

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

| | | |
|--------------------------------|---|--------------|
| K MART CORPORATION |) | |
| |) | |
| Petitioner |) | |
| |) | |
| v. |) | No. 15-60897 |
| |) | |
| 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 26, 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. The cases were briefed and oral argument was held 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
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National Labor Relations Board
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Dated at Washington, DC
this 2nd day of October 2017

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CERTIFICATE OF SERVICE

I certify that on October 2, 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

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