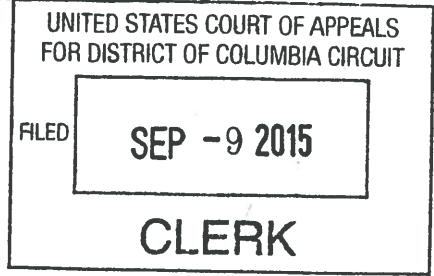


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UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, D.C. 20570



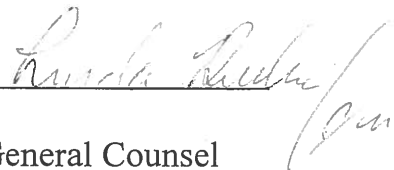
July 28, 2015

Mark J. Langer, Esquire  
Clerk, United States Court of  
Appeals for the District of Columbia Circuit  
E. Barrett Prettyman U.S. Courthouse  
333 Constitution Avenue, NW, Room 5423  
Washington, D.C. 20001-2866

Re: *Bruce Packing Company, Inc. v. NLRB*,  
D.C. Cir. Nos. 12-1054 and 12-1137

Dear Mr. Langer:

On July 24, 2015, the Court handed down its opinion granting Bruce Packing Company, Inc.'s petition in part and granting in part the Board's cross-application for enforcement. Pursuant to Rule 19 of the Federal Rules of Appellate Procedure, I am filing the Board's Proposed Judgment in the above entitled manner. A certificate of service is enclosed.

/s/ Linda Dreeben   
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570  
(202) 273-2960

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRUCE PACKING COMPANY, INC. )  
)  
    Petitioner/Cross-Respondent )  
)  
    v. )  
)  
NATIONAL LABOR RELATIONS BOARD ) Nos. 12-1054 &  
) 12-1137  
    Respondent/Cross-Petitioner )  
)  
    and )  
)  
LABORERS' INTERNATIONAL UNION OF )  
NORTH AMERICA, LOCAL No. 296, AFL-CIO )  
)  
    Intervenor )

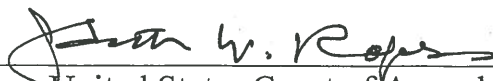
JUDGMENT ENFORCING AN ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD

Before: ROGERS, GRIFFITH, and WILKINS, *Circuit Judges*.

THIS CAUSE came to be heard upon a petition filed by Bruce Packing Company, Inc. to review, and a cross-application filed by the National Labor Relations Board to enforce, a September 28, 2011, Order of the National Labor Relations Board, Case Nos. 36-CA-10496 and 36-CA-10595, reported at 357 NLRB No. 93 (2011). The Court heard argument and considered the briefs and the record filed in this case. The Court having considered the same, handed down its opinion on July 24, 2015, granting Bruce Packing Company, Inc.'s 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 Bruce Packing Company,

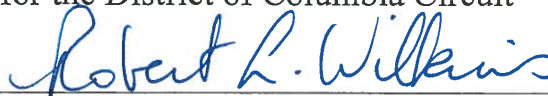
Inc., its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).



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



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



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

BRUCE PACKING COMPANY, INC.

v.

NATIONAL LABOR RELATIONS BOARD

ORDER

Bruce Packing Company, Inc., Silverton, Oregon, its officers, agents, successors, and assigns, shall

1. Cease and desist from
  - (a) Coercively interrogating employees about their union activities, sympathies, and/or support.
  - (b) Threatening employees with unspecified reprisals if they engage in activities on behalf of the Union.
  - (c) Selecting employees for layoff or otherwise discriminating against employees for supporting the Union or any other labor organization.
  - (d) 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 Manuel Coria, Jose Carmen Maciel, Daniel Luna, and Federico Nieves Rojas full reinstatement to their former jobs or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed.
  - (b) Make Manuel Coria, Jose Carmen Maciel, Daniel Luna, and Federico Nieves Rojas whole for any loss of earnings and other benefits suffered as a result of the discrimination against them. Backpay shall be computed in accordance with *F. W. Woolworth Co.*, 90 NLRB 289 (1950), with interest at the rate prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), compounded daily as prescribed in *Kentucky River Medical Center*, 356 NLRB No. 8 (2010), enf. denied on other grounds sub nom. *Jackson Hospital Corp. v. NLRB*, F.3d 2011 WL 2277530 (D.C. Cir. June 10, 2011).
  - (c) Within 14 days from the date of this Order, remove from its files any reference to the unlawful selection of Coria, Maciel, Luna, and Rojas for layoff, and within 3 days thereafter, notify the employees in writing that

this has been done and that the layoffs will not be used against them in any way.

- (d) 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.
- (e) Within 14 days after service by the Region, post at its Silverton, Oregon facility 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 translated into Spanish, and both Spanish and English notices 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. Reasonable steps shall be taken by the Respondent 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 June 19, 2009.
- (f) Within 21 days after service by the Region, file with the Regional Director for Region 19 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.

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 coercively question you about your union activities, sympathies, or support.

WE WILL NOT threaten you with unspecified reprisals if you engage in activities on behalf of the Union.

WE WILL NOT select you to be laid off or otherwise discriminate against any of you for supporting the Union or any other labor organization.

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 Manuel Coria, Jose Carmen Maciel, Daniel Luna, and Federico Nieves Rojas full reinstatement to their former jobs or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or to any other rights or privileges previously enjoyed.

WE WILL make Manuel Coria, Jose Carmen Maciel, Daniel Luna, and Federico Nieves Rojas whole for any loss of earnings and other benefits resulting from their layoff, less any net interim earnings, plus interest.

WE WILL, within 14 days from the date of the Board's Order, remove from our files any reference to the unlawful selection for layoff of Manuel Coria, Jose Carmen Maciel, Daniel Luna, and Federico Nieves Rojas, and WE WILL, within 3 days thereafter, notify each of them in writing that this has been done and that the layoffs will not be used against them in any way.

BRUCE PACKING COMPANY, INC.

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRUCE PACKING COMPANY, INC. )  
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Petitioner/Cross-Respondent )  
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NATIONAL LABOR RELATIONS BOARD ) Nos. 12-1054 &  
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and )  
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LABORERS' INTERNATIONAL UNION OF )  
NORTH AMERICA, LOCAL No. 296, AFL-CIO )  
)  
Intervenor )

CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2015, I electronically filed the foregoing document 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 document was served on all parties or their counsel of record through the appellate CM/ECF system.

/s/ Linda Dreeben *Linda Dreeben*  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570

Dated at Washington, DC  
this 28th day of July, 2015