

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

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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January 21, 2021

David Habenstreit
National Labor Relations Board
Division of Legal Counsel
1015 HALF ST SE FL 4
WASHINGTON, DC 20570

Appeal Number: 20-14532-J
Case Style: National Labor Relations Board v. Sebsen Electrical Contractors, et al
Agency Docket Number: 12-CA-243307

The enclosed copy of this Court's order granting the motion for summary judgment is ENTERED. A copy of the said judgment is also enclosed. The proceeding is terminated in this court.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Davina C Burney-Smith, J
Phone #: (404) 335-6183

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 20-14532-J

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

versus

SEBSEN ELECTRICAL CONTRACTORS LLC,
SEBSEN ELECTRIC LLC,
a single employer

Respondents.

Application for Enforcement of an Order of the
National Labor Relations Board

Before: MARTIN, ROSENBAUM, and BRANCH, Circuit Judges.

BY THE COURT:

THIS CAUSE was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, Sebsen Electrical Contractors LLC and Sebsen Electric LLC, a single employer, its officers, agents, successors, and assigns, enforcing its order dated September 29, 2020, in Case No. 12-CA-243307, reported at 370 NLRB No. 27, and the Court having considered the same,

IT IS HEREBY ORDERED AND ADJUDGED by the Court that the Respondent Sebsen Electrical Contractors LLC and Sebsen Electric LLC, a single employer, its officers, agents, successors, and assigns, shall abide by said order. (See Attached Order)

This order is issued as and for the mandate.

The Clerk is directed to close the file on this application.

NATIONAL LABOR RELATIONS BOARD

v.

SEBSEN ELECTRICAL CONTRACTORS LLC
AND SEBSEN ELECTRIC LLC, A SINGLE EMPLOYER

ORDER

Sebsen Electrical Contractors LLC and Sebsen Electric LLC, Tampa, Florida, a single employer, its officers, agents, successors, and assigns, shall take the following affirmative action necessary to effectuate the policies of the Act.

1. Make whole Edward Polo De Castro and Terry Higgins by payment of the backpay, interest, and compensation for excess tax liability in the amounts set forth in the settlement agreement, with additional interest and excess tax liability accrued to the date of payment. The total amount due under the settlement agreement, before additional interest and excess tax liability are calculated, is \$22,146.

2. Make whole Edward Polo De Castro and Terry Higgins by payment of the principal, interest, and liquidated damages amounts for the Union's Pension-Annuity Fund set forth in the settlement agreement, with additional interest and liquidated damages accrued to the date of payment. The total amount due under the settlement agreement, before additional interest and damages are calculated, is \$6,028.60.

3. Compensate employees for the adverse tax consequences, if any, of receiving lump-sum backpay awards, and file with the Regional Director for Region 12, 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 year(s).

4. Within 21 days after service by the Region, file with the Regional Director for Region 12 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.