

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

NATIONAL LABOR RELATIONS BOARD	)	
	)	
Petitioner	)	
	)	
v.	)	No. 16-73632
	)	
NOEL CANNING, A DIV. OF THE NOEL	)	
CORPORATION	)	
	)	
Respondent	)	

**UNOPPOSED MOTION OF  
THE NATIONAL LABOR RELATIONS BOARD  
TO CONTINUE ABEYANCE PENDING SETTLEMENT**

The National Labor Relations Board (the Board) respectfully moves the Court to continue to hold the above-captioned case in abeyance during settlement discussions for the following reasons:

1. This case is before the Court on the Board’s application to enforce a Board Order issued against Noel Canning, a Division of the Noel Corporation (the Company) on July 14, 2016. *See* 364 NLRB No. 45 (Board Case No. 19-CA-145344).
  
2. On March 23, 2017, the Court granted the Board’s unopposed motion to stay appellate proceedings pending settlement, and placed the case in abeyance until June 21.

3. The parties have agreed to a global settlement of this case, as well as another case that is currently pending before the Board (Board Case No. 19-CA-169060). The settlement provides that when the Board approves the global settlement agreement, a consolidated Board Order will issue covering both this case as well as the case pending before the Board. The parties transmitted the settlement agreement to the Board for approval on April 11. The Board has not yet formally approved the settlement agreement or issued a consolidated Order.

4. Filing the record would divest the Board of jurisdiction to modify its Order under Section 10(e) of the National Labor Relations Act, 29 U.S.C. § 160(e).

5. Board counsel has contacted Gary Lofland, counsel for Noel Canning, who indicated that Noel Canning agrees to continue the stay pending the Board's approval of the global settlement agreement.

WHEREFORE, the Board respectfully requests that the Court continue to hold this case in abeyance pending settlement.

Respectfully submitted,

/s/ Linda Dreeben  
Linda Dreeben, Attorney for the Board  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half Street S.E., Washington, DC 20570  
(202) 273-2960

Dated at Washington, DC  
This 20th day of June, 2017

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**CERTIFICATE OF COMPLIANCE**

Pursuant to Federal Rule of Appellate Procedure 27(d)(2), the Board certifies that this motion contains 344 words of proportionally-spaced, 14-point type, and 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

Dated at Washington, DC  
this 20th day of June, 2017

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 20, 2017, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. I further certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF.

/s/ Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half Street, SE  
Washington, DC 20570

Dated at Washington, DC  
this 20th day of June 2017