

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

ROSS STORES, INC.	)	
	)	
Petitioner	)	
	)	
v.	)	No. 15-60916
	)	
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 until completion of proceedings in the Supreme Court in *Murphy Oil USA, Inc. v. NLRB* (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, 2017, amicus briefs in support of those parties were filed. On August 9, 2017, the Board filed its brief, as did Respondents Jacob Lewis, Stephen Morris, and Sheila Hobson. Amicus briefs in support of those parties were filed on August 16, 2017. Oral argument is scheduled for October 2, 2017. 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  
1015 Half Street, SE  
Washington, DC 20570  
(202) 273-2960

Dated at Washington, DC  
this 18th day of August 2017

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**CERTIFICATE OF SERVICE**

I certify that on August 18, 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  
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Dated at Washington, DC  
this 18th day of August 2017