

**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 WITHDRAW ENFORCEMENT APPLICATION**

Pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure and this Court’s General Orders, Appendix A No. 40, the National Labor Relations Board (the Board) respectfully moves to withdraw its application for enforcement in the above case. In support of its motion, the Board states:

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. The parties have executed a settlement agreement covering all allegations in this case. The settlement provided that a new Board Order would issue. On

June 20, the Board approved the settlement and issued a new Order supplanting the Order at issue in this proceeding.

3. The application for enforcement refers to a Board Order that has been supplanted and is therefore moot.

4. No party has borne costs in this proceeding.

5. Board counsel has contacted Gary Lofland, counsel for Noel Canning, who indicated that Noel Canning agrees to the Board's withdrawal of its application for enforcement.

WHEREFORE, the Board respectfully requests that the Court grant its motion to withdraw the enforcement application and dismiss the case.

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 26th day of June, 2017

**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)	

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 27(d)(2), the Board certifies that this motion contains 292 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 26th day of June, 2017

**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)	

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 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 26th day of June 2017