

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

<b>ST. REGIS ENTERPRISES, LLC</b>	)	
	)	
<b>Petitioner/Cross-Respondent</b>	)	
	)	<b>Nos. 16-2562</b>
<b>v.</b>	)	<b>16-2725</b>
	)	
<b>NATIONAL LABOR RELATIONS BOARD</b>	)	
	)	
<b>Respondent/Cross-Petitioner</b>	)	
<hr/>	)	

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

To the Honorable, the 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, the National Labor Relations Board (“the Board”), by its Deputy Associate General Counsel, and St. Regis Enterprises, LLC (“the Company”), by its counsel, respectfully submit this stipulation to voluntarily dismiss with prejudice the Company’s petition for review, and to dismiss without prejudice the Board’s cross-application for enforcement in the above captioned cases. In support of their joint motion, the parties show:

1. On October 27, 2016, the Board issued a Decision and Order (364 NLRB No. 137) (“the Order”) against the Company. On November 4, 2016, the Company filed a petition to review the Board’s Order in this Court. The Board

filed a cross-application for enforcement of its Order on December 13, and the Court consolidated the cases. *See* 6th Cir. Nos. 16-2562, 16-2725.

2. Since then, the Company has complied with the Board's Order in a manner satisfactory to the Board, thus dispensing with the need for further litigation or the costs associated with such litigation.

3. The parties, therefore, respectfully request that this Court dismiss, with prejudice, the Company's petition for review. The parties also ask that the Court dismiss the Board's cross-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 Company 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. Samuel McCargo, counsel for the Company, has given the Board permission to sign this stipulation on his behalf.

WHEREFORE, the parties respectfully request that, pursuant to this stipulation, the petition for review be dismissed with prejudice, and the cross-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, S.E.  
Washington, D. C. 20570  
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For the Company:

/s/ Samuel E. McCargo  
Samuel E. McCargo  
Lewis & Munday  
535 Griswold Street Suite 2300  
Detroit, MI 48226  
(313) 961-2550

Dated at Washington, D.C.  
this 2nd day of February 2017

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<b>Respondent/Cross-Petitioner</b>	)	
	)	

**CERTIFICATE OF SERVICE**

I hereby certify that, on February 2, 2017, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the appellate CM/ECF system. I further certify that I served the status report on all parties or their counsel of record through the CM/ECF system, as all counsel are registered users.

/s/ Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
NATIONAL LABOR RELATIONS BOARD  
1015 Half Street, S.E.  
Washington, D.C. 20570

Dated at Washington, D.C.  
this 2nd of February, 2017