

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

**PENNSYLVANIA INTERSCHOLASTIC
ATHLETIC ASSOCIATION, INC.,**

Petitioner

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent

OFFICE & PROFESSIONAL EMPLOYEES INTERNATIONAL UNION,

Intervenor

**ON PETITION FOR REVIEW AND CROSS-APPLICATION
FOR ENFORCEMENT OF AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD**

Case No.s 18-1037 & 18-1043

**AMENDED MOTION OF ASSOCIATION OF MINOR LEAGUE UMPIRES
FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF
RESPONDENT & INTERVENOR**

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CERTIFICATE OF PARTIES

Pursuant to Circuit Rules 27(a)(4) and 28(a)(1)(A), Movant Association of Minor League Umpires, OPEIU Guild 322, identifies the parties and *amici* who appeared before the National Labor Relations Board in the proceedings below:

Pennsylvania Interscholastic Athletic Association (Petitioner herein)

Office & Professional Employees International Union (Intervenor herein)

National Federation of State High School Associations as *Amicus Curiae*

Movant Association of Minor League Umpires as *Amicus Curiae*

CORPORATE DISCLOSURE STATEMENT

Pursuant to Circuit Rule 26.1, Movant Association of Minor League Umpires, OPEIU Guild 322, certifies that it is an unincorporated association and labor organization. It has no parent or subsidiary entities, nor does it issue any shares or debt securities; no publically-traded company has any ownership interest in the AMLU.

**AMENDED MOTION OF ASSOCIATION OF MINOR LEAGUE UMPIRES
FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE IN SUPPORT
OF RESPONDENT NLRB AND INTERVENOR OPEIU**

COMES NOW Movant Association of Minor League Umpires, OPEIU Guild 322 (hereinafter “AMLU”), and pursuant to Rule 29(b), Fed.R.App.P., and Circuit Rule 29(b), moves¹ this Court for an order granting it leave to participate as *amicus curiae* in this matter, in support of Respondent NLRB and Intervenor OPEIU. The AMLU is a labor organization which represents the umpires employed by Minor League Baseball for purposes of collective bargaining. See Professional Baseball Umpire Corporation, Case No. 5-RC-15043 (Sept. 28, 2000). It participated in the proceedings before the NLRB in this case as an *amicus curiae*. See Pennsylvania Interscholastic Athletic Association, 365 NLRB No. 107 (2017). This case involves the status of sports officials as independent contractors or as employees within the meaning of the National Labor Relations Act. As a labor organization which represents sports officials under the NLRA for purposes of collective bargaining, the AMLU has a significant interest in the outcome of this proceeding, and brings to the Court its particular perspective on the employment status of sports officials. The Court’s consideration of the issues presented by this case – the employment status of sports officials and their right to bargain collectively under the protection of the NLRA – goes to very heart of the AMLU’s

¹AMLU submits this amended motion in order to satisfy the requirements of Rule 32(a), Fed.R.App.P., and certify compliance with same.

existence and operation as a labor organization. Further, the AMLU submits that it can contribute to the Court's understanding of the issues raised in this case in the context of the employment status of other sports officials recognized as employees within the meaning of the NLRA, and seeks the opportunity to address the unique legal issues presented by this dispute.

WHEREFORE, based on the above and foregoing, Movant AMLU respectfully submits that its motion for leave to participate as *amicus curiae* herein is due to be granted.

Respectfully submitted,

s/ George N. Davies
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CERTIFICATE OF COMPLIANCE

Certificate of Compliance with Type-Volume Limit, Typeface Requirements, and Type-Style Requirements

1. This document complies with the word limit of Rule 27(d)(2)(A), Fed.R.App.P, because, excluding the parts of the document exempted by Fed. R. App. P. 32(f):
 - this document contains 355 words, or
 - this document uses a monospaced typeface and contains [*state the number of*] lines of text.
2. This document complies with the typeface requirements of Fed. R. App. P. 32(a) (5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because:
 - this document has been prepared in a proportionally spaced typeface using WORD in 14 pt. Times New Roman, or,
 - this document has been prepared in a monospaced typeface using [*state name and version of word-processing program*] with [*state name number of characters per inch and name of type style*].

s/George N. Davies

Counsel for Movant AMLU, OPEIU Guild 322

Dated: March 21, 2018

CERTIFICATE OF SERVICE

The undersigned hereby certifies that foregoing was filed with the Court on March 21, 2018 by means of its CM/ECF filing system, by which it was served on the following counsel via electronic notice:

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