



United States Government

NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

Mark J. Langer, Esquire
Clerk, United States Court of Appeals
for the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W., Room 5423
Washington, DC 20001-2866

November 28, 2016

RE: *800 River Road Operating Co. v. NLRB*, Nos. 15-1204, 15-1281
(argued November 15, 2016)

Dear Mr. Langer:

At argument, Judge Millett asked for case law supporting the proposition that witnesses at a post-election hearing on objections must have direct knowledge of objectionable conduct to overturn an election. The Board submitted a post-argument letter on November 18, respectfully referring the Court to the cases cited on page 21 of its final brief in support of that proposition: *Transcare NY, Inc.*, 355 NLRB 326, 326 (2010) and *City Wide Insulation of Madison, Inc.*, 338 NLRB 793, 795 (2003). On November 22, Woodcrest submitted a response to the Board's letter, in which it referred to cases cited on page 21 of the Board's proof brief.

Respectfully submitted,

/s/ Linda Dreeben

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cc: Counsel of record (by the Court's electronic filing system)