

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

WAFFLE HOUSE, INC.)	
)	
)	
Petitioner)	
)	
v.)	No. 16-60077
)	
NATIONAL LABOR RELATIONS BOARD)	
)	
Respondent)	
)	
)	

**STATUS REPORT BY
THE NATIONAL LABOR RELATIONS BOARD**

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

The National Labor Relations Board (“the Board”) provides the following
update regarding the above-captioned case:

1. On February 26, 2016, the Court placed this case in abeyance pending the outcome of *Murphy Oil USA, Inc. v. NLRB*, 808 F.3d 1013 (5th Cir. 2015).
2. On May 23, 2016, the Court issued a Letter of Advisement informing the parties that it removed the case from abeyance “in light of the mandate issuing in” *Murphy Oil*. The next day, the Court sent a follow-up Memorandum requesting that the parties “disregard the letter issued on May 23, 2016” and informing the parties that the case “remains in abeyance pending the time for

petitioning the Supreme Court for a writ of certiorari has passed.” The ECF notice instructed that a Stay Follow-up be filed on June 23, 2016.

3. The due date to file a petition for certiorari in the Supreme Court, should the government file one, is August 11, 2016. The government is currently determining whether to file a petition. Pursuant to the Court’s May 24, 2016 Memorandum, this case is to remain in abeyance while the government makes that determination.

Respectfully submitted,

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
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Dated at Washington, DC
this 27th day of June, 2016

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CERTIFICATE OF SERVICE

I certify that on June 27, 2016, the foregoing motion was filed with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system, and that all counsel are registered CM/ECF users.

/s/ Linda Dreeben

Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570

Dated at Washington, DC
this 27th day of June, 2016