

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

MARLIN O. OSTHUS, Regional Director
of the Eighteenth Region of the National
Labor Relations Board, for and on behalf of
the NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

TRUSTONE FINANCIAL FEDERAL CREDIT
UNION,

Respondent

Civil No. 0:16-cv-168-SRN-KMM

**MOTION FOR VOLUNTARY DISMISSAL UNDER
RULE 41(A)(2) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Counsel for the Petitioner, Marlin O. Osthus, Regional Director of Region 18 of the National Labor Relations Board (“Board”), respectfully moves for the voluntary dismissal with prejudice of this case pursuant to Federal Rule of Civil Procedure 41(a)(2). In support thereof, Petitioner states as follows:

1. On January 25, 2016, Petitioner filed with this Court a Petition for Preliminary Injunction (Petition) under Section 10(j) of the National Labor Relations Act, 29 U.S.C. §160(j), based upon charges filed with the Board by the Office and Professional Employees International Union, Local

12 (“Union”), alleging that Respondent had committed unfair labor practices.

2. On April 26, 2016, this Court partially denied, partially granted Petitioner’s Petition, and ordered Respondent to take certain affirmative actions.

3. Respondent has been in compliance with the Court’s Order since approximately April 26, 2016.

4. About November 30, 2016, Respondent and the Union resolved the dispute underlying the unfair labor practice charges with the Board, and requested that the charges, then pending before the Board Members for consideration of an appeal of a Board administrative law judge decision, be remanded to the Regional Director of Region 18 for processing of a withdrawal request.

5. On December 21, 2016, the Board Members remanded these charges to the Regional Director, and on December 27, 2016, the Regional Director approved the Union’s request to withdraw the charges filed against Respondent.

6. As a result of the settlement negotiated by Respondent and the Union and the Union’s withdrawal of the unfair labor practice charges, obviating any need to continue the adjudication of this matter, Petitioner seeks dismissal of the Petition pending before this Court.

7. Accordingly, Petitioner respectfully moves that this Court grant its Motion to Voluntarily Dismiss the Petition with prejudice.

Dated: January 6, 2017.

Respectfully submitted, ¹

/s/ Ashok Bokde

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¹ Pursuant to LR 5.4, service on Respondent is accomplished through the Court's electronic transmission processes, therefore, and per LR 5.4, no Certificate of Service is being filed.