

[ORAL ARGUMENT SCHEDULED APRIL 28, 2016]

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

THE OHIO EDISON COMPANY, A WHOLLY OWNED SUBSIDIARY OF FIRSTENERGY GENERATION CORP.	*
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	*
and	* Nos. 15-1783
	* 15-1929
FIRSTENERGY GENERATION CORP.	*
	*
Petitioners/Cross-Respondents	*
	*
v.	*
	* Board Case No.
NATIONAL LABOR RELATIONS BOARD	* 8-CA-99595
	*
Respondent/Cross-Petitioner	*

**MOTION OF THE NATIONAL LABOR RELATIONS BOARD
TO DIVIDE ORAL ARGUMENT TIME BETWEEN COUNSEL**

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

The National Labor Relations Board (“the Board”), by its Deputy Associate General Counsel, respectfully moves for divided oral argument to permit a second attorney from the Department of Justice (“DOJ”) to present argument during the Board’s allotted time. Oral argument is currently scheduled for April 28, 2016.

Divided argument is appropriate because this case involves issues of both NLRB-specific and government-wide interest. Per its statutory authority and usual practice, the Board is representing itself on NLRB-specific issues in this case. *See*

29 U.S.C. § 154(a). DOJ is representing the Board with regard to issues pertaining to the Federal Vacancies Reform Act (“FVRA”). A bifurcated argument is appropriate under the circumstances and will assist the Court in its deliberations.

The Board requests to divide its 15 minutes equally between Barbara Sheehy, who will discuss the merits of the case, and Benjamin M. Shultz, who will address FVRA matters presented in the case.

Respectfully submitted,

/s/ Linda Dreeben

Linda Dreeben
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National Labor Relations Board
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Dated at Washington, D.C.
this 25th day of March 2016

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CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2016, I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the Sixth Circuit by using the appellate CM/ECF system. I further certify that the 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, D.C.
this 25th day of March 2016