

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	)	
	)	
Petitioner/Cross-Respondent	)	
	)	
v.	)	Nos. 16-1882, 16-2027
	)	
VHS OF MICHIGAN, INC. d/b/a	)	
DETROIT MEDICAL CENTER	)	
Respondent/Cross-Petitioner	)	

**STIPULATION TO VOLUNTARILY DISMISS,  
WITH PREJUDICE, THE CROSS-PETITION FOR REVIEW  
AND TO DISMISS, WITHOUT PREJUDICE,  
THE APPLICATION FOR ENFORCEMENT**

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

Pursuant to Federal Rule of Appellate Procedure 42(b) and Rule 33 of the local rules of this Court, VHS of Michigan, Inc. d/b/a Detroit Medical Center (“the Center”), by its counsel, and the National Labor Relations Board (“the Board”), by its Deputy Associate General Counsel, respectfully submit this stipulation to voluntarily dismiss, with prejudice, the Center’s cross-petition for review and to dismiss, without prejudice, the Board’s application for enforcement in the above-captioned case, and show:

1. On March 29, 2016, the Board issued a Decision and Order (363 NLRB No. 155) (“the Order”) against the Center. On June 27, 2016, the Board filed an

application for enforcement of its Order in this Court. The Center filed a cross-petition for review of the Order on July 18, and the Court consolidated the cases. (See 6th Cir. Nos. 16-1882, 16-2027.)

2. Since then, the Center and the Board have sought to resolve these consolidated cases without further litigation or the costs associated with such litigation. The parties have reached such an agreement.

3. The parties, therefore, request that this Court dismiss, with prejudice, the Center's cross-petition for review. The parties also ask that the Court dismiss the Board's application for enforcement without prejudice to the Board's right to file a future application for enforcement, if necessary, to enforce the "continuing obligation" imposed on the Center by the Board's Order. See *NLRB v. Mexia Textile Mills*, 339 U.S. 563, 567 (1950) (Because "[a] Board order imposes a continuing obligation" and because "the Board is entitled to have [any] resumption of the unfair practice barred by an enforcement decree," an employer's compliance does not deprive the Board of the right to secure enforcement of the order from an appropriate court). Accord *NLRB v. Raytheon Co.*, 398 U.S. 25, 27-28 (1970).

4 Each side is to bear its own costs.

5. Kevin Joseph Campbell and Shaun Phillip Ayer, Counsel for the Center, have given the Board permission to sign this stipulation on their behalf.

WHEREFORE, the parties respectfully request that, pursuant to this stipulation, the cross-petition for review be dismissed with prejudice and the application for enforcement be dismissed without prejudice.

Respectfully submitted,

For the Board:

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

Dated: January 30, 2017

For the Center:

/s/ Kevin Joseph Campbell  
/s/ Shaun Phillip Ayer  
The Allen Law Group PC  
3011 West Grand Boulevard, Suite 2500  
Detroit, MI 48202

Dated: January 30, 2017

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 30, 2017, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the CM/ECF system. I certify that all counsel are registered CM/ECF users and will be served via the CM/ECF system.

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

Dated at Washington, D.C.  
this 30th day of January, 2017