UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U.S. COURT OF APPEALS
RECEIVED
Nov 09, 2026
FIFTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	
	:	
v.	:	
	:	Board Case Nos.:
SHELL PIPELINE CO., LP	:	16-CA-342028 et al.
	:	
and	:	
	:	
SHELL CHEMICAL, LP	:	
	:	
and	:	
	:	
PENNZOIL-QUAKER STATE COMPANY D/B/A SOPUS PRODUCTS	:	
	:	
Respondents	:	

APPLICATION FOR SUMMARY ENTRY OF A JUDGMENT
ENFORCING AN ORDER OF
THE NATIONAL LABOR RELATIONS BOARD

To the Honorable, the Judges of the United States
Court of Appeals for the Fifth Circuit:

The National Labor Relations Board, pursuant to Section 10(e) of the National Labor Relations Act, as amended (29 U.S.C. §§ 151, 160(e)), applies to this Court for summary entry of a judgment enforcing its order against Shell Pipeline Co., LP, Shell Chemical, LP, and Pennzoil-Quaker State Company d/b/a Sopus Products ("Respondents"). The Board is entitled to summary enforcement

of its order in full because Respondents failed to file with the Board exceptions to the Administrative Law Judge's decision. In support, the Board shows:

A. Jurisdiction of this Court

This Court has jurisdiction over this application under Section 10(e) of the Act (29 U.S.C. § 160(e)). Venue is proper in this Circuit because the unfair labor practices found by the Board occurred in Deer Park, Texas. The Board's final order was issued on September 28, 2026.

B. Proceedings Before the Board

1. On April 3, 2026, the Board's General Counsel issued a second consolidated complaint, notice of hearing, and order further consolidating cases alleging that Respondents committed certain violations of the Act based on charges filed by United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC ("the Union"). The Respondents filed an answer.

2. Following a hearing before an Administrative Law Judge, the judge issued a decision on August 17, 2026, finding that Respondents had violated the Act as alleged and recommending that an order be issued requiring that the Respondents cease and desist from the unfair labor practices found, and take certain affirmative action to remedy those unfair labor practices, including furnishing requested information to the Union and posting an appropriate notice.

3. On August 17, 2026, the Board issued an order transferring the proceeding to the Board and notifying the Respondents that the Board must receive exceptions to the Administrative Law Judge's decision by September 14, 2026. A copy of the Board's order and the Administrative Law Judge's Decision was sent to Respondents by certified mail.

4. Section 10(c) of the Act (29 U.S.C. § 160(c)) provides that "if no exceptions are filed [with the Board] within twenty days after service [of the administrative law judge's decision] upon the parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed." Section 102.46 and 102.48 of the Board's Rules and Regulations (29 C.F.R. 102.46 and 102.48) implement this provision and provide that, in the event no exceptions are filed within 28 days, the decision of the Administrative Law Judge shall be adopted by the Board and all objections and exceptions thereto are waived for all purposes.

5. Respondents failed to file exceptions with the Board.

6. On September 28, 2026, the Board issued an order adopting the Administrative Law Judge's findings and conclusions, and directing the Respondents to take the action set forth in the Judge's recommended order. The Board sent a copy of this order to Respondents by certified mail.

C. The Board Is Entitled to Summary Enforcement of Its Order

The Board is entitled to summary entry of a judgment enforcing its order because, by failing to file exceptions with the Board challenging the Administrative Law Judge's decision, the Respondents failed to raise any issues before the Board. *See* 29 U.S.C. § 160(c); 29 CFR §102.48 (a).

Section 10(e) of the Act (29 U.S.C. § 160(e)) provides that "no objection that has not been urged before the Board . . . shall be considered by the court, unless the failure or neglect to urge such objection shall be excused by extraordinary circumstances." This limitation is jurisdictional and its application is mandatory. *Woelke & Romero Framing v. NLRB*, 456 U.S. 645, 666-67 (1982). Interpreting this requirement, this Court and other circuits have consistently held that a respondent's failure to file any exceptions before the Board entitles the Board, absent extraordinary circumstances, to summary entry of a judgment enforcing its order. *Creative Vision Res. LLC v. NLRB*, 882 F.3d 510, 528 (5th Cir. 2018); *In-N-Out Burger, Inc. v. NLRB*, 894 F.3d 707, 720 (5th Cir. 2018); *NLRB v. Mooney Aircraft*, 310 F.2d 565, 566 (5th Cir. 1962). *Accord, e.g., NLRB v. Tri-State Warehouse & Distrib., Inc.*, 677 F.2d 31, 31 (6th Cir. 1982); *NLRB v. Int'l Union of Operating Eng'rs, Local 86*, 357 F.2d 841, 846-47 (3d Cir. 1966); *NLRB v. Pugh & Barr, Inc.*, 194 F.2d 217, 218-21 (4th Cir. 1952). No extraordinary circumstances are present here.

WHEREFORE, the Board respectfully requests that the Court take jurisdiction of the proceedings, serve notice of the filing of this application upon Respondents, and enter judgment summarily enforcing the Board's order in full. A proposed judgment is attached.

/s/Meredith Jason
Meredith Jason
Deputy Associate General Counsel
National Labor Relations Board
1015 Half St., S.E.
Washington, D.C. 20570

Dated in Washington, D.C.
this 9th day of November 2026

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
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Petitioner	:	
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v.	:	
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and	:	
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SHELL CHEMICAL, LP	:	
	:	
and	:	
	:	
PENNZOIL-QUAKER STATE COMPANY D/B/A SOPUS PRODUCTS	:	
	:	
Respondents	:	

JUDGMENT ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD

Before:

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondents, Shell Pipeline Co., LP, Shell Chemical, LP, and Pennzoil-Quaker State Company d/b/a Sopus Products, their officers, agents, successors, and assigns, enforcing its order dated September 28, 2026, in Case Nos. 16-CA-342028, 16-CA-342034, 16-CA-342039, 16-CA-354212, 16-CA-354215, 16-CA-354239, 16-CA-354242, 16-CA-364511, 16-CA-364517, 16-CA-364527, and 16-CA-364531, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondents, Shell Pipeline Co., LP, Shell Chemical, LP, and Pennzoil-Quaker State Company d/b/a

Sopus Products, their officers, agents, successors, and assigns, shall abide by said order (See Attachments).

Mandate shall issue forthwith.

ENTERED:

NATIONAL LABOR RELATIONS BOARD

v.

SHELL PIPELINE CO., LP, SHELL CHEMICAL, LP & PENNZOIL-QUAKER STATE COMPANY D/B/A SOPUS PRODUCTS

ORDER

A. Respondent Shell Pipeline, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Refusing to bargain collectively with United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC by refusing to furnish requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of the Pipeline Unit employees.

(b) 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) Furnish the Union with the information it requested on March 4, September 6, and October 4, 2024, and March 3 and April 14, 2025.

(b) Within 14 days after service by the Region, post at its Houston, Texas facility copies of the attached notice marked "Appendix A" in English and any other language deemed appropriate by the Regional Director. Copies of the notice, on forms provided by the Regional Director for Region 16, after being signed by the Respondent's authorized representative, 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 March 4, 2024.

(c) Within 21 days after service by the Region, file with the Regional Director for Region 16 a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply.

B. Respondent Shell Chemical, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Refusing to bargain collectively with United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC by refusing to furnish requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of the Chemical Plant Unit and Chemical Lab Unit employees.

(b) 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) Furnish the Union with the information it requested on March 4, September 6, and October 4, 2024, and March 3 and April 14, 2025.

(b) Within 14 days after service by the Region, post at its Houston, Texas facility copies of the attached notice marked "Appendix B" and "Appendix C" in English and any other language deemed appropriate by the Regional Director. Copies of the notice, on forms provided by the Regional Director for Region 16, after being signed by the Respondent's authorized representative, 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 March 4, 2024.

(c) Within 21 days after service by the Region, file with the Regional Director for Region 16 a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply.

C. Respondent SOPUS, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Refusing to bargain collectively with United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC by refusing to furnish requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of Respondent's SOPUS Unit employees.

(b) 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) Furnish the Union with the information it requested on September 6 and October 4, 2024, and March 3 and April 14, 2025.

(b) Within 14 days after service by the Region, post at its Houston, Texas facility copies of the attached notice marked "Appendix D" in English and any other language deemed appropriate by the Regional Director. Copies of the notice, on forms provided by the Regional Director for Region 16, after being signed by the Respondent's authorized representative, 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 March 4, 2024.

(c) Within 21 days after service by the Region, file with the Regional Director for Region 16 a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply.

APPENDIX A

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 a representative 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 refuse to bargain collectively with United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC by failing and refusing to furnish requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of our employees in the following unit:

> All hourly paid employees as defined by the National Labor Relations Act at all Shell Pipeline, Gulf of Mexico facilities, with the exception of all facilities located north of the Mississippi/Tennessee border.

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 furnish the Union with the individualized minority information it requested on March 4, September 6, and October 4, 2024, and March 3 and April 14, 2025.

SHELL PIPELINE CO., LP

Dated _____ By _____

(Employer)

(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret–ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll–free number 1–844–762–NLRB (1–844–762–6572). Callers who are deaf or hard of hearing who wish to speak to an NLRB representative should send an email to relay.service@nlrb.gov. An NLRB representative will email the requestor with instructions on how to schedule a relay service call.

National Labor Relations Board, Region 16
819 Taylor St., Rm 8A24
Fort Worth, TX 76102–6107
Telephone: (817) 978–2921
Hours of Operation: 8:15 a.m. to 4:45 p.m.

The Administrative Law Judge's decision can be found at www.nlrb.gov/case/16-CA-342028 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER (682) 703-7489.

APPENDIX B

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

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FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative 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 refuse to bargain collectively with United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC by failing and refusing to furnish requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of our employees in the following unit:

> All hourly paid employees of Shell Chemical LP at its Houston (Deer Park), Texas Chemical Plant except Plant Protection employees and Chemical Lab Unit employees.

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 furnish the Union manner with the individualized minority information it requested on March 4, September 6, and October 4, 2024, and March 3 and April 14, 2025.

SHELL CHEMICAL, LP

Dated _____ By _____

(Employer)

(Representative) (Title)

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APPENDIX C

NOTICE TO EMPLOYEES

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- Form, join, or assist a union;
- Choose a representative 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 refuse to bargain collectively with United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC by failing and refusing to furnish requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of our employees in the following unit:

> All senior lab technicians and laboratory technicians, excluding all other employees, including operators, maintenance employees, applications specialists, office clerical employees, professional employees, confidential employees, guards and supervisors.

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 furnish the Union manner with the individualized minority information it requested on March 4, September 6, and October 4, 2024, and March 3 and April 14, 2025.

SHELL CHEMICAL, LP

Dated _____ By _____

(Employer)

(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret–ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll–free number 1–844–762–NLRB (1–844–762–6572). Callers who are deaf or hard of hearing who wish to speak to an NLRB representative should send an email to relay.service@nlrb.gov. An NLRB representative will email the requestor with instructions on how to schedule a relay service call.

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APPENDIX D

NOTICE TO EMPLOYEES

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An Agency of the United States Government

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FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative 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 refuse to bargain collectively with United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC by failing and refusing to furnish requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of our employees in the following unit:

> All production, maintenance and laboratory employees at the Pennzoil-Quaker State Company plant located in Galena Park, Texas, but excluding office clerical employees, guards, watchmen, professional employees, and supervisors.

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 furnish the Union manner with the individualized minority information it requested on September 6 and October 4, 2024, and March 3 and April 14, 2025.

PENNZOIL-QUAKER STATE COMPANY
D/B/A SOPUS PRODUCTS

Dated _____ By _____
(Employer)
(Representative) (Title)

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UNITED STATES COURT OF APPEALS
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and	:	
	:	
PENNZOIL-QUAKER STATE COMPANY D/B/A SOPUS PRODUCTS	:	
	:	
Respondents	:	

CERTIFICATE OF SERVICE

The undersigned certifies that one copy each of the Board's application for summary entry of judgment and proposed judgment, in the above-captioned case, has this day been served by first class mail upon the following parties at the addresses listed below:

April L Walter
1400 Woodloch Forest Drive
Suite 400
The Woodlands, TX 77380

Michael Fehl, Employee Relations &
Industrial Relations Director
Shell Pipeline Co., LP
5900 Highway 225
Deer Park, TX 77536

Ben Lilienfeld, Sub District Director
United Steel, Paper and Forestry, Rubber,
Manufacturing, Energy, Allied Industrial and
Service Workers Union
1300 Rollingbrook Drive, Suite 504
Baytown, TX 77521

/s/Meredith Jason
Meredith Jason
Deputy Associate General Counsel
National Labor Relations Board
1015 Half St., S.E.
Washington, D.C. 20570

Dated in Washington, D.C.
this 9th day of November, 2026