



United States Government

NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

VIA CM/ECF

October 17, 2016

Lyle W. Cayce, Esquire
Clerk of the Court
U. S. Court of Appeals
for the Fifth Circuit
600 S. Maestri Place
New Orleans, LA 70130

Re: *Employers Resource v. NLRB*, No. 16-60034

Dear Mr. Cayce:

The National Labor Relations Board submits this letter pursuant to Federal Rule of Appellate Procedure 28(j). The Board advises the Court of several petitions filed with the Supreme Court seeking a writ of certiorari.

In its responsive brief, the Board cited to *Lewis v. Epic Systems Corp.*, 823 F.3d 1147 (7th Cir. 2016). Appellee Epic Systems has filed a petition with the Supreme Court seeking a writ of certiorari to review the Seventh Circuit's judgment, Case No. 16- 285 (Sep. 2, 2016).

On September 6, 2016, the Board advised the Court of the Ninth Circuit's decision in *Morris v. Ernst & Young LLC*, No. 13-16599, 2016 WL 4433080 (9th Cir. Aug. 22, 2016). Appellee Ernst & Young LLC has filed a petition with the Supreme Court seeking a writ of certiorari to review the Ninth Circuit's judgment, Case No. 16-300 (Sep. 8, 2016).

The Board's brief also cites to *Murphy Oil USA, Inc. v. NLRB*, 808 F.3d 1013 (5th Cir. 2015). Appellee Board has filed a petition with the Supreme Court seeking a writ of certiorari to review the Fifth Circuit's judgment, Case No. 16-307 (Sep. 9, 2016).

On September 8, 2016, the Board advised the Court of the Second Circuit's decision in *Patterson v. Raymours Furniture Co.*, No. 15-2820-cv, 2016 WL 4598542 (Sep. 2, 2016). Appellant Connie Patterson has also filed a petition with the Supreme Court seeking a writ of certiorari to review the Second Circuit's judgment, Case No. 16-388 (Sep. 22, 2016).

Very truly yours,

/s/ Linda Dreeben

Linda Dreeben

Deputy Associate General Counsel

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cc: all counsel (via CM/ECF)