



United States Government  
**NATIONAL LABOR RELATIONS BOARD**  
**OFFICE OF THE GENERAL COUNSEL**  
Washington, D.C. 20570

VIA ECF  
June 19, 2017

Mark J. Langer, Esquire  
Clerk, United States Court of Appeals  
for the District of Columbia Circuit  
E. Barrett Prettyman U.S. Courthouse  
333 Constitution Avenue, N.W., Room 5423  
Washington, DC 20001-2866

**ORAL ARGUMENT HEARD MARCH 13, 2017**

Re: *Rhino Northwest, LLC v. NLRB*, DC Cir. Nos. 16-1089 & 16-1115

Dear Mr. Langer:

Under FRAP Rule 28(j), the Board writes to advise the Court that the Supreme Court today denied the employer's petition for writ of certiorari filed in *Macy's, Inc. v. NLRB*, No. 16-1016, 2017 WL 698797, *denying review of Macy's, Inc. v. NLRB*, 824 F.3d 557 (5th Cir. 2016), which upheld the Board's *Specialty Healthcare* standard and its application of that standard to the record facts. Here, the Board relied on the Fifth Circuit's decision in its brief to the Court. (Br. 20, 21, 23, 25, 27, 29, 45, 46, 48, 49, 50, 52, 53, 54, 55.)

Respectfully submitted,

/s/Linda Dreeben

Linda Dreeben  
Deputy Associate General Counsel  
National Labor relations Board  
1015 Half St., S.E.  
Washington, DC 20570  
(202) 273-2960

cc: All counsel (via CM/ECF)

Jun 19, 2017.

2017 WL 698797 (Mem)

MACY'S, INC. V. NLRB

No. 16-1016.

|

**Opinion**

The petition for writ of certiorari is denied.

**All Citations**

--- S.Ct. ----, 2017 WL 698797 (Mem)

---

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.