

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

U.S. XPRESS ENTEPRISES, INC.)	
)	
Petitioner)	
)	
v.)	No. 15-60871
)	
NATIONAL LABOR RELATIONS BOARD)	
)	
Respondent)	

**STATUS REPORT BY
THE NATIONAL LABOR RELATIONS BOARD**

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

The National Labor Relations Board (“the Board”) provides the following update regarding the above-captioned case:

1. On September 19, 2016, the Court placed this case in abeyance pending ruling in the Supreme Court in *NLRB v. Murphy Oil USA, Inc.*, No. 16-307; *Lewis v. Epic Sys. Corp.*, No. 16-285; and *Morris v. Ernst & Young, LLP*, No. 16-300.

2. On January 13, 2017, the Supreme Court granted certiorari in all three of those cases. On June 9, 2017, the opening briefs were filed by Murphy Oil, Epic Systems, and Ernst & Young and, on June 16, amicus briefs in support of those briefs were filed. The Board’s brief is due on August 9. Therefore, the

proceedings are not completed and it is appropriate for this case to remain in abeyance.

Respectfully submitted,

/s/ Linda Dreeben

Linda Dreeben

Deputy Associate General Counsel

National Labor Relations Board

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Dated at Washington, DC
this 19th day of June 2017

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CERTIFICATE OF SERVICE

I certify that on June 19, 2017, the foregoing status report was filed with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system, and that all counsel are registered CM/ECF users.

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, SE
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Dated at Washington, DC
this 19th day of June 2017