

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

SCHWAN'S HOME SERVICE, INC.,

Petitioner/Cross-Respondent

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent/Cross-Petitioner

Consolidated Case Nos.

16-1251 and 16-1294

Board Case No.

27-CA-066674

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**JOINT MOTION TO VOLUNTARILY DISMISS THE PETITION FOR  
REVIEW, AND THE CROSS-APPLICATION FOR ENFORCEMENT, 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”), by its Deputy Associate General Counsel, and Schwan’s Home Service, Inc. (“the Company”) jointly move this Court to dismiss the petition for review and the cross-application for enforcement filed in the above-captioned cases. In support of their motion, the parties show as follows:

1. On June 10, 2016, the Board issued its Decision and Order against the Company in Case No. 27-CA-066674, which is reported at 364 NLRB No. 20.
2. On July 25, 2016, the Company filed its Petition for Review of the decision of the Board, which the Court docketed as case number 16-1251. On August 19, 2016, the Board filed its Cross-Application for Enforcement of its decision, which the Court docketed as case number 16-1294.

3. On August 30, 2016, the Court consolidated the Petition for Review and the Cross-Application for Enforcement.

4. On January 9, 2017, the Court granted the parties' joint motion to suspend briefing and hold the cases in abeyance, pending settlement efforts.

5. During all stages of appellate litigation, the parties diligently sought to resolve the case without further litigation and the costs associated with such litigation. The parties have reached final agreement and the Company has satisfied the required settlement obligations, dispensing with the necessity of further litigation.

6. The Company and the Board therefore jointly request that this Court dismiss the Company's petition for review and the Board's cross-application for enforcement.

7. Each party is to bear its own costs.

8. Counsel for the Company Amy J. Zdravecky has authorized counsel for the Board to file this joint motion on the Company's behalf.

WHEREFORE, the parties respectfully request that this joint motion be granted, and that the Court enter an order dismissing the petition for review and the cross-application for enforcement.

Respectfully submitted,

/s/ Linda Dreeben

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*/s/ Amy J. Zdravecky* \_\_\_\_\_  
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*Counsel for the Company*

Dated: December 1, 2017

## ADDENDUM

As required by Circuit Rules 27(a)(4) and 28(a)(1), counsel for the Board certifies the following:

(A) Parties and Amici: Schwan's Home Service, Inc., the petitioner/cross-respondent here, was the respondent in the case before the Board. The Board is the respondent/cross-petitioner here, and the Board's General Counsel was a party in the case before the Board. Patrick K. Wardell was the charging party before the Board.

(B) Ruling under Review: This case involves a petition for review and cross-application for enforcement of the Board's June 10, 2016 Decision and Order, reported at 364 NLRB No. 20.

(C) Related Case: This case has not previously been before this Court or any other court.

Respectfully submitted,

/s/ Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
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**CERTIFICATE OF COMPLIANCE**

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that its motion contains 362 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 1st day of December 2017

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 1, 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

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Dated at Washington, D.C.  
this 1st day of December 2017