

**No. 13-1146**

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**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**REMINGTON LODGING & HOSPITALITY, LLC**

**Petitioner**

v.

**NATIONAL LABOR RELATIONS BOARD**

**Respondent**

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**ON PETITION FOR REVIEW OF AN ORDER OF  
THE NATIONAL LABOR RELATIONS BOARD**

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**BRIEF FOR THE NATIONAL LABOR RELATIONS BOARD  
IN SUPPORT OF ITS MOTION FOR A MANDATORY TRANSFER TO THE UNITED STATES  
COURT OF APPEALS FOR THE NINTH CIRCUIT PURSUANT  
TO 28 U.S.C. § 2112**

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## **CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES**

Pursuant to Local Rule 28(a)(1) of the Rules of this Court, counsel for the National Labor Relations Board (“the Board”) certifies the following:

### **A. Parties and Amici**

Remington Lodging & Hospitality, LLC, was the Respondent before the Board and is the Petitioner before the Court. The Board is the Respondent before the Court; its General Counsel was a party before the Board. UNITE HERE! Local 878, AFL-CIO (“the Union”) was the charging party before the Board. There were no intervenors or amici before the Board, and there are none in this Court.

### **B. Ruling Under Review**

This case is before the Court on Remington’s petition for review of a Decision and Order issued by the Board in *Remington Lodging & Hospitality, LLC*, 359 NLRB No. 95, 2013 WL 1771714 (April 24, 2013). Presently before the Court is the Board’s motion for mandatory transfer of the petition to the United States Court of Appeals for the Ninth Circuit pursuant to 28 U.S.C. § 2112, where the Union has filed a petition for review of the same Board Decision and Order.

### **C. Related Cases**

This case has not previously been before this or any other court. As noted above, the Union has filed a petition for review of the same Board Decision and

Order in the Ninth Circuit. *See UNITE HERE! Local 878, AFL-CIO v. NLRB*, No. 13-71545 (9<sup>th</sup> Cir.).

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## GLOSSARY

The Company	Remington Lodging & Hospitality, LLC
The Board	National Labor Relations Board
The Order	<i>Remington Lodging &amp; Hospitality, LLC</i> , 359 NLRB No. 95, 2013 WL 1771714 (April 24, 2013).
A.	Joint Appendix
The Union	UNITE HERE! Local 878, AFL-CIO
The Act	National Labor Relations Act, 29 U.S.C. § 151, et seq.
JPML	Judicial Panel on Multi-District Litigation

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THE UNITED STATES COURT OF APPEALS FOR THE NINTH  
CIRCUIT PURSUANT TO 28 U.S.C. § 2112**

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**STATEMENT OF APPELLATE JURISDICTION**

This case came before the Court on a petition for review filed by Remington Lodging & Hospitality, LLC (“the Company”) of a final Decision and Order issued by the National Labor Relations Board (“the Board”) on April 24, 2013, and reported at 359 NLRB No. 95 (“the Order”). (A. 13-86.)<sup>1</sup> In its Order, the Board found that the Company committed numerous unfair labor practices, but it also made certain findings that were adverse to the charging party, UNITE HERE!

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<sup>1</sup> “A.” references are to the joint appendix.

Local 878, AFL-CIO (“the Union”). Within 10 days of the Board issuing its Order, two competing petitions for review were filed: one by the Company on April 25 in this Court; and one by the Union on May 1 in the United States Court of Appeals for the Ninth Circuit. However, only one party, the Union, served the Board with a court-stamped copy of its petition, as required by 28 U.S.C. § 2112.

Presently before the Court is the Board’s motion for mandatory transfer of the Company’s petition to the Ninth Circuit pursuant to 28 U.S.C. § 2112. Specifically, where—as here—the Board has received within 10 days of issuing its order a court-stamped copy of a petition for review from just one party, Section 2112(a)(1) directs the Board to file the record in the circuit where that petition was filed. Section 2112(a)(5) further provides that all other courts in which review proceedings are instituted with respect to the same order shall transfer those proceedings to the court in which the record is to be filed. Read in conjunction with Section 2112(a)(1) and (5), Section 10(e) of the National Labor Relations Act, as amended, (29 U.S.C. §§ 151, 160(e)) (“the Act”) empowers the Court to rule on and grant the Board’s motion for mandatory transfer of the Company’s petition to the Ninth Circuit.

## **STATEMENT OF THE ISSUE**

Does the Company's uncontested failure to comply with the unambiguous service provisions of Section 2112(a)(1) and (5) require this Court to transfer its petition for review to the Ninth Circuit?

## **RELEVANT STATUTORY PROVISIONS**

The relevant statutory provisions are contained in the attached Addendum.

## **STATEMENT OF THE CASE, FACTS, AND PROCEDURAL HISTORY**

As noted above, on April 24, 2013, the Board issued its Order in the underlying proceeding in this case (*Remington Lodging & Hospitality, LLC*, 359 NLRB No. 95 (April 24, 2013)). (A. 13-86.) The Board served its Order on the parties that same day. (A. 96-97.)

On April 25, the Company, the respondent before the Board, filed a petition for review of the Order in this Court, which the Court docketed the following day. (A. 1-4.) On April 28, Linda Dreeben, the Board's Deputy Associate General Counsel for the Appellate and Supreme Court Litigation Branch, received via regular mail from the Company a service copy of its petition, but the Company did not forward any copy bearing the Court's date-stamp. (A. 99-102.) On May 1, this Court placed the case in abeyance pending further order of the Court, in light of its opinion and judgment issued January 25, 2013, in *Noel Canning, a Div. of the Noel*

*Corp. v. NLRB*, 705 F.3d 490 (D.C. Cir. 2013), *cert. granted*, 133 S. Ct. 2861 (June 24, 2013). (A. 5.)

On May 1, the Union, the charging party below, filed a petition for review of the Board's Order with the Ninth Circuit, which docketed the case the same day. (A. 6-87.) See *UNITE HERE! Local 878, AFL-CIO v. NLRB*, No. 13-71545 (9th Cir.). (A. 103-106.) The Union then mailed to the Board's General Counsel via overnight mail a copy of its petition, date-stamped by the court, which Linda Dreeben received on May 2 at the Board's Washington, D.C. headquarters. (A. 6-87.)

On May 10, the Board filed a motion with this Court for mandatory transfer of the Company's petition to the Ninth Circuit pursuant to 28 U.S.C. § 2112. (A. 88-94.) As of the date of the Board's motion, the Board had not received from the Company a court-stamped copy of its petition. On May 21, the Company filed a corrected opposition to the Board's motion to transfer (A. 194-211), and the Board filed its reply on May 28. (A. 212-217.) The Court subsequently referred the Board's motion to a three-judge motions panel, which deferred ruling on the motion, transferred the motion to a merits panel, and ordered the parties to submit briefs on the transfer issue. (A. 232.)

**SUMMARY OF ARGUMENT**

Two parties have filed petitions for review of the same Board Order—one in this Court and one in the Ninth Circuit. But only in the Ninth Circuit case did the Board receive a court-stamped copy of the petition from the filing party within 10 days of the issuance of the challenged Order. In these circumstances, the unambiguous provisions of 28 U.S.C. § 2112(a), which direct where the Board must file the record when it receives multiple petitions for review of the same order, mandate that the Court transfer the Company’s petition to the Ninth Circuit.

## ARGUMENT

### **GIVEN THE COMPANY’S FAILURE TO SERVE A COURT-STAMPED COPY OF ITS PETITION FOR REVIEW ON THE BOARD AS REQUIRED BY 28 U.S.C. § 2112, ITS PETITION MUST BE TRANSFERRED TO THE NINTH CIRCUIT, WHERE THE RECORD IS TO BE FILED**

#### **A. 28 U.S.C. § 2112 Determines the Appropriate Venue Where Multiple Petitions for Review of the Same Board Order are Filed in Different Courts of Appeals**

Section 2112(a) of Title 28 of the United States Code provides the procedures for determining the venue in which the Board must file the administrative record where, as here, the Board has received multiple petitions for review of the same Order in different courts of appeals. By its terms, the statute mandates that “[i]f proceedings are instituted in two or more courts of appeals with respect to the same order, the following *shall* apply” in determining the proper venue to file the record. 28 U.S.C. § 2112(a) (emphasis added). The statute then outlines where the record must be filed under several distinct scenarios.

One scenario governed by Section 2112(a)(1) occurs where, as here, two petitions for review were filed within 10 days after issuance of the challenged Order, but the Board has received a court-stamped copy of a petition from only one party. *See* 28 U.S.C. § 2112(a)(1) (second sentence). Specifically, the statute provides that “[i]f within ten days after issuance of the order the [Board] receives, *from the persons instituting the proceedings*, the petition for review with respect to

proceedings in only one court of appeals, the [Board] shall file the record in that court notwithstanding the institution of any other court of appeals proceedings for review of that order.” 28 U.S.C. § 2112(a)(1) (emphasis added).<sup>2</sup> Significantly, the statute expressly defines “petition” for purposes of the statutory scheme as one “stamped by the court with the date of filing . . . .” 28 U.S.C. § 2112(a)(2). Once the Board files the record in the court of appeals mandated by Section 2112(a)(1), the statute directs that “[a]ll courts in which proceedings are instituted with respect to the same order, other than the court in which the record is filed pursuant to [Section 2112(a)(1)], shall transfer those proceedings to the court in which the record is so filed.” 28 U.S.C. § 2112(a)(5).<sup>3</sup>

As shown below, it is undisputed that within 10 days of issuing its Order, the Board received a court-stamped copy of a petition for review only from the Union, which had filed in the Ninth Circuit, and not from the Company. Accordingly,

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<sup>2</sup> Filing the record confers exclusive jurisdiction on the court of appeals with which it is filed. 29 U.S.C. § 160(e).

<sup>3</sup> The other scenarios contemplated by Section 2112(a)(1) are inapplicable here. Under the first, two or more parties must have served on the Board court-stamped copies of their petitions for review within 10 days after issuance of the challenged order. 28 U.S.C. § 2112(a)(1) (first sentence). In that circumstance, the statute requires the Board to notify the Judicial Panel on Multi-District Litigation (“JPML”), which randomly selects venue. 28 U.S.C. § 2112(a)(3). The other scenario covers all other cases, such as where one petition was filed within 10 days but the second petition was not, or both petitions were filed after 10 days. Then, the record is to be filed where proceedings were first instituted. 28 U.S.C. § 2112(a)(1) (third sentence).

Section 2112(a)(1) requires the Board to file the record in the Ninth Circuit, and Section 2112(a)(5) directs that the petition for review pending in this Court be transferred there.

**B. The Company Failed To Serve a Court-Stamped Copy of Its Petition on the Board as Required by 28 U.S.C. § 2112; Accordingly, Its Petition Must Be Transferred to the Ninth Circuit, Where the Record Is To Be Filed**

It is undisputed that only one petition for review, the Union's filed in the Ninth Circuit, satisfied the statutory requirement that the party filing the petition serve a court-stamped copy on the Board. Accordingly, 28 U.S.C. § 2112(a)(5) mandates that the pending review proceeding be transferred to the Ninth Circuit, where the Board will file the record in this case.

As shown, the Union filed its petition for review on May 1 (A. 105), within the 10-day period following the Board's April 24 Order, and overnight mailed a date-stamped copy of its petition to the Board's General Counsel (A. 188), which the Board's Deputy Associate General Counsel received the following day, May 2. (A. 107.) On the other hand, the Company filed a petition for review and sent a service copy to the Board via regular mail, but it did not serve on the Board a copy bearing the Court's date-stamp (which it could have obtained from the Court itself or via PACER). (A. 99.) The Company's petition therefore failed to satisfy the unambiguous requirement that it be "stamped by the court with the date of filing" in order to constitute a petition "[f]or the purposes of" the statutory scheme. *See*

28 U.S.C. § 2112(a)(2). Accordingly, because only the petition filed in the Ninth Circuit satisfied Section 2112(a)(1) and (2), the statute mandates that the “[Board] shall file the record in that court *notwithstanding the institution of any other* court of appeals proceedings for review of that order.” 28 U.S.C. § 2112(a)(1) (emphasis added).

Further, the Court’s CM/ECF notice, which the Board received on April 26, does not meet the requirement of Section 2112(a)(1) or otherwise relieve the Company of its independent obligation to mail a court-stamped petition to the Board. Rather, the statute’s provisions make clear that it is the petitioner’s (and not the court’s) service of a court-stamped petition on the agency that is determinative. *See* 28 U.S.C. § 2112(a)(1) (Board must receive court-stamped petition “from the persons instituting the proceedings”). Interpreting this unequivocal language, the JPML itself has held that a petitioner in this Circuit failed to satisfy this requirement where, as is admittedly true of the Company’s petition, the copy of the petition received by the agency from the petitioner “d[id] not exhibit the requisite circuit court ‘filed or received’ stamp.” *In re FERC*, 278 F. Supp. 2d 1379, 1380-81 (J.P.M.L. 2003).

Indeed, Congress properly required the petitioner racing to the courthouse to demonstrate timely filing under Section 2112 by serving a court-stamped copy of its petition, instead of allowing service by a clerk’s office by CM/ECF or other

means to suffice. Doing so rightly places the responsibility in the hands of the party seeking to secure the protection of Section 2112. As important, requiring the petitioner to promptly serve the agency with a court-stamped copy allows the agency to quickly verify the filing and promptly move to secure the proper forum without waiting for a clerk's office to process and serve the petition for review.

Following Section 2112, this Court recently and repeatedly has held that a petitioner fails to satisfy the statutory requirements of Section 2112 when the petitioner itself does not serve the Board with the required court-stamped petition. Thus, this Court granted the Board's motion to transfer a proceeding to the Ninth Circuit in a case where the D.C. Circuit petitioner "did not itself deliver to [the Board] its court-stamped petition" within 10 days of the Board's order. *See Omaha World-Herald v. NLRB*, No. 12-1005 (D.C. Cir. May 14, 2012). (A. 224.) Similarly, this Court recently issued an order transferring a petition to the Ninth Circuit under very similar circumstances when the petitioner in that court, "but not petitioner [in the D.C. Circuit], served on the Board a court-stamped copy of its petition within 10 days after the Board's order issued." *See DIRECTV Holdings, LLC v. NLRB*, No. 13-1020 (D.C. Cir. May 1, 2013). (A. 227.) This Court is not alone in enforcing this unambiguous statutory requirement. *See, e.g., Local Union 36, IBEW, AFL-CIO v. NLRB*, No. 10-3448 (2d Cir. Dec. 28, 2010) (service of

date-stamped copy of petition for review on Board by clerk of court did not satisfy Section 2112(a)(1)). (A. 229.)

Finally, in the Court's order referring the Board's motion to transfer to a merits panel, Judge Henderson opined in a footnote that "the burden of the Clerk's Office's mistake regarding service of the petition for review should not be borne by the petitioner." (A. 232.) This presumably refers to an affidavit submitted by the Company's counsel as part of its opposition to the motion to transfer regarding his conversation with an unnamed clerk of the Court. (A. 196, A. 210.) According to the affidavit, the clerk and company counsel "spoke specifically concerning the fact that one of the [five] copies" of the petition that needed to be filed "would be utilized as the service copy for transmission to the [Board]." (A. 210.)

The conversation between counsel and the clerk's office, however, cannot remedy the Company's failure to follow Section 2112(a)(1). To begin, the Company does not claim that its counsel told the clerk that he was concerned about a potential circuit race involving a petition for review that had yet to be filed in another court of appeals. Moreover, because of the timing of the alleged conversation, the clerk would have had no reason to know that a competing petition for review would be filed several days later in another court of appeals. Accordingly, the clerk could not have been speaking to the requirement under Section 2112(a)(1) and (2) that a party independently serve the Board with a court-

stamped copy of its petition in order to avail itself of the venue determination provisions in Section 2112.

Additionally, to the extent that the Company suggests it received and detrimentally relied on inaccurate or incomplete advice from the unnamed clerk, it gains no ground. Mistaken advice from a clerk of the court will not excuse a party's failure to abide by applicable statutes or rules. *See, e.g., Gabriel v. United States*, 30 F.3d 75, 77 (7th Cir. 1994) (party's reliance on allegedly inaccurate advice from clerk's office does not excuse a failure to satisfy Fed.R. Civ.P. 4(j) requirement of personal service on U.S. Attorney; had counsel read the rule or the relevant case law carefully, he would have realized his error); *Sonicraft, Inc. v. NLRB*, 814 F.2d 385, 387 (7th Cir. 1987) ("Whether or not there was misleading advice [from an employee of the clerk's office] and whether or not it came from a staff attorney, it cannot extend the deadline for filing the petition for review" in an Equal Access to Justice Act case).

Moreover, "[c]ourts generally impute constructive knowledge of filing and service requirements to plaintiffs who, like appellant, consult with an attorney." *Kelley v. NLRB*, 79 F.3d 1238, 1249 (1st Cir. 1996) (citing *Lopez v. Citibank, N.A.*, 808 F.2d 905, 907 (1st Cir. 1987)). The Company, by its counsel, therefore should have known or can be said to have had constructive knowledge of the service requirements set forth in Section 2112(a)(1), a statute that the Company now

expressly seeks to benefit from by invoking its random selection of venue provisions. (A. 200.)

In any case, the question of venue determination should not be subject to the vagaries of an unverifiable conversation when a specific and unambiguous statutory framework exists in Section 2112, and the facts are indisputable—the Company did not serve on the Board a court-stamped copy of its petition for review. Accordingly, because the Board received a court-stamped petition for review only from the filing party in the Ninth Circuit and not the Company, the unambiguous provisions of 28 U.S.C. § 2112(a) mandate that the Company’s petition pending in this Court be transferred to the Ninth Circuit, where the record in this case is to be filed.

## CONCLUSION

The Board respectfully requests that this Court grant the Board's motion for mandatory transfer and, in accordance with 28 U.S.C. § 2112, transfer the Company's petition for review to the United States Court of Appeals for the Ninth Circuit, where the record in this case is to be filed.

Respectfully submitted,

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National Labor Relations Board

December 2013

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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REMINGTON LODGING & HOSPITALITY, LLC	)	
	)	
Petitioner	)	
v.	)	No. 13-1146
	)	
NATIONAL LABOR RELATIONS BOARD	)	Board Case Nos.
	)	19-CA-032148, et seq.
Respondent	)	

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**CERTIFICATE OF COMPLIANCE**

Pursuant to Federal Rule of Appellate Procedure 32(a)(7)(C), the Board certifies that its brief contains 2,973 words in proportionally spaced, 14-point Times New Roman type, and that the word processing system used was Microsoft Word 2007.

/s/ Linda Dreeben  
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Dated at Washington, D.C.  
this 2<sup>nd</sup> day of December, 2013

## **STATUTORY ADDENDUM**

### **Relevant provisions of the National Labor Relations Act, 29 U.S.C. § 151-69:**

Sec. 10(e) [Sec. 160(e)] [Petition to court for enforcement of order; proceedings; review of judgment] The Board shall have power to petition any court of appeals of the United States, or if all the courts of appeals to which application may be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code [section 2112 of title 28]. Upon the filing of such petition, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board, its member, agent, or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its member, agent, or agency, and to be made a part of the record. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to question of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court

shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28.

### **Relevant provisions of 28 U.S.C. § 2112:**

**(a)** The rules prescribed under the authority of section 2072 of this title may provide for the time and manner of filing and the contents of the record in all proceedings instituted in the courts of appeals to enjoin, set aside, suspend, modify, or otherwise review or enforce orders of administrative agencies, boards, commissions, and officers. Such rules may authorize the agency, board, commission, or officer to file in the court a certified list of the materials comprising the record and retain and hold for the court all such materials and transmit the same or any part thereof to the court, when and as required by it, at any time prior to the final determination of the proceeding, and such filing of such certified list of the materials comprising the record and such subsequent transmittal of any such materials when and as required shall be deemed full compliance with any provision of law requiring the filing of the record in the court. The record in such proceedings shall be certified and filed in or held for and transmitted to the court of appeals by the agency, board, commission, or officer concerned within the time and in the manner prescribed by such rules. If proceedings are instituted in two or more courts of appeals with respect to the same order, the following shall apply:

**(1)** If within ten days after issuance of the order the agency, board, commission, or officer concerned receives, from the persons instituting the proceedings, the petition for review with respect to proceedings in at least two courts of appeals, the agency, board, commission, or officer shall proceed in accordance with paragraph (3) of this subsection. If within ten days after the issuance of the order the agency, board, commission, or officer concerned receives, from the persons instituting the proceedings, the petition for review with respect to proceedings in only one court of appeals, the agency, board, commission, or officer shall file the record in that court notwithstanding the institution in any other court of appeals of proceedings for review of that order. In all other cases in which proceedings have been instituted in two or more courts of appeals with respect to the same order, the agency, board, commission, or officer concerned shall file the record in the court in which proceedings with respect to the order were first instituted.

(2) For purposes of paragraph (1) of this subsection, a copy of the petition or other pleading which institutes proceedings in a court of appeals and which is stamped by the court with the date of filing shall constitute the petition for review. Each agency, board, commission, or officer, as the case may be, shall designate by rule the office and the officer who must receive petitions for review under paragraph (1).

(3) If an agency, board, commission, or officer receives two or more petitions for review of an order in accordance with the first sentence of paragraph (1) of this subsection, the agency, board, commission, or officer shall, promptly after the expiration of the ten-day period specified in that sentence, so notify the judicial panel on multidistrict litigation authorized by section 1407 of this title, in such form as that panel shall prescribe. The judicial panel on multidistrict litigation shall, by means of random selection, designate one court of appeals, from among the courts of appeals in which petitions for review have been filed and received within the ten-day period specified in the first sentence of paragraph (1), in which the record is to be filed, and shall issue an order consolidating the petitions for review in that court of appeals. The judicial panel on multidistrict litigation shall, after providing notice to the public and an opportunity for the submission of comments, prescribe rules with respect to the consolidation of proceedings under this paragraph. The agency, board, commission, or officer concerned shall file the record in the court of appeals designated pursuant to this paragraph.

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(5) All courts in which proceedings are instituted with respect to the same order, other than the court in which the record is filed pursuant to this subsection, shall transfer those proceedings to the court in which the record is so filed. For the convenience of the parties in the interest of justice, the court in which the record is filed may thereafter transfer all the proceedings with respect to that order to any other court of appeals.

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UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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REMINGTON LODGING & HOSPITALITY, LLC )  
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 )  
 ) Petitioner )  
 ) v. ) No. 13-1146 )  
 ) )  
 ) NATIONAL LABOR RELATIONS BOARD ) Board Case Nos. )  
 ) 19-CA-032148, et seq. )  
 ) Respondent )  
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**CERTIFICATE OF SERVICE**

I certify that on December 2, 2013, the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are a registered user or, if they are not, by serving a true and correct copy at the address listed below:

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Dated at Washington, D.C.  
this 2<sup>nd</sup> day of December, 2013