

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

GUNDERSON RAIL SERVICES, LLC
d/b/a GREENBRIER RAIL SERVICES,

Petitioner,

v.

NATIONAL LABOR RELATIONS
BOARD,

Respondent.

Case No. 16-1232

**PETITIONER'S UNOPPOSED MOTION FOR EXTENSION OF THE
BRIEFING SCHEDULE TO ACCOMMODATE COMPLIANCE WITH
SETTLEMENT AGREEMENT**

Pursuant to Federal Rule of Appellate Procedure 27 and Rule 28(e) of the Circuit Rules of the United States Court of Appeals for the District of Columbia Circuit, Petitioner Gunderson Rail Services, LLC d/b/a Greenbrier Rail Services (“Petitioner”), hereby requests that the Court extend the Scheduling Order to accommodate the Parties’ settlement efforts and compliance with their executed settlement agreement. Counsel for Petitioner has conferred with counsel of record for Respondent National Labor Relations Board, Amy Ginn, who has consented to the relief sought herein. Assigned Mediator Stephen Saltzburg concurs with this request. In support of its request, Petitioner states as follows:

1. The current briefing schedule, pursuant to the Order dated August 25, 2017 (Doc. No. 1690247), in the above-captioned matter is set as follows:

- Petitioner's Brief October 2, 2017
- Respondent's Brief November 1, 2017
- Petitioner's Reply Brief November 15, 2017
- Deferred Appendix November 22, 2017
- Final Briefs December 6, 2017

2. On September 20, 2016, this case was entered into the Mediation Program pursuant to the voluntary agreement of all parties, and Stephen Saltzburg was assigned as the mediator. On August 23, 2017, the parties reached a settlement in this case and notified the Court of the same. (Doc. No. 1689842).

3. Pursuant to the parties' agreement, a joint motion to dismiss the case will be filed following completion of compliance with the agreement. As of the date of filing this Motion, Petitioner has submitted the payment called for in the settlement agreement and also has submitted the information necessary for the completed Report of Backpay to be prepared for the Social Security Administration, once the NLRB calculates and distributes appropriate payments to former employees. Currently, Petitioner's final task to complete implementation of the agreement is the mailing of Notices to Employees prepared by the NLRB to certain former employees of Petitioner. There have been unexpected delays in

receiving the Notices from the NLRB, but Petitioner expects that the Notices will be sent in accordance with the agreement shortly. Petitioner is prepared to work with Respondent to prepare the joint motion to dismiss this case when this step is completed.

4. Petitioner requests a further extension of 30-days to the briefing schedule to accommodate completion of compliance with the settlement agreement. Respondent and Mediator Saltzburg concur with this request.

5. Accordingly, the Petitioner moves to continue the briefing schedule as follows:

- Petitioner's Brief November 1, 2017
- Respondent's Brief December 1, 2017
- Petitioner's Reply Brief December 15, 2017
- Deferred Appendix December 22, 2017
- Final Briefs January 5, 2017

Dated: September 28, 2017

Respectfully submitted:

LITTLER MENDELSON, P.C.
Attorneys for Petitioner,
Gunderson Rail Services, LLC d/b/a
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CERTIFICATE OF SERVICE

I certify that on September 28, 2017, the foregoing was served on all parties or their counsel of record through the CM/ECF system if they are registered users, or, if they are not, by serving a true and correct copy at the addresses listed below, via United States Mail:

Linda Dreeben, Esq.
Amy Ginn, Esq.
Robert Englehart, Esq.
National Labor Relations Board
1015 Half Street, SE
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/s/ S. Libby Henninger

S. Libby Henninger

Counsel for Petitioner