



United States Government

**NATIONAL LABOR RELATIONS BOARD**

**OFFICE OF THE GENERAL COUNSEL**

Washington, D.C. 20570

VIA CM/ECF

March 29, 2016

Deborah S. Hunt, Clerk  
United States Court of Appeals  
for the Sixth Circuit  
540 Potter Stewart U.S. Courthouse  
100 E. Fifth Street  
Cincinnati, OH 45202

RE: *Caterpillar Logistics Inc. v. NLRB*, (Nos. 15-1433, 15-1611)

Dear Ms. Hunt:

The National Labor Relations Board submits this response to the March 25 letter of Caterpillar Logistics, Inc. (“the Company”). In its letter, the Company erroneously contends that one issue pending before the Court is the legitimacy of the Board’s direction of a second election.

Contrary to the Company’s suggestion, and as the Company acknowledged on page 28 of its reply brief and during oral argument, binding precedent provides that the election proceeding is not before the Court. *See* Board Br. 39-40, and cases cited; *accord NLRB v. Webcor Packaging, Inc.*, 118 F.3d 1115, 1124-25 (6th Cir. 1997); *U.S. Elec. Motors v. NLRB*, 722 F.2d 315, 320 (6th Cir. 1983). Accordingly, the results of the second election have no bearing on the instant case, in which the Board seeks enforcement of its final Order, finding that the Company violated Section 8(a)(1) and (3) of the National Labor Relations Act.

Very truly yours,

Linda Dreeben  
Deputy Associate General Counsel

By: /s/ Valerie L. Collins  
Valerie L. Collins  
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cc: all counsel (via CM/ECF)