

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

SABO, INC.)	
)	
Petitioner/Cross-Respondent)	
)	
v.)	Nos. 15-1134
)	15-1169
NATIONAL LABOR RELATIONS BOARD)	
Respondent/Cross-Petitioner)	

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

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

Pursuant to Federal Rule of Appellate Procedure 42(b), Sabo, Inc., by its counsel, and the National Labor Relations Board, by its Deputy Associate General Counsel, respectfully move the Court for leave to voluntarily dismiss, with prejudice, Sabo’s petition for review and to dismiss, without prejudice, the Board’s cross-application for enforcement in the above-captioned cases, and show:

1. Sabo filed with the Court a petition to review the Board’s decision and order in *Sabo, Inc.*, reported at 362 NLRB No. 81 (2015). The Board cross-applied for enforcement of its order, and the Court consolidated the appeals.

2. Sabo and the Board have since 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, Sabo's petition for review. The parties also ask that the Court dismiss the Board's cross-application without prejudice to the Board's right to file a future application for enforcement, if necessary, to enforce the "continuing obligation" imposed on Sabo 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). Further, the parties in their settlement agreement agreed to dismissal of the Board's cross-application without prejudice.

4. Each side is to bear its own costs.

5. Thomas M. Triplett, counsel for Sabo, has given the Board permission to sign this motion on his behalf.

WHEREFORE, the parties respectfully request that their joint and unopposed motion be granted, and that 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 SE
Washington, D.C. 20570
(202) 273-2960

Dated: March 24, 2017

For Sabo:

/s/ Thomas M. Triplett
Schwabe, Williamson & Wyatt
1900 Pacwest Center
1211 SW Fifth Avenue
Portland, OR 97204
(503) 796-2901

Dated: March 24, 2017

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that its motion contains 453 words of proportionally-spaced, 14-point type, the word processing system used was Microsoft Word 2010.

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

Dated at Washington, DC
this 24th day of March, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2017, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system. I certify that the foregoing document will be served via the CM/ECF system on the parties and their counsel, who are registered CM/ECF users:

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

Dated at Washington, D.C.
this 24th day of March, 2017