

No. 20-2015

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Mar 10, 2021
DEBORAH S. HUNT, Clerk

NATIONAL LABOR RELATIONS BOARD,)
)
Petitioner,)
)
v.)
)
NOLAN ENTERPRISES, INC., dba Centerfold)
Club,)
)
Respondent.)

J U D G M E N T

Before: SUTTON, COOK, and READLER, Circuit Judges.

The National Labor Relations Board applies for summary enforcement of its July 31, 2020, order in Case No. 09-CA-220677 finding that Respondent Nolan Enterprises, Inc., doing business as Centerfold Club, violated federal labor law. The parties now jointly move for entry of a consent judgment.

The application for summary enforcement and motion for a consent judgment are **GRANTED**. It is **ORDERED** and **ADJUDGED** that the order of the Board be enforced and the Respondent, its officers, agents, successors, and assigns, shall abide by and perform the directions of the Board set forth in the July 31, 2020 order (*see* attached Order and Appendix).

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

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."¹ 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.

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 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.

