

23-367 STARBUCKS CORP. V. McKINNEY

DECISION BELOW: 77 F.4th 391

LOWER COURT CASE NUMBER: 22-5730

QUESTION PRESENTED:

Under the National Labor Relations Act, the National Labor Relations Board (NLRB) issues, prosecutes, and adjudicates complaints alleging that employers committed unfair labor practices. 29 U.S.C. § 160(b). Section 10(j) of the Act authorizes federal district courts, while the NLRB adjudication remains pending, to grant preliminary injunctive relief at the NLRB's request "as [the court] deems just and proper." *Id.* § 160(j).

The question presented, on which the courts of appeals are openly and squarely divided, is:

Whether courts must evaluate the NLRB's requests for section 10(j) injunctions under the traditional, stringent four-factor test for preliminary injunctions or under some other more lenient standard.

CERT. GRANTED 1/12/2024