

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

THE ARDIT COMPANY)	
)	
Petitioner)	
)	
v.)	
)	
NATIONAL LABOR RELATIONS BOARD)	No. 16-1381
)	Board Case Nos.
Respondent)	09-CA-089159, et al.
)	
and)	
)	
INTERNATIONAL UNION OF BRICKLAYERS)	
AND ALLIED CRAFTSMEN, OHIO)	
KENTUCKY ADMINISTRATIVE DISTRICT)	
COUNCIL, LOCAL NO.18)	
)	
Intervenor)	

JOINT MOTION TO VOLUNTARILY DISMISS PETITION FOR REVIEW

Pursuant to Federal Rule of Appellate Procedure 42(b), the National Labor Relations Board (the Board), The Ardit Company (the Company), and Intervenor the International Union of Bricklayers & Allied Craftworkers, Ohio Kentucky Administrative District Council, Local No. 18 (the Union) respectfully move the Court for leave to voluntarily dismiss, with prejudice, the Company’s petition for review. In support of their motion, the parties state:

1. This case is before the Court on the Company’s petition to review a Board Order issued against the Company on October 27, 2016. *See* 364 NLRB No. 130. The Union moved to intervene on December 2, and the Court granted that motion.

2. On January 9, 2017, the Court, on its own motion, placed this case in abeyance and instructed the parties to file motions governing further proceedings within 30 days of the Supreme Court's decision in *SW General*, which ultimately issued on March 21, 2017. On April 25, the Court granted the Board's motion to continue to hold the case in abeyance pending settlement proceedings. The Court subsequently granted the Board's motion to extend abeyance, and directed the parties to file motions to govern further proceedings by September 11.

3. The parties have sought to resolve the case without further litigation or the costs associated with such litigation. The Board, the Union, and the Company have reached such an agreement with respect to all claims, which dispenses with the necessity for further litigation.

4. The parties, therefore, request that the Court dismiss the Company's petition for review with prejudice

5. Each party is to bear its own costs.

6. Aaron Tulencik, counsel for the Company, and Ryan Hymore, counsel for the Union, have authorized Board counsel to sign on their behalves.

WHEREFORE, the parties respectfully request that the Court grant this joint motion and dismiss the Company's petition for review with prejudice.

Respectfully submitted,

/s/ Aaron T. Tulencik

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/s/ Linda Dreeben

Linda Dreeben, Attorney for the Board
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National Labor Relations Board
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/s/ Ryan K. Hymore

Ryan Hymore, Attorney for the Union (by David Casserly)
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Dated at Washington, D. C.
this 11th day of September 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 410 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
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1015 Half Street SE
Washington, DC 20570-0001
(202) 273-2960

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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2017, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit, and the document will be served via the CM/ECF system on all counsel, who are registered CM/ECF users.

/s/ Linda Dreeben
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Dated at Washington, D.C.
11th day of September 2017