

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

)	
ORNI 8, LLC AND ORPUNA, LLC)	
d/b/a PUNA GEOTHERMAL VENTURE)	
Petitioner/Cross-Respondent)	Nos. 15-1196
)	15-1250
v.)	
)	Board Case Nos.
NATIONAL LABOR RELATIONS BOARD)	20-CA-096143
)	20-RC-078220
Respondent/Cross-Petitioner)	
)	

**UNOPPOSED MOTION OF THE
NATIONAL LABOR RELATIONS BOARD
TO HOLD BRIEFING IN ABEYANCE PENDING SETTLEMENT**

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

The National Labor Relations Board (“the Board”), by its Deputy Associate General Counsel, and with the consent of ORNI 8, LLC and ORPUNA, LLC d/b/a Puna Geothermal Venture (“the Company”), respectfully moves that the Court hold briefing in abeyance pending completion of a settlement that will likely resolve this case. In support of its motion, the Board shows as follows:

1. This case is before the Court on the Company’s petition to review, and the Board’s cross-application to enforce, a Board Order issued against the Company on June 26, 2015. *See* 362 NLRB No. 133. The Order is based on the

Board's finding that the Company unlawfully refused to recognize, bargain with, and provide information to the International Brotherhood of Electrical Workers, Local 1260 ("the Union").

2. The Company filed its opening brief on November 13, 2015. The Board's answering brief is currently due on January 28, 2016.

3. In late December 2015, the Board learned that the Company and the Union had reached a tentative global settlement encompassing this case as well as other unfair-labor-practice matters not currently pending before the Court. The parties have since represented to the Board that they are reducing their tentative agreements to writing, and that their eventual written agreement will eliminate the need for further litigation of this case.

4. Based on the information provided by the Company and the Union, the Board considers it likely that this case will be resolved by settlement. The Board accordingly asks that the Court hold further briefing in abeyance for a period of 60 days, to allow for completion of the settlement process. In the event that a settlement is not finalized within the 60-day period, the parties will so inform the Court. The Board proposes that the parties submit status reports at the end of the 60-day period, advising the Court whether settlement remains likely and whether continued abeyance is appropriate.

5. Counsel for the Company agrees with the Board's decision to ask this Court to hold briefing in abeyance for a period of 60 days.

WHEREFORE, the Board respectfully requests that the Court grant this motion and hold further briefing in abeyance for 60 days, pending completion of the settlement process.

/s/ Linda Dreeben

Linda Dreeben

Deputy Associate General Counsel

National Labor Relations Board

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Dated at Washington, D.C.
this 21st day of January 2016

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CERTIFICATE OF SERVICE

I hereby certify that, on January 21, 2016, I electronically filed the foregoing Motion with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. I further certify that all counsel of record are registered CM/ECF users and have been served through the CM/ECF system.

/s/ Linda Dreeben

Linda Dreeben
Deputy Associate General Counsel
NATIONAL LABOR RELATIONS BOARD
1099 14th Street, N.W.
Washington, D.C. 20570

Dated at Washington, D.C.
this 21st day of January 2016