

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

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FOUR SEASONS ENVIRONMENTAL, INC.	)	
	)	
	)	Nos. 16-1080
Petitioner/Cross-Respondent	)	16-1117
	)	
v.	)	
	)	Board Case Nos.
NATIONAL LABOR RELATIONS BOARD	)	10-CA-164737
	)	10-RC-144025
Respondent/Cross-Petitioner	)	
and	)	
	)	
INTERNATIONAL UNION OF OPERATING	)	
ENGINEERS, LOCAL 926	)	
	)	
Intervenor	)	

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**JOINT MOTION TO VOLUNTARILY DISMISS APPEALS**

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

Pursuant to Federal Rule of Appellate Procedure 42(b), the National Labor Relations Board (“the Board”), by its Deputy Associate General Counsel, and Four Seasons Environmental, Inc. (“the Company”), by its counsel, respectfully move the Court for leave 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 case. Intervenor, the International Union of

Operating Engineers, Local 926 (“the Union”), does not oppose. In support of their joint motion, the parties state as follows:

1. This case is before the Court on the Company’s petition to review, and the Board’s cross-application to enforce, a Board Order issued against the Company on February 12, 2016. *See* 363 NLRB No. 115. The Order is based on the Board’s finding that the Company unlawfully refused to recognize and bargain with the Union.

2. On March 2, 2016, the Company petitioned for review of that Order in this Court. The Board cross-applied for enforcement of its Order on April 14, and the Court consolidated the appeals. The Union moved to intervene on March 21, and the Court granted that motion.

3. The parties have sought to resolve the case without further litigation or the costs associated with such litigation. The Board, the Union, and the Company have reached such an agreement with respect to all claims, which dispenses with the necessity for further litigation.

4. The parties, therefore, request that the Court dismiss the Company’s petition for review with prejudice, and dismiss the Board’s cross-application for enforcement without prejudice to the Board’s right to file a future application for enforcement in the event that the Company fails to meet its prospective obligations under the 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); *SFO Good-Nite Inn, LLC v. NLRB*, 700 F.3d 1, 11 (D.C. Cir. 2012).

5. Each party is to bear its own costs.

6. The Company’s counsel and the Union’s counsel have authorized the Board’s counsel to sign on their behalves.

WHEREFORE, the parties respectfully request that the Court grant this joint motion, dismiss the Company’s petition for review with prejudice, and dismiss the Board’s cross-application for enforcement without prejudice.

Respectfully submitted,

/s/ Charles P. Roberts, III

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/s/ Linda Dreeben

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Dated at Washington, DC  
This 28th day of March, 2017

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ENGINEERS, LOCAL 926	)	
	)	
Intervenor	)	

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**CERTIFICATE OF COMPLIANCE**

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that its motion contains 604 words of proportionally-spaced, 14-point type, the word processing system used was Microsoft Word 2010.

/s/Linda Dreeben  
Linda Dreeben  
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Dated at Washington, D.C.  
this 28th day of March 2017

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 28, 2017 I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the CM/ECF system. I certify that the foregoing document will be served via the CM/ECF system on the following counsel, who are registered CM/ECF users.

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Dated at Washington, D.C.  
this 28th day of March 2017