

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

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LATINO EXPRESS, INC.)	Case Nos.
Petitioner/Cross-Respondent)	15-1019 & 15-1031
)	
v.)	
)	
NATIONAL LABOR RELATIONS BOARD)	
)	
Respondent/Cross-Petitioner)	
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**JOINT MOTION OF THE PARTIES TO DISMISS THE PETITION FOR
REVIEW WITH PREJUDICE, AND THE CROSS-APPLICATION FOR
ENFORCEMENT WITHOUT PREJUDICE, OF AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD**

Pursuant to Fed. R. App. P. 42(b), the National Labor Relations Board (“the Board”), and Latino Express, Inc. (“the Company”), by their respective counsel, jointly move this Court to dismiss the petition for review, with prejudice, and the cross-application for enforcement, without prejudice, filed in the above-captioned cases. In support of their motion, the parties show as follows:

1. On December 15, 2014, the Board issued its Decision and Order against the Company, which is reported at 361 NLRB No. 137.
2. On January 22, 2015, the Company filed a petition for review of that decision, which the Court docketed as case number 15-1019. On February 10, the Board filed a cross-application for enforcement of its decision, which the Court docketed as case number 15-1031.

3. On October 30, 2015, the Court granted the parties' joint motion to suspend briefing and hold the cases in abeyance, pending settlement efforts.

4. During all stages of appellate litigation, the parties diligently sought to resolve the case without further litigation and the costs associated with such litigation. The parties have reached final agreement and the Company has satisfied the required settlement obligations, dispensing with the necessity of further litigation.

5. The Company therefore agrees to dismiss its petition for review with prejudice. Accordingly, the parties jointly request that the Court dismiss the petition for review in case number 15-1019 with prejudice.

6. The Company further agrees that the Board's cross-application for enforcement should be dismissed without prejudice to the Board's right to file a future application for enforcement of its Order in the event the Company fails to comply with the Order and with the terms of settlement. *See NLRB v. Mexia Textile Mills*, 339 U.S. 563, 567 (1950) (because "[a] Board order imposes a continuing obligation" and because "the Board is entitled to have [any] resumption of the unfair practice barred by an enforcement decree," an employer's compliance does not deprive the Board of the right to secure enforcement of the order from an appropriate court); *accord NLRB v. Raytheon Co.*, 398 U.S. 25, 27-28 (1970).

Accordingly, the parties jointly request that the Court dismiss the Board's cross-application for enforcement in case number 15-1031 without prejudice

7. Each party is to bear its own costs.

8. Counsel for the Company L. Steven Platt has authorized counsel for the Board to file this joint motion on the Company's behalf.

WHEREFORE, the parties respectfully request that the Court enter an order dismissing with prejudice the Company's petition for review, and dismissing without prejudice the Board's cross-application for enforcement of its Order.

Respectfully submitted,

/s/ Linda Dreeben
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/s/ L. Steven Platt
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Counsel for the Company

Dated: March 23, 2016

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v.)	
)	Board Case Nos.
NATIONAL LABOR RELATIONS BOARD)	13-CA-046528
)	13-CA-046529
Respondent/Cross-Petitioner)	13-CA-046634
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CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2016, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system. I certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

/s/ Linda Dreeben
Linda Dreeben
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Dated at Washington, DC
this 23 day of March 2016