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HELIX ELECTRIC, INC.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

HELIX ELECTRIC, INC.

Plaintiff,

v.

DIVISION OF LABOR STANDARDS ENFORCEMENT, an agency of the State of California; DEPARTMENT OF INDUSTRIAL RELATIONS, an agency of the State of California; DONNA DELL, an individual in her capacity as Labor Commissioner of the State of California; JOHN REA, an individual in his capacity as Acting Director of the Department of Industrial Relations of the State of California; COUNTY OF SACRAMENTO, PUBLIC WORKS COMPLIANCE PROGRAM,

Defendants.

CASE NO. 05-cv-2303

PLAINTIFF HELIX ELECTRIC, INC.'S:

(1) NOTICE OF EX PARTE APPLICATION AND EX PARTE APPLICATION FOR INJUNCTION PENDING APPEAL; AND

(2) MEMORANDUM IN SUPPORT THEREOF

Hearing On Application
Date: TBD, if desired by the Court
Time: TBD, if desired by the Court
Ctrm.: 2
Judge: Hon. Frank C. Damrell, Jr.

[Declaration of Richard M. Freeman and Proposed Order Submitted Concurrently Herewith]

[Request for Telephonic Appearance, if necessary]

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TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

Plaintiff Helix Electric, Inc. ("Helix") will and hereby does submit this Ex Parte Application to this Court, with reasonable and appropriate notice to each of the named defendants, for an order issuing an injunction to prevent defendants, in particular County of Sacramento, from releasing unredacted certified payroll records of Helix to the Public Works Compliance Program ("PWCP") pending the resolution of Helix's appeal to the Ninth Circuit of this Court's denial of Helix's motion for preliminary injunction. This Application is being submitted to the Honorable United States District Court Judge Frank C. Damrell, Courtroom 2, of the United States District Court for the Eastern District of California located at 501 I-Street, 8th Floor, Sacramento, California, 95814.

Helix brings this Ex Parte Application pursuant to Federal Rule of Civil Procedure 62(c), which authorizes the Court to order the requested relief. Good cause exists on the basis that if an injunction is not issued, the unredacted payroll records will be released, and Helix's third party employees' privacy rights will be irreparably and irrevocably harmed.

This Application is based on this notice, the accompanying memorandum of point and authorities, the concurrently filed declaration of Richard M. Freeman and the exhibits thereto, the concurrently filed proposed order, all pleadings and other papers filed in this case, matters of which this Court may take judicial notice, and such other evidence and argument as may be presented to this Court at any hearing on this Application.

Helix has provided reasonable and appropriate notice of this Ex Parte hearing to all named defendants. (Freeman Decl., ¶¶ 4-6.)

Helix hereby provides notice to all parties that if a hearing is deemed necessary by the Court, Helix intends, and hereby requests, to attend such hearing by telephone.

DATED: March 10, 2006

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By /s/

RICHARD M. FREEMAN

Attorneys for Plaintiff
HELIX ELECTRIC, INC.

MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiff Helix Electric, Inc. ("Helix") respectfully requests that this Court issue an injunction that would prevent defendants, in particular County of Sacramento, from releasing unredacted certified payroll records of Helix to the Public Works Compliance Program ("PWCP") pending the resolution of Helix's appeal to the Ninth Circuit of this Court's denial of Helix's motion for preliminary injunction. Helix is currently informed and believes that without injunctive relief from the Court, the home addresses of Helix's employees could be released to PWCP as early as Monday, March 13, 2006. Accordingly, this matter is urgent, and the rights of Helix and its employees will be irreversibly compromised, unless the Court acts immediately.

This case implicates very strong and very serious rights of employee privacy. California courts have made clear that California's Constitution creates a right of privacy which protects employee identities, employment records and the information contained therein. Likewise, a large body of federal law has held that under the Davis-Bacon Act (the federal prevailing wage scheme that is analogous to California's prevailing wage law), the right of employees to keep their home addresses private is a substantial right that must be respected, and in fact outweighs the right of unions to obtain such addresses for purposes of monitoring and enforcing compliance with federal prevailing wage law.

Helix respectfully submits that this Court's Order does not give sufficient deference to these compelling privacy rights. Unless the Court acts immediately, that right of privacy will be irreversibly compromised. The balance of hardships weigh strongly in Helix's favor, as preventing the release of the employee addresses pending Helix's appeal will only be a minor convenience to PWCP. Indeed, the underlying construction project is not even scheduled to be substantially complete until October, 2006.

Further, Helix respectfully submits that there are several errors in the Court's Order that give Helix a likelihood of prevailing on the merits on appeal. Namely, among other things, the Court (a) reads the word "committee" out of Section 175a in finding that PWCP is a labor management committee, (b) fails to justify why a "subdivision" of a labor management committee has the same legal rights as the labor management committee itself, and (c) attempts to have it both ways regarding PWCP's union affiliation in holding on the one hand that PWCP was created by, is funded by, and reports to union representatives for purposes of finding that PWCP is a labor management committee, while on the other hand emphasizing that PWCP is not a union for purposes of downplaying the concerns underlying Helix's preemption arguments.

Lastly, Helix's appeal presents serious questions of law. In particular, the Court's analysis regarding the permissible scope of activities for labor management committees under Section 175a has very serious implications for the administration of federal labor law. Helix submits that the Court's Order eviscerates the distinction between labor management committees and unions by effectively permitting labor management committees to engage in almost any activity, including organizing non-union contractors. This, in turn, completely undercuts the provisions in the Taft-Hartley Act which prevents employers from contributing money to unions, while permitting contributions to labor management committees. This distinction exists because Congress recognized that these two types of entities have discreet purposes. The Court's Order is inconsistent with, and undermines, that distinction, and would open the door to the very types of corruption and abuse that the Taft-Hartley Act was designed to prevent.

I.

LEGAL STANDARD FOR AN INJUNCTION PENDING AN APPEAL

Pursuant to Federal Rule of Civil Procedure 62(c), the Court may in its discretion grant an injunction during the pendency of an appeal. In deciding whether such an injunction is appropriate, the Court must employ a balancing test, considering (a) the moving party's probability

of success on appeal, (b) the relative hardships to the parties if injunctive relief is granted (i.e., whether the moving party will suffer irreparable injury absent an injunction versus whether the opposing party would suffer substantial injury were an injunction granted), and (c) the public interest. See Warm Springs Dam Task Force v. Gribble, 565 F.2d 549, 551 (9th Cir. 1977); Gilder v. PGA Tour, Inc., 936 F.2d 417, 422 (9th Cir. 1991).

The standard for an injunction pending appeal forms a continuum. At one end of the continuum, the moving party needs to show both a probability of success on the merits and the risk of irreparable injury. At the other end, the moving party needs to demonstrate the appeal raises serious legal questions and the balance of hardships tips in his favor. The relative hardships to the parties and the public interest are the critical elements in deciding at which point along the continuum a stay or injunction is warranted. See Lopez v. Heckler, 713 F.2d 1432, 1435 (9th Cir. 1983). Where the moving party has raised a "serious question" and the equities tip strongly in his favor, a showing of success on the merits can be less. Id.; see also Regents of Univ. of Calif. v. ABC, Inc., 747 F.2d 511, 515 (9th Cir. 1984). "Serious legal questions" refer to "substantial, difficult and doubtful [questions], as to make them a fair ground for litigation and thus for more deliberative investigation." Republic of Philippines v. Marcos, 862 F.2d 1355, 1361-62 (9th Cir. 1988) (en banc).

II.

HELIX'S THIRD PARTY EMPLOYEES WILL SUFFER IRREPARABLE HARM IF AN INJUNCTION IS NOT GRANTED.

In denying Helix's motion for a preliminary injunction, the Court held that Helix failed to establish irreparable injury. In reaching this decision, the Court wholly discounted Helix's arguments, both in its briefs and at the hearing, that the central basis for irreparable injury is the privacy rights of Helix's employees to keep confidential their home addresses, and instead focused *solely* on the question of whether PWCP will use the addresses for union organizing

purposes. The Court's statement that "[t]he disclosure of employee addresses does not, by itself, amount to irreparable injury to plaintiff or plaintiff's employees," ignores a great body of California and federal case law that has repeatedly held that employee home addresses are entitled to substantial protection from disclosure. (Order at 5:12-14.) The Court's failure to give *any* weight to the substantial privacy interests inherent in employee home addresses – irrespective of whether those addresses will be used for union organizing activities – was error.

A. Employee Home Addresses Are Protected By California's Constitutional Right To Privacy.

California courts have made clear that California's Constitution creates a right of privacy which protects employee identities, employment records and the information contained therein. See Perez v. County of Santa Clara, 111 Cal. App. 4th 671, 678 (2003); Board of Trustees of Leland Stanford Junior University v. Superior Court, 119 Cal. App. 3d 516 (1981). Employers do not have the discretion or ability to disregard those privacy interests and voluntarily turn over such information to outsiders. Rather, employers are *required by law* to assert and protect the privacy interests of their individual employees. See Harding Lawson Assoc. v. Superior Court, 10 Cal. App. 4th 7 (1992); El Dorado Savings & Loan Ass'n v. Superior Court, 190 Cal. App. 3d 344 (1997); Board of Trustees, 119 Cal. App. 3d at 525-526 ("The custodian of private information has the right, in fact the duty to resist attempts at unauthorized disclosure and the person who is the subject of it is entitled to expect that his right will thus be asserted. And, of course, the custodian of such private information may not waive the privacy rights of persons who are constitutionally guaranteed their protection.")

A party seeking discovery of information protected by the right to privacy must show a *compelling need* for the information and that the information sought *cannot be obtained by any less intrusive manner*. Harding, 10 Cal. App. 4th at 10; El Dorado Savings, 190 Cal. App. 3d at 346; Board of Trustees, 119 Cal. App. 3d at 526.

Thus, not only does California recognize that employee addresses are private, California affords tremendous protection to the prevent the release of such information such that it can only be released on a showing of a compelling need with no other less intrusive means.

B. Labor Code Section 1776 Establishes That The Home Addresses Are Private.

Labor Code section 1776(e) itself clearly evidences the sensitive and private nature of employee addresses by the fact that it mandates that home addresses are to be "obliterated" prior to distribution to the public. This requirement would not exist if, as the Court held, "[t]he disclosure of employee addresses does not, by itself, amount to irreparable injury to … employees." (Order at 5:12-14.) The Court ignores the fundamental premise underlying section 1776(e) – that employee addresses are entitled to privacy and are not to be disclosed to the public – when it instead focuses solely on whether, once released, the employee addresses will be used for union organizing purposes.

C. Unions Seeking Home Addresses Of Employees For Monitoring Prevailing Wage Compliance Have Repeatedly Been Denied Access By Federal Courts.

Federal courts – including the United States Supreme Court – have consistently recognized that employees have a substantial privacy interest in keeping confidential their home addresses. Indeed, these courts have reached this result in almost the exact situation faced by the parties here – an entity (in the federal cases, a union) seeking disclosure of employee addresses, in order to ensure compliance with federal prevailing wage law.

In Sheet Metal Workers International Assoc., Local Union No. 19 v. United States Dept. of Veterans Affairs, 135 F.3d 891 (3rd Cir. 1998), the Third Circuit Court of Appeals undertook an extensive analysis of the relevant law on this point. In Sheet Metal Workers, the IBEW was engaged in monitoring compliance with the Davis-Bacon Act, which governs federal

prevailing wage laws. The union sought employee addresses under the Freedom of Information Act, ostensibly to determine whether the Davis-Bacon Act was being complied with. See id. at 894. The Third Circuit rejected the IBEW's request. Surveying other Circuit law, as well as United States Supreme Court precedent, the court noted that "[t]he significant privacy concerns attached to the home and employees' interest in avoiding a barrage of unsolicited contact weighs heavily in our consideration." Id. at 904. The court observed with great concern that "[o]nce the union receives this information, there is no bar to others having unlimited access to it." Id. at 905. Faced with the prospect of "unwarranted intrusion" into the lives of the employees by persons such as marketers or solicitors, the court held that "the privacy interest of the employees in the non-disclosure of their names and addresses substantially outweighs the slight public interest put forth by the union." Id.

The Third Circuit's decision drew heavily from, and was consistent with, the Supreme Court's decision in United States Dept. of Defense v. Federal Labor Relations Authority, 510 U.S. 487 (1994). There, the Court also denied a Freedom of Information Act request by a union to obtain employee addresses. The Court noted that the only addresses truly needed and requested by the union were addresses of employees who had *not* joined the union, and *not* otherwise agreed to give the union their address. See id. at 494, n.5. The Court explained that "[w]hatever the reason that these employees have chosen not to become members of the union or to provide the union with their addresses [] it is clear that they have some nontrivial privacy interest in nondisclosure, and in avoiding the influx of union-related mail, and, perhaps, union-related telephone calls or visits, that would follow disclosure." Id. at 500-01. Concluding that it was "reluctant to disparage the privacy of the home, which is accorded special consideration in our Constitution, laws, and traditions," the Court held that the union was not entitled to the employee addresses. Id. at 501-02.

Numerous other courts are in accord with this result, including the Ninth Circuit, as well as the California Courts of Appeal. See Painting Industry of Hawaii Market Recovery Fund

v. United States Dept. of the Air Force, 26 F.3d 1479, 1484-85 (9th Cir. 1994) (holding that "workers on federally-funded construction projects have a substantial privacy interest in information tying their names and addresses to precise payroll figures," and that releasing employee address information to a union would constitute a "clearly unwarranted invasion of personal privacy," particularly where the union had "less intrusive means of procuring the information they seek," such as handing out fliers or asking the individual employees to self-report the information); City of San Jose v. Superior Court, 74 Cal. App. 4th 1008, 1019 (1999) (affirming that employees have a "substantial privacy interest in their home addresses and in preventing unsolicited and unwanted mail").

D. The Injunctive Relief Helix Seeks Is Urgently Needed, and the Balance of Hardships Weigh Strongly in Helix's Favor.

Helix's request for an injunction seeks to prevent the release of its employees' home addresses to PWCP while Helix's appeal to the Ninth Circuit Court of Appeals is pending. This matter is urgent and Helix needs immediate relief. In short, on Thursday, March 9, 2006, Helix received notice from Ray Thompson, counsel for the County of Sacramento, that PWCP has renewed its request for Helix's employee addresses in light of the Court's Order. (Freeman Decl, Ex. 1.) Mr. Thompson expressed an intent to begin the process of releasing those addresses to PWCP on Monday, March 13, 2006. (Id.) Accordingly, if the addresses are to be protected from disclosure pending Helix's appeal, this Court must act immediately to put in place an injunction and thereby preserve the status quo.

The balance of hardships tips strongly in Helix's favor. Without an injunction, the privacy rights of Helix's employees will be irreparably compromised. It is irrelevant that, in the Court's opinion, the employee addresses *might* not be used for union organizing activities. The above body of law makes clear that it is the *mere act of disclosure* which constitutes the threatened injury. In contrast, PWCP does not have an urgent need to obtain the employee addresses. The

underlying construction project is not scheduled to be complete until October, 2006, at the earliest. (Freeman Decl., Ex. 3 (letter dated Jan. 27, 2006, from Ray Thompson to Court).) Forcing PWCP to wait to obtain the employee addresses until this matter can be explored further is but a minor inconvenience when compared to the irreversible violation of the privacy rights of Helix's employees that will ensue if the relief Helix seeks is not granted. Indeed, if the Court does not grant Helix's request for an injunction pending appeal, there is a risk that some of the issues integral to Helix's appeal could be rendered moot. See Design Electric, Inc. v. City of St. Cloud, 2001 WL 1402763 (Ct. App. Minn., Nov. 13, 2001) (holding that appeal regarding release of employee addresses to union was moot, where addresses had already been released).

III.

HELIX'S APPEAL HAS A SUBSTANTIAL CHANCE OF PREVAILING ON THE MERITS AND PRESENTS SERIOUS QUESTIONS OF LAW.

Helix submits that the Court's analysis is fundamentally flawed in a number of important respects. Helix focuses below on several aspects of the Court's Order that are erroneous, and that create a substantial chance that Helix will prevail on the merits of its appeal. Further, Helix demonstrates that by expanding the powers of a labor management committee to include such things as enforcement of prevailing wage laws (and, by logical implication, organizing non-union contractors), the Court undercuts the Congressional intent behind the Taft-Hartley Act. The Taft-Hartley Act, which permits employers to make monetary contributions to labor management committees, but not unions, was passed, at least in part, to prevent unions from "shaking down the employer." United States v. Lanni, 466 F.2d 1102, 1103-04 (3rd Cir. 1972) (quoting Senator Taft at 93 Cong. Rec. 4746); see also United States v. Phillips, 19 F.3d 1565, 1574 (11th Cir. 1994) (holding that the Act prohibits "all payments from employers to representatives of their employees and union officials"). By permitting labor management committees to engage in almost limitless activities, the Court's logic eviscerates the purposeful

distinction between unions and labor management committees in the federal labor law, and opens the door to the precise type of corruption that the Taft-Hartley Act sought to prevent.

A. The Court's Determination That PWCP Is a Labor Management Committee Ignores the Plain Language of Section 175a and Is Inconsistent with the Court's Own Findings.

Title 29, Section 175a of the United States Code authorizes the creation of "labor management committees." Webster's II New College Dictionary defines "committee" as "a group of people delegated to perform a particular function or task." PWCP is not a committee under the preceding definition, nor does the Court declare such. Instead, PWCP is essentially a one-person operation that does not have any known legal structure, or hold meetings. By ruling that PWCP nonetheless qualifies as a "labor management committee," the Court reads the word "committee" out of the statute.

Further, the Court does not dispute that no employee or member of PWCP is affiliated with either organized "labor," or "management." The Court says this does not matter, though, because Section 175a's requirement that labor management committees be "organized jointly by" labor and management, does not mean that such committees must actually *consist* of representatives of labor and management. (Order at 7:2-17.) Helix submits that this is not what "organized jointly by" means, and is completely inconsistent with the plain meaning of the phrase "labor management committee" in subsection (a)(1) of Section 175a. Helix respectfully submits that the Court's reading of Section 175a is contrary to accepted principles of statutory construction, which hold that first and foremost a court must give credence to the plain language of a statute. See In re Palau Corp., 18 F.3d 746, 750 (9th Cir. 1994).

Additionally, Helix submits that the Court's ruling that PWCP is a "labor management committee" is belied by its own findings. The Court repeatedly describes PWCP as a "subdivision" of the Sacramento Joint Labor-Management Cooperation Committee, and claims

that this Labor-Management Cooperation Committee was created under Section 175a. (Order at 7:24-26, 8:1-2, 8:9-16) If PWCP is a "subdivision of the Labor-Management Cooperation Committee," then it cannot be a "labor management committee" itself. Helix submits that there is no basis in the law for extending the rights of a labor management committee created under Section 175a, to a "subdivision" of a labor management committee.

B. The Court Makes Inconsistent Findings Regarding PWCP's Union Affiliations, Thereby Impermissibly Avoiding Helix's Preemption Arguments.

In its Order, the Court first emphasized that PWCP was created by a union, and is funded by a union, in finding that PWCP is a "labor management committee" under Section 175a. (Order at 7:18-8:13.) Yet, the Court then held that "PWCP is not a union," nor is it "controlled by a union," in rejecting Helix's argument that California Labor Code Section 1776(e) is preempted by the NLRB's decision Technology Service Solutions, 332 NLRB No. 100, slip op. (2000) (holding that unions are not entitled to a roster of employee addresses). (Order at 12:2-3, n.5, 17:23-28.)

Simply put, if PWCP is separate from the union, as the Court declares in its preemption analysis, then by definition PWCP cannot be considered a "labor management committee," because a "committee" without any "labor" cannot be a "labor management committee." On the other hand, if PWCP is comprised of a "labor" component, as the Court declares in its "labor management committee" analysis, then by definition Section 1776(e) enables a union to obtain a roster of employee addresses, which is what the NLRB expressly forbid in Technology Service Solutions. The Court's Order attempts to have it both ways, and Helix respectfully submits that this is error.

C. <u>Helix's Motion Presents Serious Legal Questions Regarding Labor Management Committees, and the Permissible Scope of Their Activities.</u>

One of the fundamental underpinnings of the Court's Order is that enforcing compliance with prevailing wage laws is an activity covered by the enumerated purposes of labor management committees under Section 175a, which include "enhanc[ing] the involvement of workers in making decisions that affect their working lives." (Order at 9:9-11:18.) The Court also implies that a labor management committee is proper so long as it acts in conformity with at least *one* of the enumerated purposes listed in Section 175a, irrespective of whether it pursues *other* activities that go beyond Section 175a. (Order at 8:21-22.) These holdings presents serious legal questions with profound implications. Helix submits that if the Court's reasoning is taken to its logical end, labor management committees would have limitless powers and authorities, which in turn would put Department of Labor oversight of unions in extreme jeopardy.

Federal labor law clearly distinguishes between the types of activities that unions are permitted to engage in, and the types of activities that labor management committees are permitted to engage in. In short, unions exist "for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work." 29 U.S.C. section 152(5). Labor management committees, on the other hand, are to be comprised of both labor and management representatives, and exist to "improve[e] labor management relationships … and organizational effectiveness," and "enhance[e] economic development." 29 U.S.C. section 175a. Because they are defined separately under federal labor law, it stands to reason that Congress intended they have different roles. <u>See</u> <u>Boudette v. Barnette</u>, 923 F.2d 754, 756-57 (9th Cir. 1991).

The Court's ruling, though, merges those roles. The Court holds that labor management committees can enforce compliance with state prevailing wage laws, because such compliance falls under the rubric of "enhanc[ing] the involvement of workers in making decisions

that affect their working lives." (Order at 10:2-9.) Not only is this authority seen nowhere on the face of section 175a, this broad interpretation would enable labor management committees to do virtually anything – including everything unions do. Almost any type of activity can arguably be placed under the heading of "enhanc[ing] the involvement of workers in making decisions that affect their working lives," including organizing non-union contractors. Permitting labor management committees to pursue organizing of non-union contractors would eviscerate the distinction that must exist between a union and a labor management committee.

First, this would undermine the oversight and strict financial accounting requirements to which unions are subject under federal law, but labor management committees are not. Second, this would be completely contrary to the Taft-Hartley Act. The Taft-Hartley Act expressly distinguishes between unions and labor management committees in making it a crime for employers to contribute money to a union, while permitting employers to contribute money to a labor management committee. See 29 U.S.C. section 186. This rule exists to reduce corruption and extortion by prohibiting employers buying-off unions, and unions from coercing monetary contributions from employers. See United States v. Phillips, 19 F.3d 1565, 1574 (11th Cir. 1994); United States v. Lanni, 466 F.2d 1102, 1103-04 (3rd Cir. 1972). If labor management committees were permitted to organize non-union employers, the very cycle of corruption and extortion that the Taft-Hartley Act sought to prevent would be exacerbated. Union-signatory employers would contribute money to labor management committees, which would in turn exert pressure on and organize non-union employers, who would in turn become signatory employers and contribute money to the labor management committee. The Taft-Hartley Act's prohibition on employer payments to unions would be rendered meaningless, as would the distinction between labor management committees and unions.

These serious questions of federal law deserve further analysis and inquiry. In particular, additional discovery would aid the Court in ascertaining the true purpose of the supposed labor management committee here, and whether that purpose comports with Section

175a. For example, as the Court may recall, prior to the issuance of the Court's Order Helix submitted additional evidence to the Court demonstrating that the principal representative of PWCP – Kevin Abram – recently visited a Helix jobsite with an IBEW organizer. (See Declaration of Charles Braun in Support of Motion for Temporary Restraining Order, filed on Feb. 24, 2006.) This is compelling evidence that PWCP is operating pursuant to an improper purpose under Section 175a, i.e., organizing non-union contractors.

IV.

CONCLUSION

Helix respectfully asks that the Court grant its request for an injunction pending its appeal. This appeal presents very serious issues of employee privacy, as well as the proper scope of labor management committee activities. Without immediate injunctive relief, the rights of Helix's employees to keep their home addresses private will be irreparably compromised. All Helix asks is that the Court maintain the status quo while these important issues are addressed on appeal. Any inconvenience such injunctive relief would cause PWCP is greatly outweighed by the harm that will be suffered by Helix's employees. For these reasons, injunctive relief is particularly appropriate in this case.

DATED: March 10, 2006

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By /s/
RICHARD M. FREEMAN

Attorneys for Plaintiff
HELIX ELECTRIC, INC.

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