CA-263343 was filed by Yoder on July 21, 2020, and a copy was served on Respondent by U.S. mail on about July 22, 2020.

## 2.

(a) At all material times, Respondent has been a State of Washington corporation with an office and place of business in Tacoma, Washington (the "facility"), where it was and/or is engaged in the retail business of selling bakery and coffee products and/or services.

(b) In conducting its operations described above in paragraph 2(a) during the past 12 months, which is representative of all material times, Respondent derived gross revenues in excess of \$500,000.

(c) In conducting its operations described above in paragraph 2(a) during the past 12 months, which is representative of all material times, Respondent purchased and received goods at the facility valued in excess of \$50,000 directly from points outside the State of Washington and/or purchased and received goods valued in excess of \$50,000 at its facility directly from entities located within the State of Washington, but each of which entities had received the goods directly from points outside the State of Washington.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of §§ 2(2), (6) and (7) of the Act.

3.

At all material times, the following individuals held the positions set forth opposite their respective names and have been or were supervisors of Respondent within the meaning of § 2(11) of the Act and/or agents of Respondent within the meaning of § 2(13) of the Act, acting on Respondent's behalf:

Jessica DeVisser - Chief Executive Officer and/or Co-Owner  
Pieter DeVisser - Human Resources Director and/or Co-Owner  
Marie Price - Chief Operating Officer and/or Co-Owner

4.

Respondent, by Jessica DeVisser:

(a) by e-mail on or about January 24, 2020, told employees they were creating a toxic workplace by raising their concerns about wages, hours, and/or other terms and conditions of employment;

(b) by e-mail on or about January 24, 2020, threatened employees with a meeting with Respondent's management or other forms of retaliation, because the employees had discussed wages, hours, and/or other terms and conditions of employment with their co-workers or because they raised such matters with Respondent management or supervision;

(c) by e-mail on or about January 24, 2020, informed employees they have no place with Respondent if they raise their concerns about wages, hours, and/or other terms and conditions of employment;

(d) by e-mail on or about February 29, 2020, prohibited employees from sending e-mails or posting on social media their discussions regarding wages, hours and/or other terms and conditions of employment at the workplace;

(e) by e-mail on or about March 6, 2020, threatened employees that they would be damaged for negatively commenting about their wages, hours and/or other terms and conditions of employment with fellow employees or others on social media or, alternatively, prohibited employees from discussing or raising their concerns about wages, hours and/or other terms and conditions of employment; and

(f) at the facility on about March 9, 2020, prohibited employees from discussing terms and conditions of employment by e-mail.

5.

On or about March 6, 2020, Respondent, by Jessica DeVisser and Marie Price at the facility, prohibited employees from discussing wages, hours, and/or other terms and conditions of employment at the workplace by telling them to keep pay and wage issues internal rather than publicize or post such discussions on social media and that such discussions are immature and unprofessional.

6.

On about March 9, 2020, Respondent, by Pieter DeVisser at the facility, threatened to take legal action against employees because they discussed and/or raised their concerns about wages, hours, and/or other terms and conditions of employment on social media.

7.

(a) On or about March 7, 2020, Respondent terminated the employment of its employee Ritner.

(b) On or about March 12, 2020, Respondent terminated the employment of its employee Yoder.

(c) Respondent engaged in the conduct described above in paragraphs 7(a) and 7(b) because its employees Ritner and Yoder engaged in protected concerted activities, and/or to discourage employees from engaging in these or other protected, concerted activities.

8.

By the conduct described above in paragraphs 4 to 7, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in § 7 of the Act in violation of § 8(a)(1) of the Act.

9.

The unfair labor practices of Respondent described above affect commerce within the meaning of §§ 2(6) and (7) of the Act.

**WHEREFORE**, as part of the remedy for the unfair labor practices alleged above, the General Counsel seeks an order requiring that Respondent make employees Ritner and Yoder whole, including consequential damages, and reimburse them for all search-for-work and work-related expenses regardless of whether they received interim earnings in excess of these expenses, or at all, during any given quarter, or during the overall backpay period. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

## **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Consolidated Complaint. The answer must be **received by this office on or before October 13, 2020**. Respondent must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See § 102.21. If the answer is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the answer to a consolidated complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The

answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Consolidated Complaint are true.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT at 9 a.m. on the **9<sup>th</sup> day of March, 2021**, in the James C. Sand Hearing Room of the Jackson Federal Building, 915 Second Avenue, 29<sup>th</sup> Floor, Seattle, Washington, or via Zoom videoconference, if appropriate given the circumstances and status of the COVID-19 pandemic, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Consolidated Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Seattle, Washington, this 29<sup>th</sup> day of September, 2020.



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Ronald K. Hooks, Regional Director  
National Labor Relations Board, Region 19  
915 2nd Ave., Ste. 2948  
Seattle, WA 98174-1006

Attachments

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

**TACOMA BAKING COMPANY, INC.**

**and**

**HANNAH RITNER, an Individual**

**and**

**EMMA YODER, an Individual**

**Cases 19-CA-258566  
19-CA-260381**

**19-CA-263343**

**AFFIDAVIT OF SERVICE OF: Order Consolidating Cases, Consolidated Complaint  
and Notice of Hearing (with forms NLRB-4668 and  
NLRB-4338 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on September 29, 2020, I served the above-entitled document(s) by **e-service** as noted below, upon the following persons, addressed to them at the following addresses:

**E-Service**

Jessica DeVisser, CEO  
Tacoma Baking Company, Inc.  
1316 Martin Luther King Jr. Way  
Tacoma, WA 98405-3928  
Email: [jessica@tacomabakingcompany.com](mailto:jessica@tacomabakingcompany.com)  
Email: [jessica.devisser@me.com](mailto:jessica.devisser@me.com)

**E-Service**

Jack G. Orr, Attorney  
Jack G. Orr Law Offices  
2610 N. Alder St.  
Tacoma, WA 98407  
Email: [jackorr@msn.com](mailto:jackorr@msn.com)

Pieter DeVisser, Human Resources Officer  
Tacoma Baking Company, Inc.  
1316 Martin Luther King Jr. Way  
Tacoma, WA 98405  
Email: [pieter@tacomabakingcompany.com](mailto:pieter@tacomabakingcompany.com)  
Email: [pieter.devisser@mac.com](mailto:pieter.devisser@mac.com)

Hannah Ritner  
2015 S. 7th Street, Apt. #13  
Tacoma, WA 98405-3016  
Email: [hannahritner97@gmail.com](mailto:hannahritner97@gmail.com)

Emma Yoder  
2914 S 7th Street  
Tacoma, WA 98405  
Email: [emmayoder14@gmail.com](mailto:emmayoder14@gmail.com)

September 29, 2020

Date

Kristy Kennedy  
Designated Agent of NLRB

Name

  
Signature

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Cases 19-CA-258566 et al

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

**E-Service**

Jessica DeVisser, CEO  
Tacoma Baking Company, Inc.  
1316 Martin Luther King Jr. Way  
Tacoma, WA 98405-3928  
Email: [jessica@tacomabakingcompany.com](mailto:jessica@tacomabakingcompany.com)  
Email: [jessica.devisser@me.com](mailto:jessica.devisser@me.com)

**E-Service**

Jack G. Orr, Attorney  
Jack G. Orr Law Offices  
2610 N. Alder St.  
Tacoma, WA 98407  
Email: [jackorr@msn.com](mailto:jackorr@msn.com)

Pieter DeVisser, Human Resources Officer  
Tacoma Baking Company, Inc.  
1316 Martin Luther King Jr. Way  
Tacoma, WA 98405  
Email: [pieter@tacomabakingcompany.com](mailto:pieter@tacomabakingcompany.com)  
Email: [pieter.devisser@mac.com](mailto:pieter.devisser@mac.com)

Hannah Ritner  
2015 S. 7th Street, Apt. #13  
Tacoma, WA 98405-3016  
Email: [hannahritner97@gmail.com](mailto:hannahritner97@gmail.com)

Emma Yoder  
2914 S 7th Street  
Tacoma, WA 98405  
Email: [emmayoder14@gmail.com](mailto:emmayoder14@gmail.com)

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing.

If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 19  
915 2nd Ave Ste 2948  
Seattle, WA 98174-1006

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (206) 220-6300  
Fax: (206) 220-6305

Agent's Direct Dial: (206) 220-6330

December 9, 2020

Jessica DeVisser, CEO  
Tacoma Baking Company, Inc.  
1316 Martin Luther King Jr. Way  
Tacoma, WA 98405-3928

Jack G. Orr, Attorney  
Jack G. Orr Law Offices  
2610 N. Alder St.  
Tacoma, WA 98407

Pieter DeVisser, Human Resources Officer  
Tacoma Baking Company, Inc.  
1316 Martin Luther King Jr. Way  
Tacoma, WA 98405

Re: Tacoma Baking Company, Inc.  
Cases 19-CA-258566, 19-CA-260381 and  
19-CA-263343

Dear Ms. DeVisser, Mr. Orr and Mr. DeVisser:

The Consolidated Complaint for the above-referenced cases issued on September 29, 2020, and your Answer was due on or before October 13, 2020. To date, we have not received your Answer to the Consolidated Complaint. Please file your Answer by the close of business on Wednesday, December 16, 2020. If you fail to file an Answer that meets the Board's requirements by the deadline, we will have no choice but to file a Motion for Default Judgment.

If you have any questions, please do not hesitate to contact me at (206) 220-6330.

Very truly yours,

Angelie Chong  
Field Attorney

**EXHIBIT 7(a)**

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

**TACOMA BAKING COMPANY, INC.**

**and**

**Case 19-CA-258566; 19-CA-  
260381; 19-CA-263343**

**HANNAH RITNER, HANNAH RITNER AND  
EMMA YODER, an Individual**

**AFFIDAVIT OF SERVICE OF** Letter seeking Answer to Complaint dated December 9, 2020.

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on December 9, 2020, I served the above-entitled document(s) by **regular mail** and email upon the following persons, addressed to them at the following addresses:

Jessica DeVisser , CEO  
Tacoma Baking Company, Inc.  
1316 Martin Luther King Jr. Way  
Tacoma, WA 98405-3928

Hannah Ritner  
2015 S. 7th Street, Apt #13  
Tacoma, WA 98405-3016

Jack G. Orr , Attorney  
Jack G. Orr Law Offices  
2610 N. Alder St.  
Tacoma, WA 98407

Emma Yoder  
2914 S 7th Street  
Tacoma, WA 98405

Pieter DeVisser , Human Resources Officer  
Tacoma Baking Company, Inc.  
1316 Martin Luther King Jr. Way  
Tacoma, WA 98405

Jessica DeVisser  
Tacoma Baking Company, Inc.

December 9, 2020

Date

Dennis Snook, Designated Agent of NLRB

Name

*Leila Nomoto*

Signature

**EXHIBIT 7(b)**

## ORDER

The National Labor Relations Board hereby orders that the Respondent, **Tacoma Baking Company**, Tacoma, Washington, its officers, agents, attorneys, successors, and assigns, shall

1. Cease and desist from:
  - (a) Discharging employees because they discuss wages, hours and/or other terms and conditions of employment with fellow employees or others on social media;
  - (b) Discharging employees because they create and circulate a fundraising web page to assist fellow employees, and voice concerns about pay and/or other terms and conditions of employment on social media;
  - (c) Threatening employees with a meeting with management, or with any other form of retaliation, because they discuss wages, hours and/or other terms and conditions of employment with co-workers or because they raise those issues with management or supervision;
  - (d) Telling employees that they are creating a toxic workplace by raising issues about wages, hours, and/or other terms and conditions of employment;
  - (e) Restricting employees' right to discuss wages, hours and/or other terms and conditions of employment at the workplace by directing them to stop emailing or posting such discussions on social media;
  - (f) Threatening employees that they will be damaged or disciplined because they discuss wages, hours and/or other terms and conditions of employment with fellow employees or others on social media;
  - (g) Restricting employees' right to discuss wages, hours and/or other terms and conditions of employment at the workplace by telling them to keep pay and wage issues internal rather than publicize or post such discussions on social media and that such discussions are immature and unprofessional;
  - (h) Threatening to take legal action against employees because they discuss wages, hours and/or other terms and conditions of employment on social media; and
  - (i) 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:

**EXHIBIT 8(a)**

(a) Within 14 days of this Order, offer Hannah Ritner and Emma Yoder immediate and full reinstatement as baristas or, if that job no longer exists, to substantially equivalent positions, without prejudice to their seniority or any other rights and/or privileges previously enjoyed;

(b) Within 14 days of this Order, make Hannah Ritner and Emma Yoder whole for any loss of earnings and other benefits resulting from their discharges, less any net interim earnings, plus interest;

(c) Within 14 days of this Order, compensate Hannah Ritner and Emma Yoder for the adverse tax consequences, if any, of receiving a lump-sum backpay award;

(d) Within 14 days of this Order, remove from our files all references to the discharges of Hannah Ritner and Emma Yoder, and within 3 days thereafter, notify them in writing that this has been done and that their discharges will not be used against them in any way;

(e) Within 14 days after service by the Region, post at its facility in Pierce County in Washington State, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 19, 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. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, 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 September 30, 2019; and

(f) 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 Respondent has taken to comply with this Order.

**(To be printed and posted on official Board notice form)**

**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** discharge you because you discuss your wages, hours, and/or other terms and conditions of employment with your fellow employees or others on social media.

**WE WILL NOT** discharge you because you create and circulate a fundraising web page to assist fellow employees and voice concerns about your wages, hours, and/or other terms and conditions of employment on social media.

**WE WILL NOT** tell you that you are creating a toxic workplace by raising issues about wages, hours, and/or other terms and conditions of employment.

**WE WILL NOT** threaten you with a meeting with management or with any other form of retaliation, because you discuss wages, hours, and/or other terms and conditions of employment with your co-workers or because you raise such issues with our management or supervision.

**WE WILL NOT** restrict your right to discuss wages, hours, and/or other terms and conditions of employment at the workplace by directing you to stop emailing or posting such discussions on social media.

**WE WILL NOT** threaten that you will be damaged or disciplined, because you discuss wages, hours, and/or other terms and conditions of employment with fellow employees or others on social media.

**WE WILL NOT** restrict your right to discuss wages, hours, and/or other terms and conditions of employment at the workplace by telling you to keep pay and wage issues internal rather than publicize or post such discussions on social media and that such discussions are immature and unprofessional.

**WE WILL NOT** threaten to take legal action against you because you discuss wages, hours, and/or other terms and conditions of employment on social media.

**YOU HAVE THE RIGHT** to raise issues about wages, hours, and other terms and conditions of employment with us on behalf of yourself and other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

**EXHIBIT 8(b)**

**WE WILL** offer Hannah Ritner and Emma Yoder immediate and full reinstatement to the role of barista or, if that job no longer exists, to a substantially equivalent position, without prejudice to their seniority or any other rights and/or privileges previously enjoyed.

**WE WILL** make Hannah Ritner and Emma Yoder whole for any loss of earnings and other benefits resulting from their discharges, less any net interim earnings, plus interest.

**WE WILL** compensate Hannah Ritner and Emma Yoder for the adverse tax consequences, if any, of receiving a lump-sum backpay award and **WE WILL** file with the Regional Director for Region 19, a report allocating backpay to the appropriate calendar years together with the W-2s reflecting backpay paid to Ms. Ritner and Ms. Yoder.

**WE WILL** remove from our files all references to the discharges of Hannah Ritner and Emma Yoder, and **WE WILL**, within 3 days thereafter, notify them in writing that this has been done and that their discharges will not be used against them in any way.

**WE WILL NOT** in any like or related manner restrain or coerce you in the exercise of your rights under Section 7 of the Act.

**Tacoma Baking Company**

(Employer)

Dated: \_\_\_\_\_ By: \_\_\_\_\_  
(Representative) (Title)

**Cases 19-CA-258566, 19-CA-260381 and 19-CA-263343**

*The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/tty> (link is external), calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB.*

915 2nd Ave Ste 2948  
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**Telephone:** (206) 220-6300  
**Hours of Operation:** 8:15 a.m. to 4:45 p.m.

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Centralized Compliance Unit at [complianceunit@nlr.gov](mailto:complianceunit@nlr.gov).

**EXHIBIT 8(b)**

## CERTIFICATE OF SERVICE

I hereby certify that a copy of Counsel for the General Counsel's Motion for Default Judgment was served on the 22<sup>nd</sup> day of December, 2020, on the following parties:

**Efile:**

Roxanne Rothschild, Executive Secretary  
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**Email:**

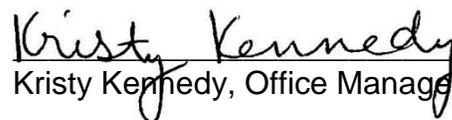
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Kristy Kennedy, Office Manager