

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

MASTEC SERVICES COMPANY, INC.)

Petitioner)

v.)

NATIONAL LABOR RELATIONS BOARD)

Respondent)

No. 16-60011

**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 4, 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), and instructed that a “Stay Follow-up” be filed. On May 25, 2016, the Court updated the Stay Follow-up deadline to June 24, 2016.

2. On February 18, 2016, the Court entered judgment in *Murphy Oil*. The Board filed a petition for rehearing on April 18, which the Court denied on May 13, 2016. 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.

3. On June 26, 2016, MasTec Services Company, Inc., filed a motion to lift the stay and for summary reversal. The Board filed an opposition to that motion on July 1, 2016. As explained in the Board's opposition, it is appropriate for this case to remain in abeyance while the government determines whether to seek certiorari.

Respectfully submitted,

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570
(202) 273-2960

Dated at Washington, DC
this 8th day of July, 2016

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CERTIFICATE OF SERVICE

I certify that on July 8, 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 8th day of July, 2016