

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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

**JOINT MOTION TO DISMISS THE PETITION FOR REVIEW AND
CROSS-APPLICATION FOR ENFORCEMENT WITH PREJUDICE**

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

Pursuant to Federal Rule of Appellate Procedure 42(b), the National Labor Relations Board (“the Board”), by its Deputy Associate General Counsel, and ORNI 8, LLC and ORPUNA, LLC d/b/a Puna Geothermal Venture (“the Company”), by its counsel, respectfully move that the Court grant the parties leave to voluntarily dismiss their appeals with prejudice. In support of this motion, the parties show 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") as the exclusive collective-bargaining representative of the Company's operations and maintenance employees.

2. In late 2015, as briefing proceeded on the appeals in this Court, the Company and the Union reached a tentative global settlement encompassing this case as well as other unfair-labor-practice matters not pending before the Court. The Board informed the Court of this development in January 2016 and asked that the Court hold further briefing in abeyance while the details of the settlement were finalized. The Court granted this request.

3. The Company and the Union have now finalized a global settlement that eliminates the need for further litigation of this case. Accordingly, the Board and the Company ask that the Court dismiss the present appeals with prejudice.

4. Each party is to bear its own costs.

5. The Company's attorneys have authorized Board counsel to sign this motion on behalf of Charles S. Birenbaum, counsel of record for the Company.

WHEREFORE, the parties respectfully request that the Court grant this joint motion and dismiss both the petition for review and the cross-application for enforcement, with prejudice.

<p>For ORNI 8, LLC and ORPUNA, LLC d/b/a Puna Geothermal Venture:</p> <p><u>/s/ Charles S. Birenbaum</u> Charles S. Birenbaum Greenberg Traurig LLP 4 Embarcadero Center Suite 3000 San Francisco, CA 94111-5983 (415) 655-1300</p>	<p>For the National Labor Relations Board:</p> <p><u>/s/ Linda Dreeben</u> Linda Dreeben Deputy Associate General Counsel National Labor Relations Board 1015 Half Street, SE Washington, DC 20570 (202) 273-2960</p>
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Dated at Washington, D.C.
this 9th day of March 2016

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CERTIFICATE OF SERVICE

I hereby certify that, on March 9, 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
1015 Half Street, SE
Washington, D.C. 20570
(202) 273-2960

Dated at Washington, D.C.
This 9th day of March 2016