

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

NATIONAL LABOR RELATIONS BOARD)	
)	
Petitioner)	No. 17-2083
)	
v.)	Board Case Nos.
)	07-CA-145159
UNITED STATES POSTAL SERVICE)	07-CA-159684
)	
Respondent)	

**MOTION OF THE NATIONAL LABOR RELATIONS BOARD
TO SUSPEND CERTIFIED-LIST DUE DATE PENDING RESOLUTION
OF THE BOARD’S MOTION FOR DEFAULT JUDGMENT**

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

The National Labor Relations Board, by its Deputy Associate General Counsel, respectfully moves this Court to suspend its certified-list due date pending resolution of the Board’s simultaneously filed Motion for Entry of Default Judgment, and shows:

1. On September 11, 2017, the National Labor Relations Board filed an application for enforcement of its Order dated June 12, 2017, issued against the United States Postal Service (“USPS”) and reported at 365 NLRB No. 92. Under Federal Rule of Appellate Procedure 17(a), the certified list in this case is due within forty days of that application—that is, on October 23, 2017—“unless the respondent fails to answer or the court orders otherwise.” FRAP 17(a).

2. The deadlines for USPS to timely file an appearance of counsel and an answer to the Board's application for enforcement in this case were September 25 and October 2, 2017, respectively. To date, no counsel has filed an appearance on behalf of USPS, nor has USPS answered the Board's application. Consequently, the Board is filing a Motion for Entry of Default Judgment simultaneously with this motion.

3. In view of USPS's failure to answer the Board's application for enforcement, and the Board's pending motion for default judgment, the Board believes it would be premature to proceed with the filing of the record at this time.

For the reasons outlined above, the Board respectfully requests that this Court grant the Board's motion to suspend its certified-list due date pending resolution of its Motion for Entry of Default Judgment. Should the motion for default judgment ultimately be denied, the Board respectfully requests that the Court grant it two weeks from the date of denial to file the certified list.

/s/Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
NATIONAL LABOR RELATIONS BOARD
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Dated at Washington, DC
this 6th day of October, 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 364 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 6th day of October, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2017, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the CM/ECF system. I certify that the foregoing document will be served via the CM/ECF system on the following counsel, who is a registered CM/ECF user.

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/s/ Linda Dreeben
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1015 Half Street, SE
Washington, DC 20570

Dated at Washington, DC
this 6th day of October, 2017