

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

|                                |   |                |
|--------------------------------|---|----------------|
| FORTUNA ENTERPRISES, L.P.      | : |                |
|                                | : |                |
| Petitioner/Cross-Respondent    | : |                |
| v.                             | : |                |
|                                | : | Nos. 10-1272   |
| NATIONAL LABOR RELATIONS BOARD | : | 10-1298        |
|                                | : |                |
| Respondent/Cross-Petitioner    | : | Board Case No. |
| and                            | : | 31-CA-27837    |
|                                | : |                |
| UNITE HERE, LOCAL 11           | : |                |
|                                | : |                |
| Intevenor                      | : |                |

JUDGMENT ENFORCING AN ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD

Before: Henderson, Circuit Judge, and Ginsburg and Randolph, Senior Circuit Judges.

THIS CAUSE came to be heard upon a petition filed by Fortuna Enterprises, L.P. to review a August 24, 2010, Order of the National Labor Relations Board in Board Case No. 31-CA-27837, incorporating by reference two earlier Board Orders, reported at 354 NLRB No. 17 (2009) and 354 NLRB No. 95 (2009), and upon a cross-application filed by the National Labor Relations Board to enforce said Orders. The Court heard argument of the parties and has considered the briefs and transcript of record filed in this cause. On December 9, 2011, the Court having considered the same, handed down its opinion granting Fortuna Enterprises' petition in part and granting in part the Board's cross-application for enforcement. In conformity therewith, it is hereby

ORDERED AND ADJUDGED by the Court that Fortuna Enterprises, L.P., a Delaware Limited Partnership, d/b/a the Los Angeles Airport Hilton Hotel and

Towers, Los Angeles, California, its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).

KLH

Judge, United States Court of Appeals  
For the District of Columbia Circuit

Douglas H. Ginsburg / DEH

Judge, United States Court of Appeals  
For the District of Columbia Circuit

A. Raymond Lantolpa / hr

Judge, United States Court of Appeals  
For the District of Columbia Circuit

# NATIONAL LABOR RELATIONS BOARD

v.

FORTUNA ENTERPRISES, L.P

## **ORDER**

Fortuna Enterprises, L.P., a Delaware Limited Partnership, d/b/a The Los Angeles Airport Hilton Hotel and Towers, Los Angeles, California, its officers, agents, successors, and assigns, shall

1. Cease and desist from
  - (a) Interrogating employees about union and other protected, concerted activities.
  - (b) Physically pushing employees for engaging in protected concerted activities.
  - (c) Threatening employees with violence if they engaged in protected, concerted activity.
  - (d) Denying access to Fortuna Enterprises' facility and threatening employees with trouble if they entered the hotel because employees wore union insignia.
  - (e) Issuing written warnings to employees for engaging in union and other protected, concerted activities.
  - (f) Threatening an employee with unspecified reprisals if the employee engaged in union activity.
  - (g) 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, remove from its files the unlawful written warnings of Nathalie Contreras, Patricia Simmons, Isabel Brentner, Lilia Magallon, Joanna Gomez, and Isabel Salinas and within 3 days thereafter notify the employees in writing that this has been done and that the warnings will not be used against them in any way.

- (b) Within 14 days after service by the Region, post at its 5711 West Century Boulevard, Los Angeles, California facility copies of the attached notice marked "Appendix" in both the English and Spanish languages. Copies of the notice, on forms provided by the Regional Director for Region 31, after being signed by Fortuna Enterprises, L.P.'s authorized representative, shall be posted by Fortuna Enterprises immediately upon receipt 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 Fortuna Enterprises to ensure that the notices are not altered, defaced, or covered by any other material. In the event Fortuna Enterprises, L.P. has gone out of business or closed any of the facilities involved in these proceedings, Fortuna Enterprises shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by Fortuna Enterprises at any time since March 3, 2006.
- (c) 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 Fortuna Enterprises has taken to comply.

## 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 issue you written warnings because you engage in union or other protected concerted activities.

WE WILL NOT interrogate you about your union and other protected concerted activities.

WE WILL NOT physically push you for engaging in protected concerted activities.

WE WILL NOT threaten you with violence if you engage in protected concerted activity.

WE WILL NOT deny you access to our facility and threaten you with trouble if you enter the hotel because you wear union insignia.

WE WILL NOT threaten you with unspecified reprisals if you participate in union or protected concerted activity.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed to you by Section 7 of the Act.

WE WILL, within 14 days from the date of this Order, remove from our files any reference to the unlawful written warnings of Nathalie Contreras, Patricia Simmons, Isabel Brentner, Lilia Magallon, Joanna Gomez, and Isabel Salinas and,

WE WILL, within 3 days thereafter, notify each of them in writing that this has been done and that the written warnings will not be used against them in any way.

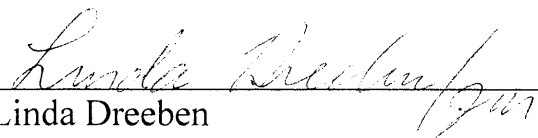
FORTUNA ENTERPRISES, L.P., A DELAWARE  
LIMITED PARTNERSHIP, D/B/A THE LOS ANGELES  
AIRPORT HILTON HOTEL AND TOWERS

UNITED STATES COURT OF APPEALS  
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CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2012, I electronically filed the Board's proposed judgment with the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. I further certify that the foregoing documents were served on counsel for the parties, Stephen R. Lueke and Richard G. McCracken, via the CM/ECF system.

  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1099 14th Street, NW  
Washington, DC 20570

Dated at Washington, D.C.  
this 17th day of January, 2012