

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

COMPONENT BAR PRODUCTS, INC.)	
)	
)	
Petitioner/Cross-Respondent)	
)	Nos. 16-1411
v.)	17-1011
)	
NATIONAL LABOR RELATIONS BOARD)	
)	
Respondent/Cross-Petitioner)	

**JOINT MOTION OF THE PARTIES TO DISMISS THE PETITION FOR
REVIEW WITH PREJUDICE, AND THE CROSS-APPLICATION FOR
ENFORCEMENT WITHOUT PREJUDICE, OF AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD**

Pursuant to Federal Rule of Appellate Procedure 42(b), the National Labor Relations Board (“the Board”), and Component Bar Products, Inc. (“the Company”), by their respective counsel, jointly move this Court to dismiss the petition for review, with prejudice, and the cross-application for enforcement, without prejudice, filed in the above-captioned cases. In support of their motion, the parties show as follows:

1. On November 8, 2016, the Board issued its Decision and Order against the Company, which is reported at 364 NLRB No. 140.
2. On November 30, 2016, the Company filed a petition for review of that decision, which the Court docketed as case number 16-1411. On January 12, 2017,

the Board filed a cross-application for enforcement of its decision, which the Court docketed as case number 17-1011. The parties subsequently engaged in mediation and thereafter reached a settlement agreement.

3. On July 13, 2017, the Court granted the Board's unopposed motion to suspend briefing and hold the cases in abeyance, pending the Company's completion of the compliance process. The Court directed the parties to file status reports at 60-day intervals beginning September 11, 2017.

4. The Company has since satisfied the required compliance obligations, dispensing with the necessity of further litigation.

5. The Company therefore agrees to dismiss its petition for review with prejudice. Accordingly, the parties jointly request that the Court dismiss the petition for review in case number 16-1411 with prejudice.

6. The Company further agrees that the Board's cross-application for enforcement should be dismissed without prejudice to the Board's right to file a future application for enforcement of its Order in the event the Company fails to comply with the Order and with the terms of parties' settlement. *See NLRB v. Mexia Textile Mills*, 339 U.S. 563, 567 (1950) (noting that a Board order "imposes a continuing obligation" and that, notwithstanding an employer's compliance, the Board retains the right "to have [any] resumption of the unfair practice barred by an enforcement decree"); *accord NLRB v. Raytheon Co.*, 398 U.S. 25, 27-28

(1970). Accordingly, the parties jointly request that the Court dismiss the Board's cross-application for enforcement in case number 17-1011 without prejudice

7. Each party is to bear its own costs.

8. Counsel for the Company, Terry L. Potter and Kaytlin E. Kopen, have authorized counsel for the Board to file this joint motion on the Company's behalf.

WHEREFORE, the parties respectfully request that the Court enter an order dismissing with prejudice the Company's petition for review, and dismissing without prejudice the Board's cross-application for enforcement of its Order.

Respectfully submitted,

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, SE
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Counsel for the Board

/s/ Terry L. Potter
/s/ Kaytlin E. Kopen
Terry L. Potter
Kaytlin E. Kopen
Husch Blackwell
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
Counsel for the Company

Dated: September 11, 2017

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that its motion contains 549 words of proportionally-spaced, 14-point type, 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
(202) 273-2960

Dated at Washington, DC
this 11th day of September, 2017

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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 by using the CM/ECF system. I certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

/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 11th day of September, 2017