

review and to dismiss, without prejudice, the Board's cross-application for enforcement in the above-captioned cases, and show:

1. The Company filed with the Court a petition to review the Board's decision and order in *Pennsylvania American Water Co.*, reported at 362 NLRB No. 18 (2015). The Board cross-applied for enforcement of its order.

2. The Company and the Board have since sought to resolve this case without further litigation or the costs associated with such litigation. The parties have reached such an agreement.

3. The parties, therefore, request that this Court dismiss, with prejudice, the Company's petition for review. The parties also ask that the Court dismiss the Board's cross-application without prejudice to the Board's right to file a future application for enforcement, if necessary, to enforce the "continuing obligation" imposed on the Company by the Board's Order. *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).

4. Each side is to bear its own costs.

5. Craig Brooks, counsel for the Company, has given the Board permission to sign this motion on his behalf.

6. Sam Pasquarelli, counsel for Intervenor Utility Workers Union of America, System Local 537, AFL-CIO (“the Union”), has stated that the Union consents to this motion.

WHEREFORE, the parties respectfully request that their joint and unopposed motion be granted, and that the petition for review be dismissed with prejudice and the cross-application for enforcement be dismissed without prejudice.

Respectfully submitted,

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Dated at Washington, DC
this 24th day of March 2016

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

PENNSYLVANIA AMERICAN)
WATER COMPANY)

Petitioner/Cross-Respondent)

v.)

Nos. 15-1694
15-1917

NATIONAL LABOR RELATIONS BOARD)

Respondent/Cross-Petitioner)

UTILITY WORKERS UNION OF AMERICA,)
SYSTEM LOCAL NO. 537, AFL-CIO)

Intervenor)

CERTIFICATE OF SERVICE

I certify that on March 24, 2016, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Third Circuit using the appellate CM/ECF system. I certify that all counsel of record are registered CM/ECF users and were served through the CM/ECF system.

/s/ Linda Dreeben

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Dated at Washington, DC
this 24th day of March 2016