

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

**ELIZABETH K. KERWIN, Regional Director
Seventh Region of the National Labor Relations Board,
for and on behalf of the
NATIONAL LABOR RELATIONS BOARD**

Petitioner

v.

CIVIL Case No. 2:22-CV-12761

STARBUCKS CORPORATION

Respondent

EXPEDITED CONSIDERATION REQUESTED

**PETITION FOR PRELIMINARY INJUNCTION UNDER SECTION 10(j)
OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED**

To the Honorable Judges of the United States District Court for the Eastern District of Michigan:

Elizabeth K. Kerwin, Regional Director of the Seventh Region of the National Labor Relations Board [Board], petitions this Court for and on behalf of the Board pursuant to Section 10(j) of the National Labor Relations Act, as amended [61 Stat. 149; 73 Stat. 544; 29 U.S.C. Sec 160(j)] [the Act] for appropriate injunctive relief pending the final disposition of the matters before the Board based upon the Consolidated Complaint issued by the General Counsel of the Board, alleging that Starbucks Corporation [Respondent] has engaged in, and is engaging in, acts and conduct in violation of Section 8(a)(1) and (3) of the Act. In support, Petitioner respectfully submits:

1. Petitioner is the Regional Director of Region 7 of the Board, an agency of the United States, and files this petition for and on behalf of the Board.

2. Jurisdiction of this Court is invoked pursuant to Section 10(j) of the Act. 29 U.S.C. Sec 160(j).

3. On April 11, 2022 and March 23, 2022, Workers United [the Union] pursuant to provisions of the Act, filed with the Board charges in Case 07-CA-293916 and 07-CA-292971, respectively, alleging that Respondent has engaged in, and is engaging in, unfair labor practices within the meaning of Section 8(a)(1) and (3) of the Act. Copies of the charges are attached as Exhibit 1.

4. The charges were referred to Petitioner as Regional Director of the Seventh Region of the Board.

5. On June 27, 2022, the General Counsel of the Board, by the Petitioner, on behalf of the Board, pursuant to Section 10(b) of the Act, issued an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing in Cases 07-CA-292971 and 07-CA-293916. A copy of the Consolidated Complaint is attached as Exhibit 2.

6. From August 1-4, 2022, a hearing on the allegations of the Consolidated Complaint was held in Detroit, Michigan before Administrative Law Judge Geoffrey Carter.

7. On October 7, 2022, Administrative Law Judge Carter issued his Decision on the allegations of the Consolidated Complaint. In his Decision, Administrative Law Judge Carter concluded that Respondent violated Section 8(a)(3) and (1) of the Act by discharging its

employee Hannah Whitbeck because she engaged in union and protected concerted activities. A copy of the Administrative Law Judge's Decision is attached as Exhibit 3.

8. There is reasonable cause to believe that the allegations in the Consolidated Complaint are true and that Respondent has engaged in, and is engaging in, unfair labor practices within the meaning of Section 8(a)(1) and (3) of the Act and affecting commerce within the meaning of Section 2(6) and (7) of the Act.

9. In support of this Petition, based on information and belief, the Petitioner states that:

a. At all material times, Respondent has been a corporation with an office and place of business in Seattle, Washington and various locations throughout the United States including a store located at 300 South Main Street, Ann Arbor, Michigan (Ann Arbor store) and has been engaged in operating public restaurants selling food and beverages.

b. In conducting its operations during the calendar year ending December 31, 2021, Respondent derived gross revenues in excess of \$500,000.

c. In conducting its operations during the calendar year ending December 31, 2021, Respondent purchased and received at its Ann Arbor store products, goods, and materials valued in excess of \$5,000 directly from points outside the State of Michigan.

d. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

e. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

f. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

| | |
|------------------|---------------------------|
| Robert Prince | Store Manager |
| May Gonzalez | Store Manager |
| Erin Lind | Store Manager |
| Brigette Jackson | Regional Director Area 31 |
| Tina Serrano | Regional Vice President |
| Kevin Johnson | Former President and CEO |
| Howard Schultz | President and CEO |

10. In support of the Petition, based on information and belief, the Petitioner further states that:

a. About April 11, 2022, Respondent discharged its employee, Hannah Whitbeck.

b. Respondent engaged in the conduct described in paragraph 9(a) because Hannah Whitbeck was the leading organizer for the Union at Respondent's Ann Arbor store, she assisted and supported the Union and engaged in protected concerted activities, and to discourage its employees from engaging in these activities.

11. By the conduct described in paragraph 9, Respondent has been discriminating in regard to the hire or tenure or terms and conditions of employment of its employees to discourage membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

12. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

13. Upon information and belief, it may be fairly anticipated that, unless enjoined, Respondent will continue to engage in the conduct set forth in paragraph 9, or similar acts, in violation of Section 8(a)(1) and (3) of the Act.

14. Upon information and belief, unless the continuation of the aforementioned unfair labor practices is immediately restrained, a serious abrogation of the rights guaranteed and the underlying public policies served by the Act will continue. As a result, the enforcement of important provisions of the Act and of public policy will be impaired before Respondent can be placed under legal restraint through the regular procedures of a Board order and enforcement decree. Unless injunctive relief is immediately obtained, it is anticipated that Respondent will continue its unlawful conduct during the proceedings before the Board and during subsequent proceedings before a Court of Appeals for an enforcement decree, with the result that employees will continue to be deprived of their fundamental right to organize for the purpose of collective bargaining, as guaranteed in the Act.

15. Upon information and belief, to avoid the serious consequences set forth above, it is essential, appropriate, just and proper, for the purposes of effectuating the policies of the Act and avoiding substantial, irreparable, and immediate injury to such policies, to the public interest, and to employees of Respondent, and in accordance with the purposes of Section 10(j)



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