

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

	)	
MULTIBAND E.C., INCORPORATED	)	
	)	
Petitioner	)	
	)	
v.	)	No. 16-60197
	)	
NATIONAL LABOR RELATIONS BOARD	)	
	)	
Respondent	)	
	)	
	)	

**STATUS REPORT BY  
THE NATIONAL LABOR RELATIONS BOARD**

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

The National Labor Relations Board (“the Board”) provides the following update regarding the above-captioned case:

1. On September 21, 2016, the Court placed this case in abeyance until the Supreme Court proceedings in *Murphy Oil USA, Inc. v. NLRB* (No. 16-307), *Lewis v. Epic Sys. Corp.* (No. 16-285), and *Morris v. Ernst & Young, LLP* (No. 16-300) are completed, and instructed that a stay follow up be filed.

2. On January 13, 2017, the Supreme Court granted certiorari in all three of those cases. On June 9, 2017, the opening briefs were filed by Murphy Oil,

Epic Systems, and Ernst & Young. Amicus briefs in support of those parties were filed on June 16, 2017. The Board's brief, and briefs for Jacob Lewis, Sheila Hobson, and Stephen Morris, were filed on August 9, 2017, and amicus briefs in support of those parties were filed on August 16, 2017. Murphy Oil, Epic Systems, and Ernst & Young filed reply briefs on September 8, 2017. The case will be argued on October 2, 2017. Therefore, the proceedings are not completed and it is appropriate for this case to remain in abeyance.

Respectfully submitted,

/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 25th day of September, 2017

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**CERTIFICATE OF SERVICE**

I certify that on September 25, 2017, the foregoing motion was filed with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system, and that all counsel are registered CM/ECF users.

/s/ Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half Street, SE  
Washington, DC 20570

Dated at Washington, DC  
this 25th day of September 2017