

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

NATIONAL LABOR RELATIONS BOARD)	
)	
Petitioner)	No. 15-3913
)	
v.)	
)	Board Case No.
)	29-CB-134137
LOCAL 210, INTERNATIONAL BROTHERHOOD OF TEAMSTERS)	
)	
Respondent)	
)	
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**CONSENT MOTION TO DISMISS WITHOUT PREJUDICE
THE BOARD’S APPLICATION FOR ENFORCEMENT
AGAINST LOCAL 210, INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

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

Under Federal Rule of Appellate Procedure 42(b), the National Labor Relations Board, by its Deputy Associate General Counsel, moves to dismiss without prejudice the Board’s application for enforcement against Local 210, International Brotherhood of Teamsters, and shows:

1. On December 4, 2015, the Board filed an application for enforcement of its order against the Respondent.
2. Since then, the Respondent and the Board have sought to resolve the case without further litigation and the costs associated with such litigation. The parties have reached such an agreement, which dispenses with the necessity for further litigation.

3. Because the Board and the Respondent have agreed to dismiss the Board's application for enforcement against the Respondent each side to bear its own costs, the Board respectfully requests that the Clerk enter an order dismissing the Board's application for enforcement without prejudice against Local 210.

4. Counsel for the Respondent has advised the undersigned that the Respondent has no objection to the granting of this motion.

WHEREFORE, the Board respectfully moves that its application for enforcement against the Respondent be dismissed, without prejudice.

Respectfully submitted,

/s/ Linda Dreeben

Linda Dreeben

Deputy Associate General Counsel

National Labor Relations Board

1015 Half Street, SE

Washington, D.C. 20570

(202) 273-2960

Dated at Washington, D.C.
this 24th day of February 2016

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

NATIONAL LABOR RELATIONS BOARD	*
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Petitioner	* No. 15-3913
	*
v.	*
	*
LOCAL 210, INTERNATIONAL BROTHERHOOD OF TEAMSTERS	*
	*
Respondent	*

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2016, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Second Circuit by using the appellate CM/ECF system.

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

Andrew Hoffman
450 7th Avenue, Suite 1400
New York, NY 10123

/s/Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570
(202) 273-2960

Dated at Washington, D.C.
this 24th day of February, 2016

MOTION INFORMATION STATEMENT

Docket Number(s): 15-3913 Caption [use short title] _____

Motion for: Dismiss without prejudice the Board's application for enforcement NLRB v. Local 210, International Brotherhood of Teamsters

Set forth below precise, complete statement of relief sought:
Dismissal without prejudice

MOVING PARTY: National Labor Relations Board OPPOSING PARTY: Local 210, International Brotherhood of Teamsters

Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: Linda Dreeben OPPOSING ATTORNEY: Tram Lopresto

[name of attorney, with firm, address, phone number and e-mail]

National Labor Relations Board Hoffman and Associates
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(202) 273-2960 appellatecourt@nlrb.gov (212) 679-0400 Tram.LoPresto@hoffmannlegal.com

Court-Judge/Agency appealed from: National Labor Relations Board

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
 Yes No (explain): _____

Opposing counsel's position on motion:
 Unopposed Opposed Don't Know

Does opposing counsel intend to file a response:
 Yes No Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? Yes No
Has this relief been previously sought in this Court? Yes No
Requested return date and explanation of emergency: _____

Is oral argument on motion requested? Yes No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? Yes No If yes, enter date: _____

Signature of Moving Attorney: Linda Dreeben Date: 2/24/2016 Service by: CM/ECF Other [Attach proof of service]