

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

REMINGTON LODGING &)
HOSPITALITY, LLC)
)
Petitioner/Cross-Respondent)
)
v.) No. 16-60106
)
NATIONAL LABOR RELATIONS BOARD)
)
Respondent/Cross-Petitioner)

**NATIONAL LABOR RELATIONS BOARD’S UNOPPOSED MOTION
FOR A 50-DAY EXTENSION OF TIME TO FILE ITS BRIEF**

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

The National Labor Relations Board (“the Board”), by its Deputy Associate General Counsel, respectfully moves this Court for a 50-day extension of time, to and including August 24, 2016, for the filing of the Board’s brief in this case. In support of this motion, the Board shows as follows:

1. The Board’s brief is currently due July 5, 2016. The Board has not previously requested an extension of time. The Company requested a 30-day extension to file their opening brief, and the Court granted a 14-day extension.
2. Oral argument has not been scheduled.
3. Elizabeth Heaney, who will be primarily responsible for supervising the Board’s brief in this case, works a part-time schedule of 32 hours per week and is responsible for also supervising the briefs in the following cases: (1) *Hoot Winc*,

LLC. v. NLRB, 9th Cir. Nos. 15-72839 (due June 3, 2016); (2) *Countrywide Financial Corp. v. NLRB*, 9th Cir. Nos. 15-72700, 15-73222 (due June 15, 2016); (3) *The Rose Group v. NLRB*, 3rd Cir. Nos. 15-4092, 16-1212 (due June 23, 2016); (4) *Employers Resource v. NLRB*, 5th Cir. Case. No. 16-60034 (due June 30, 2016); (5) *Four Seasons v. NLRB*, D.C. Cir. Case No. 16-1080 (due July 29, 2016); and (6) *Cowabunga, Inc. v. NLRB*, 11th Cir. 16-10932 (due August 8, 2016). The Board has already sought and received extensions in *Hoot Winc*, *Countrywide*, *The Rose Group*, and *Employers Resource*, and, as such, will likely be unable to secure any further extensions.

In addition to the above briefing schedules, Ms. Heaney has two pre-planned and pre-paid vacations scheduled, both involving significant nonrefundable travel tickets and lodging, from July 18- July 22 and from August 8 through August 12.

4. David Casserly, who will be primarily responsible for writing the brief in this case, is also responsible for briefs in the following cases: (1) *Hoot Winc, LLC. v. NLRB*, 9th Cir. Nos. 15-72839 (due June 3, 2016); (2) *Countrywide Financial Corp. v. NLRB*, 9th Cir. Nos. 15-72700, 15-73222 (due June 15, 2016); and (5) *Four Seasons v. NLRB*, D.C. Cir. Case No. 16-1080 (due July 29, 2016). The Board has already sought and received extensions in *Hoot Winc* and *Countrywide*, and, as such, will likely be unable to secure any further extensions.

In addition, Mr. Casserly has a pre-planned, pre-paid international vacation scheduled, which involves significant nonrefundable travel tickets (including overseas flights) and lodging, from June 17 through July 10.

5. Due to Board counsels' above-described commitments, it will not be possible for Board counsel, with due diligence and giving priority to the preparation of the brief, to file the brief on time, and given both counsels' extended absences from the office a Level 1 extension of 30 days would be insufficient.

6. The Board therefore requests a 50-day extension, to and including August 24, 2016, to complete its brief.

7. Counsel for the Board contacted the Company's counsel, and he represented that the Company does not oppose this motion.

WHEREFORE, the Board respectfully requests that the Court grant its unopposed motion for a 50-day extension of time for the filing of the Board's brief.

Respectfully submitted,

/s/ Linda Dreeben

Linda Dreeben
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Dated at Washington, D.C.
this 6th day of June, 2016

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Petitioner)	
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CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2016, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the CM/ECF system. I certify that the foregoing document will be served via the CM/ECF system on the following counsel, who is a registered CM/ECF user:

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Dated at Washington, D.C.
this 6th day of June, 2016