

ORIGINAL

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**NATIONAL LABOR RELATIONS BOARD,**

**Petitioner,**

**v.**

**MATHEW ENTERPRISE, INC. d/b/a  
STEVENS CREEK CHRYSLER JEEP DODGE,**

**Respondent.**

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**No. 11-1310**

**CONSENT ORDER**

The National Labor Relations board (the "Board") and Mathew Enterprise, Inc. d/b/a Stevens Creek Chrysler, Jeep, Dodge ("Stevens Creek" or the "Employer"), having entered into a Joint Settlement Stipulation ("Stipulation") for the entry of this Order, and having moved this Court to enter an order approving the parties' Stipulation, and good cause therefore being shown:

**IT IS HEREBY ORDERED** that said Stipulation executed on March 16, 2017, is incorporated herein by reference, and the same is approved and shall be filed; and

**IT IS FURTHER ORDERED** that Respondent Stevens Creek, its officers, agents, representatives, successors and assigns, shall:

(a) Fully comply with the Judgment entered by this Court on December 14, 2012, and each of the provisions of the Board's order thereby enforced, and not in any way, by action or inaction, engage in, induce, encourage, permit or condone any violation of said Judgment;

(b) Refrain from failing to provide, failing to completely provide, and/or failing to timely provide requested information which is relevant and/or necessary to the Union's performance of its functions as exclusive bargaining representative of Respondent's employees, or from in any like or related manner failing or refusing to bargain in good faith with the Union;

(c) Refrain from in any other manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act;

(d) Within ten (10) days after receipt of the Notice from the Board ("Notice"), post copies of the Consent Order and the Notice in conspicuous places where notices to employees are customarily posted for a period of sixty (60) consecutive days. The Notice shall be signed by an appropriate representative on behalf of Respondent, and shall be maintained in clearly legible condition throughout the 60-day period. Respondent shall further insure that the Notice is not altered, defaced or covered by any other material. Respondent shall also provide the Board's Region 20 with a signed copy of the Notice and a certification of the dates and locations of the postings, and shall give the Board reasonable access to check the postings;

(e) Within twenty (20) days after receipt of the Notice, mail the Notice and Consent Order to each bargaining-unit employee who is employed by Respondent at the time of mailing, and to all former

employees who were employed by Respondent since entry of the December 14, 2012 Judgment. Respondent shall provide the Board's Region 20 with a list of those persons to whom the Notice and Consent Order were mailed, together with proof of the mailing, within fourteen (14) days of the mailing;

(f) Within thirty (30) days after receipt of the Notice, read said Notice at an employee meeting called for that purpose, on working time. Respondent shall give the Regional Director at least two weeks' notice to permit a Board agent to attend the meeting, at the option of the Regional Director.

(g) If Respondent customarily communicates with its employees by electronic means, such as by email, or posting on an intranet or an internet site, Respondent shall, in addition to posting and mailing the Notice and Consent Order, distribute the Notice and Consent Order electronically;

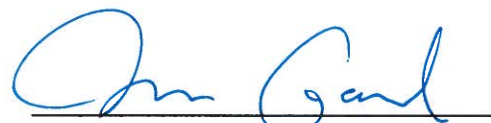
(h) File a sworn statement with the Clerk of this Court, and a copy thereof with the Director of the Board's Region 20 office, within fifteen (15) days after the date of receipt of the Notice and again upon termination of the posting period, showing what steps have been taken to comply with this Consent Order.

(i) It is understood and agreed that nothing in this Consent Order or accompanying documents constitutes an admission of misconduct by Respondent.

**IT IS FURTHER ORDERED** that in order to assure against violations of this Court's Judgment, and this Consent Order, for each and every future violation of this Order that the Court finds has occurred, the Court shall impose against Stevens Creek a prospective fine of up to \$10,000 and a further fine of up to \$100 per day for each day the Court finds the violation(s) have continued. The Court shall also impose a fine against Stevens Creek's officers, agents and representatives, who, in active concert and participation with Stevens Creek and with notice and knowledge of this Consent Order and/or the Judgment, violate this Consent Order and/or the Judgment, of up to \$1,000 for each and every future violation and up to \$100 per day for each day the Court finds the violation(s) to have continued. Fines may only be imposed as a result of the Board instituting a new civil contempt proceeding in this Court, in which the Board shall be required to establish its allegations by clear and convincing evidence.

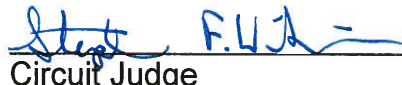
**IT IS FURTHER ORDERED** that the Court reserves jurisdiction, upon the failure of Stevens Creek to take any of the actions as set forth above, to take such other actions and grant such other relief as may be just, reasonable, and proper to assure compliance with this Court's Judgment and this Consent Order.

Dated: APRIL 6, 2017

  
Circuit Judge

A handwritten signature in black ink, appearing to read "Brett King", written over a horizontal line.

Circuit Judge

A handwritten signature in blue ink, appearing to read "Stephen F. Johnson", written over a horizontal line.

Circuit Judge