

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

THYME HOLDINGS, LLC d/b/a)	
WESTGATE GARDENS CARE CENTER)	
)	Nos. 17-1191
Petitioner/Cross-Respondent)	17-1206
)	
v.)	
)	Board Case No.
NATIONAL LABOR RELATIONS BOARD)	32-CA-190480
)	32-CA-197298
Respondent/Cross-Petitioner)	32-RC-183272
)	
and)	
)	
SERVICE EMPLOYEES INTERNATIONAL)	
UNION LOCAL 2015)	
)	
Intervenor)	

**UNOPPOSED MOTION
OF THE NATIONAL LABOR RELATIONS BOARD
FOR A 30-DAY EXTENSION OF TIME FOR FILING ITS BRIEF**

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

The National Labor Relations Board (“the Board”), by its Deputy Associate General Counsel, and with the consent of Thyme Holdings, LLC d/b/a Westgate Gardens Care Center (“the Center”), respectfully moves that the time for filing the Board’s brief be extended from January 10, 2018 to February 9, 2018. In support of its motion, the Board shows as follows:

1. On November 1, 2017, the Court issued a scheduling order requiring the Center to file its opening brief by December 11, 2017, and requiring the Board to file its answering brief by January 10, 2018.

2. The Center filed its opening brief on December 11, 2017.

3. Just over one week later, Board counsel with primary responsibility for preparing the Board's brief, Jill Griffin and Milakshmi Rajapakse, began extended, previously scheduled vacations for the year-end holidays. Ms. Griffin will be out of the office from December 21, 2017, until January 2, 2018. Ms. Rajapakse will be out of the office from December 20, 2017, until January 3, 2018. As a result, Board counsel will not have the benefit of the full period contemplated by the Court's briefing schedule for preparation of the Board's brief.

4. Because of the prior commitments described above, it will not be possible for Board counsel, with due diligence and giving priority to the preparation of the brief, to file the Board's brief on January 10, 2018, as currently scheduled. To allow sufficient time for preparation of the brief, while also accommodating Board counsel's other case-related commitments upon their return to work in January, the Board respectfully requests a 30-day extension of time, to and including February 9, 2018, to file its brief.

5. The Board has not previously requested an extension of time in this case.

6. Board counsel has informed counsel for the Center, Henry F. Telfeian, and counsel for the Intervenor, David A. Rosenfeld, of this request. Mr. Telfeian has stated that he has no objection to the Board's proposed 30-day extension. Mr. Rosenfeld has not taken any position as yet.

WHEREFORE, the Board respectfully requests that the Court grant this motion and extend the time for filing the Board's brief from January 10, 2018 to February 9, 2018.

/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, D.C.
this 20th day of December 2017

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that the foregoing Motion contains 401 words of proportionally spaced, 14-point type, and that 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
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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2017, I electronically filed the foregoing Motion with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system.

I further certify that all parties or their counsel of record are CM/ECF users and will be served through the CM/ECF system.

/s/ Linda Dreeben

Linda Dreeben

Deputy Associate General Counsel

National Labor Relations Board

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