

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 May 19, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky considers a petition under Section 10(j) of the National Labor Relations Act for a temporary injunction against Hearthside Food Solutions, LLC. The petition alleges that Hearthside committed unfair labor practices during and after a union-organizing campaign, including discriminatory discipline and terminations. Applying the four-factor preliminary-injunction test, the court denies the petition because the requirements for equitable relief are not satisfied.

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	May 19, 2026
DOCKET	6:26-cv-00106-GFVT
DISPOSITION	dismissed
PROCEDURAL POSTURE	The Regional Director petitioned under Section 10(j) of the National Labor Relations Act for a temporary injunction against the employer during the pendency of unfair-labor-practice proceedings before the National Labor Relations Board.
STANDARD OF REVIEW	The court applied the four-factor preliminary-injunction test from Winter v. Natural Resources Defense Council. For purposes of likely success, the court considered the ALJ decision as a useful benchmark but not binding. The court stated that a Board order would ultimately be reviewed by a court of appeals under the substantial-evidence standard.

PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	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

TOPICS

labor law unfair labor practices injunctions administrative law civil procedure

PRACTICE AREAS

labor law administrative law employment law injunctions civil procedure

QUESTIONS PRESENTED

1. Whether the Regional Director satisfied the Winter four-factor test for a temporary injunction under Section 10(j) of the National Labor Relations Act.
2. Whether the Regional Director clearly demonstrated a likelihood of irreparable harm absent interim relief.
3. Whether the court should deny the petition and dismiss the action when the irreparable-harm requirement was not satisfied.

HOLDINGS

1. A district court evaluating a Section 10(j) petition must apply the four-factor preliminary-injunction test requiring a clear showing of likely success on the merits, likely irreparable harm absent relief, a favorable balance of equities, and that an injunction is in the public interest.
2. The Regional Director made a clear showing that he was likely to succeed on the merits of the alleged Section 8(a)(1) and Section 8(a)(3) unfair-labor-practice claims.
3. The Regional Director failed to clearly demonstrate likely irreparable harm absent an injunction.
4. Because the Regional Director failed to satisfy the irreparable-harm factor, the court denied the petition for a temporary injunction and dismissed the action.

KEY QUOTATIONS

“The Regional Director must establish that (1) he is likely to succeed on the merits, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public interest.”

“The Director must demonstrate irreparable harm by “(1) specifically identify[ing] the injury threatened by the alleged unfair labor practice, (2) establish[ing] that the injury is likely to result absent an injunction, and (3) explain[ing] why the Board’s § 10(c) remedial powers could not fix the injury after the fact,” doing so through “more than mere speculation.””

“Whether by one year or five months, the delay in this case “undercuts the sense of urgency implied by the Director’s evidence and suggests that there is, in fact, no irreparable injury.””

FACTUAL BACKGROUND

Hearthside operated a food-production facility in London, Kentucky, employing approximately 650 to 700 workers. Employees began organizing with the Bakery, Confectionary, Tobacco, and Grain Millers International Union in early 2024, and the union later filed a representation petition supported by 346 authorization cards. The ALJ found that Hearthside committed numerous unfair labor practices, including anti-union discharges and discipline, interference with organizing activity, promises and solicitations of grievances, and other conduct surrounding the representation election. The union lost the May 2024 election, and the Regional Director thereafter sought interim injunctive relief while the Board reviewed the ALJ’s decision.

PROCEDURAL HISTORY

After an administrative law judge found that Hearthside had committed multiple unfair labor practices during and after a union-organizing campaign, both parties filed exceptions and the matter went to the full Board. The Regional Director filed a Section 10(j) petition in this court on March 9, 2026. The court adjudicated the petition on the administrative record and affidavit evidence, denied injunctive relief, dismissed the action, and ordered it stricken from the active docket.

DISPOSITION

dismissed

CASES CITED

- Glacier Northwest, Inc. v. Teamsters, 598 U.S. 771 (2023)
- Starbucks Corp. v. McKinney, 602 U.S. 339 (2024)
- Garten Trucking LC v. NLRB, Nos. 24-1973, 24-2102, 2026 U.S. App. LEXIS 4796 (4th Cir. Feb. 18, 2026)
- Muffley ex rel. NLRB v. Voith Industrial Services, Inc., 551 F. App’x 825 (6th Cir. 2014)
- Winter v. Natural Resources Defense Council, 555 U.S. 7 (2008)
- McKinney v. Ozburn-Hessey Logistics, LLC, 857 F.3d 333 (6th Cir. 2017)
- Kerwin v. Trinity Health Grand Haven Hospital, No. 1:24-cv-445, 2024 U.S. Dist. LEXIS 194230 (W.D. Mich. Oct. 25, 2024)
- Kerwin v. Trinity Health Grand Haven Hospital, No. 24-1975, 2025 U.S. App. LEXIS 24733 (6th Cir. Sept. 23, 2025)
- Elizabeth K. Kerwin v. Trinity Health Grand Haven Hospital, No. 24-1975, 2026 U.S. App. LEXIS 12695 (6th Cir. May 1, 2026)
- NLRB v. Transportation Management Corp., 462 U.S. 393 (1983)
- Challenge Manufacturing Co., LLC v. NLRB, 815 F. App’x 33 (6th Cir. 2020)
- NLRB v. Inter-Disciplinary Advantage, Inc., 312 F. App’x 737 (6th Cir. 2008)
- Frankl ex rel. NLRB v. HTH Corp., 693 F.3d 1051 (9th Cir. 2012)

- *Bloedorn v. Francisco Foods, Inc.*, 276 F.3d 270 (7th Cir. 2001)
- *Overstreet ex rel. NLRB v. United Brotherhood of Carpenters & Joiners of America, Local 1506*, 409 F.3d 1199 (9th Cir. 2005)
- *Lisa Henderson v. Bluefield Hospital Co., LLC, Henderson v. Bluefield Hospital Co., LLC*, 902 F.3d 432 (4th Cir. 2018)
- *Cheetah Miner USA, Inc. v. 19200 Glendale, LLC*, No. 23-1410, 2023 U.S. App. LEXIS 27041 (6th Cir. Oct. 10, 2023)
- *Tactical Edge, LLC v. Garland*, 696 F. Supp. 3d 460 (M.D. Tenn. 2024)
- *J.P. Morgan Securities LLC v. Logsdon*, No. 3:22-cv-14-BJB, 2022 U.S. Dist. LEXIS 8474 (W.D. Ky. Jan. 18, 2022)
- *University of Texas v. Camenisch*, 451 U.S. 390 (1981)

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