

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, SOUTHERN DIVISION

Director Eric A. Taylor, Regional Director of the Ninth Region of the
National Labor Relations Board, For and On Behalf of the National
Labor Relations Board v. Hearthside Food Solutions, LLC

Taylor v. Hearthside Food Solutions, LLC · No. 6:26-cv-00106-GFVT · Decided April 22, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky considered a petition for temporary injunctive relief under Section 10(j) of the National Labor Relations Act. The court granted the Board Regional Director’s motion to adjudicate based on the administrative record and affidavit evidence, and denied Hearthside Food Solutions, LLC’s motion to strike affidavits addressing irreparable harm and the balance of equities.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Southern Division
WRITING FOR THE COURT	Gregory F. Van Tatenhove
JURISDICTION	United States District Court for the Eastern District of Kentucky, Southern Division
DECIDED	April 22, 2026
DOCKET	6:26-cv-00106-GFVT
DISPOSITION	other
PROCEDURAL POSTURE	In a proceeding under § 10(j) of the National Labor Relations Act, the Board's Regional Director moved to have the petition for temporary injunctive relief adjudicated on the administrative record and supporting affidavit evidence. The employer opposed the use of affidavits outside the administrative record and moved to strike them.
STANDARD OF REVIEW	For a § 10(j) preliminary injunction, the court applies the traditional four-part equitable test: likelihood of success on the merits, irreparable harm, balance of equities, and public interest. In deciding the likelihood-of-success factor, the court generally limits its review to the administrative record; affidavits and hearsay materials may be

considered for the remaining equitable factors when appropriate to the character and objectives of the injunction proceeding.

PRECEDENTIAL VALUE

unpublished district court memorandum opinion

TOPICS

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unfair labor practices

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evidence

QUESTIONS PRESENTED

1. Whether the court should adjudicate the Regional Director's § 10(j) injunction petition using the administrative record.
2. Whether the court may consider affidavits that were not part of the administrative record when evaluating equitable factors other than likelihood of success on the merits.
3. Whether the Gregory affidavits should be stricken because they were outside the administrative record, were not subject to cross-examination, or contained hearsay.

HOLDINGS

1. The court granted the Regional Director's motion to adjudicate the injunction petition based on the administrative record, consistent with the parties' agreement.
2. Although outside evidence generally should not be considered when assessing likelihood of success on the merits, a court may consider appropriate affidavits and hearsay materials in evaluating irreparable harm, balance of equities, and other equitable factors.
3. The court denied Hearthside's motion to strike the Gregory affidavits because the affidavits were relevant to irreparable harm and the balance of equities, and their possible hearsay character did not require exclusion in this injunctive proceeding.

KEY QUOTATIONS

“As such, Taylor “must make a clear showing that ‘he is entitled to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.’” (Section II)

“As a general principle, in Section 10(j) injunctions the Court should not consider evidence outside of the record in assessing the first equitable factor, the likelihood of success on the merits.” (Section II)

FACTUAL BACKGROUND

The National Labor Relations Board alleged that Hearthside unlawfully responded to a union-organizing campaign in 2024. After an administrative hearing on June 2, 2025, an ALJ issued a September 17, 2025

Decision and Recommended Order finding that Hearthside violated the National Labor Relations Act, and the parties filed exceptions with the Board. While the Board's final decision was pending, the Regional Director sought temporary injunctive relief and submitted affidavits from union representative Lisa Gregory concerning an alleged chilling effect on employees' willingness to unionize.

PROCEDURAL HISTORY

The Regional Director filed an administrative complaint against Hearthside arising from alleged unlawful responses to a 2024 union-organizing campaign. Following an administrative-law-judge hearing, the ALJ issued a Decision and Recommended Order finding violations of the National Labor Relations Act; exceptions remain pending before the National Labor Relations Board. While awaiting the Board's final order, the Regional Director petitioned the district court for temporary relief under § 10(j), moved to proceed on the administrative record and affidavits, and Hearthside moved to strike the affidavits. The court granted the motion to adjudicate on the administrative record and denied the motion to strike.

DISPOSITION

other

CASES CITED

- Starbucks Corp. v. McKinney, 602 U.S. 339, 345-46 (2024)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008)
- YAPP USA Automotive Systems, Inc. v. National Labor Relations Board, 748 F. Supp. 3d 497, 509 (E.D. Mich. 2024)
- Tactical Edge, LLC v. Garland, 696 F. Supp. 3d 460, 463 (M.D. Tenn. 2023)
- Harrell v. National Red Cross, Heart of America Blood Services Region, No. 11-1284, 2011 WL 3951860, at *2 (C.D. Ill. Sept. 7, 2011)
- Sullivan v. Fairfield Parsippany, LLC, No. CV 24-08413 (ES) (MAH), 2024 WL 4425770, at *1 (D.N.J. Oct. 3, 2024)