

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

LOGISTICARE SOLUTIONS,	)	
INCORPORATED,	)	
	)	
Petitioner/Cross-Respondent	)	No. 16-60029
	)	
v.	)	
	)	Board Case No.
NATIONAL LABOR RELATIONS BOARD,	)	16-CA-134080
	)	
Respondent/Cross-Petitioner	)	
	)	

**UNOPPOSED MOTION  
OF THE NATIONAL LABOR RELATIONS BOARD  
TO ASSIGN CASES TO THE SAME PANEL  
AND HOLD ORAL ARGUMENT ON THE SAME DATE**

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

The National Labor Relations Board (“the Board”), by its Deputy Associate General Counsel, respectfully submits this unopposed motion to assign this case to the same panel as *Convergys Corporation v. NLRB*, 5th Cir. No. 15-60860, and schedule both cases for oral argument on the same date. The Board specifically requests that these cases not be consolidated for oral argument. In support thereof, the Board shows as follows:

1. LogistiCare Solutions, Inc. (“LogistiCare”) has filed a petition for this Court to review the Board’s Decision and Order in *Logisticare Solutions, Inc.*, 363

NLRB No. 85 (Dec. 24, 2015), and the Board has filed a cross-application to have its Order enforced.

2. Convergys Corporation has petitioned to review the Board's Decision and Order in *Convergys Corp.*, 363 NLRB No. 51 (Nov. 30, 2015). The Board has also cross-applied for enforcement. *See Convergys Corp. v. NLRB*, 5th Cir. No. 15-60860.

3. Both cases are fully briefed and tentatively scheduled for oral argument the week of September 26, 2016.

4. The Board requests that the Court assign these cases to the same panel because they share a common issue: whether an employer violates Section 8(a)(1) of the National Labor Relations Act, 29 U.S.C. § 151, et seq., by requiring its employees to file any claims or lawsuits as individuals rather than as members of a class or group. Granting this motion will conserve the Court's resources by having one panel decide that common issue, and will avoid any possibility of inconsistent rulings between cases.

5. The Board further requests that the Court schedule both cases for oral argument on the same date because both cases were briefed, and will be argued, by the same Board counsel, who must travel to the Court from Washington, DC. However, the Board specifically requests that these cases *not* be consolidated into a

single argument, as this would hinder the ability of the Court and the parties to address issues and arguments specific to each case.

6. Pursuant to Local Rule 27.4, the Board contacted Lawrence J. McNamara, counsel for LogistiCare, who indicated that he does not oppose the relief sought in this motion. Mr. McNamara also indicated that LogistiCare, like the Board, requests that these cases not be consolidated into one argument.

WHEREFORE, the Board respectfully requests that the Court grant this unopposed motion to assign this case to the same panel as *Convergys Corporation v. NLRB*, 5th Cir. No. 15-60860, and schedule both cases for oral argument on the same date.

Respectfully submitted,

s/ Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half Street S.E.  
Washington, DC 20570-0001  
(202) 273-1714

Dated at Washington, DC  
this 22nd day of July 2016

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CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2016, I electronically filed the foregoing with the Clerk for the Court of the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system. I further certify that this document was served on all parties or their counsel of record through the appellate CM/ECF system.

s/ Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half Street S.E.  
Washington, DC 20570-0001  
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Dated at Washington, DC  
this 22nd day of July 2016