

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

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<http://www.ca9.uscourts.gov/mediation>

MEDIATION QUESTIONNAIRE

The purpose of this questionnaire is to help the court’s mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are *not* confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	16-70294		
District Court/Agency Case Number(s):	NLRB Case No. 20-CA-143287		
District Court/Agency Location:	Washington, DC		
Case Name:	National Labor Relations Board	v.	Community Support Network
If District Court, docket entry number(s) of order(s) appealed from:			
Name of party/parties submitting this form:	National Labor Relations Board		

Please briefly describe the dispute that gave rise to this lawsuit.

Respondent Community Support Network has refused to bargain with the Service Employees International Union, Local 1021 (the Union), which represents a unit of its employees. An employee petitioned the National Labor Relations Board to conduct an election to decertify the Union as bargaining representative, and the Union won the election. Before the Board re-certified the Union as bargaining representative due to the results of the election, Community Support Network withdrew recognition from the Union due to a petition filed by its employees alleging that a majority of them no longer support the Union.

Briefly describe the result below and the main issues on appeal.

The NLRB General Counsel alleged that Community Support Network's refusal to bargain with the Union violated Section 8(a)(5) of the National Labor Relations Act. The General Counsel moved for summary judgment, and the Board granted summary judgment on January 5, 2016 in a decision reported at 363 NLRB No. 78, and found that Community Support Network could not lawfully withdraw recognition from the Union due to post-election evidence of the Union's loss of majority support. The Board ordered Community Support Network to cease-and-desist from refusing to bargain with the Union and to bargain with the Union on request.

Describe any proceedings remaining below or any related proceedings in other tribunals.

There are no remaining proceedings below or related proceedings in other tribunals.

Provide any other thoughts you would like to bring to the attention of the mediator.

The Board's Order requires Community Support Network to recognize and bargain with the Union. There are no monetary components to the Board's remedy.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses is attached

(see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list

may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Note: Use of the CM/ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **To file this form electronically** in CM/ECF, complete the form, and then print the filled-in form to PDF (File > Print > PDF Printer/Creator). Then log into CM/ECF and choose Forms/Notices/Disclosure > File a Mediation Questionnaire.

SERVICE LIST

NLRB v. Community Support Network
Board Case No. 20-CA-143287

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