

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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COLONIAL PARKING, INC.	)	
	)	
	)	Nos. 16-1039
Petitioner/Cross-Respondent	)	16-1095
	)	
v.	)	
	)	Board Case Nos.
NATIONAL LABOR RELATIONS BOARD	)	5-CA-141241
	)	
Respondent/Cross-Petitioner	)	
	)	

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**JOINT MOTION TO DISMISS THE PETITION FOR REVIEW AND  
CROSS-APPLICATION FOR ENFORCEMENT WITHOUT PREJUDICE**

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

Pursuant to Federal Rule of Appellate Procedure 42(b), the National Labor Relations Board (“the Board”), by its Deputy Associate General Counsel, and Colonial Parking, Inc. (“the Company”), by its counsel, respectfully move that the Court grant the parties leave to voluntarily dismiss their appeals without prejudice.

In support of this motion, the parties show as follows:

1. This case is before the Court on the Company’s petition to review, and the Board’s cross-application to enforce, a Board Order issued against the Company on January 5, 2016. *See* 363 NLRB No. 90.

2. On May 12, 2016, the Court issued a briefing order, making the Company's opening brief due on June 24, 2016, the Board's answering brief due on July 25, 2016, and the Company's reply brief due on August 8, 2016.

3. Since the issuance of the above briefing order, the parties have diligently sought to resolve this case without further litigation and the costs associated with such litigation. The parties have now finalized a compliance agreement, and the Company has satisfied nearly all of its obligations under that agreement, eliminating the need for further litigation.

4. Accordingly, pursuant to the terms of the agreement, the parties respectfully request that the court dismiss the present appeals without prejudice. *See also 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).

5. Each party is to bear its own costs.

6. The Company's attorneys have authorized Board counsel to sign this motion on their behalf.

WHEREFORE, the parties respectfully request that the Court grant this joint motion and dismiss both the petition for review and the cross-application for enforcement, without prejudice.

<p><b>For Colonial Parking, Inc.:</b></p> <p><u>/s/ Mark W. DeLaquil</u> Mark W. DeLaquil Baker &amp; Hostetler LLP 1050 Connecticut Ave., NW Washington Sq., Suite 1100 Washington, DC 20036-5304 (202) 861-1500</p> <p><u>/s/ Peter Glenn Fischer</u> Peter Glenn Fischer Baker &amp; Hostetler LLP 1050 Connecticut Ave., NW Washington Sq., Suite 1100 Washington, DC 20036-5304 (202) 861-1500</p> <p><u>/s/ Jay Paul Krupin</u> Jay Paul Krupin Baker &amp; Hostetler LLP 1050 Connecticut Ave., NW Washington Sq., Suite 1100 Washington, DC 20036-5304 (202) 861-1500</p>	<p><b>For the National Labor Relations Board:</b></p> <p><u>/s/ Linda Dreeben</u> Linda Dreeben Deputy Associate General Counsel National Labor Relations Board 1015 Half Street, SE Washington, DC 20570 (202) 273-2960</p>
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Dated at Washington, D.C.  
this 23rd day of June 2016

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CERTIFICATE OF SERVICE

I hereby certify that, on June 23, 2016, I electronically filed the foregoing Motion with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. I further certify that all counsel of record are registered CM/ECF users and have been served through the CM/ECF system.

/s/ Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
NATIONAL LABOR RELATIONS BOARD  
1015 Half Street, SE  
Washington, D.C. 20570  
(202) 273-2960

Dated at Washington, D.C.  
This 23rd day of June 2016