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**Whole Foods Market, Inc. and United Food and Commercial Workers, Local 919 and Workers Organizing Committee of Chicago.**<sup>1</sup> Cases 01–CA–096965, 13–CA–103533, and 13–CA–103615

May 1, 2018

ORDER DENYING MOTION FOR RECONSIDERATION<sup>2</sup>

BY MEMBERS PEARCE, MCFERRAN, AND KAPLAN

The Respondent’s January 31, 2018 motion for reconsideration of the Board’s December 24, 2015 Decision and Order reported at 363 NLRB No. 87 (2015), is denied.<sup>3</sup> The Second Circuit enforced the Board’s Decision and Order on June 1, 2017. 691 Fed. Appx. 49 (2d Cir. 2017). The Board has no jurisdiction to modify an Order that has been enforced by a court of appeals. Upon the filing of the record with the court of appeals, the jurisdic-

<sup>1</sup> The Respondent’s Motion for Reconsideration lists only Case 01–CA–096965, but the Board’s Decision and Order additionally involved Cases 13–CA–103533 and 13–CA–103615.

<sup>2</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel. Chairman Ring and Member Emanuel are recused. They took no part in the consideration of this case.

<sup>3</sup> The General Counsel filed a response and the Respondent filed a reply.

tion of that court is exclusive and its judgment and decree final, subject to review only by the Supreme Court. We are accordingly without jurisdiction to reconsider this matter.<sup>4</sup>

Dated, Washington, D.C. May 1, 2018

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Mark Gaston Pearce, Member

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Lauren McFerran, Member

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Marvin E. Kaplan, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

<sup>4</sup> See, e.g., *Dupuy v. NLRB*, 806 F.3d 556, 564 (D.C. Cir. 2015); *NLRB v. Gimrock Construction, Inc.*, 695 F.3d 1188, 1193 (11th Cir. 2012); *Scepter, Inc. v. NLRB*, 448 F.3d 388, 390-391 (D.C. Cir. 2006); *NLRB v. Mastro Plastics Corp.*, 261 F.2d 147, 148 (2d Cir. 1958); *D.L. Baker, Inc.*, 351 NLRB 515, 525 fn. 31 (2007); *Grinnell Fire Protection Systems Co.*, 337 NLRB 141, 142 (2001); *Regional Import & Export Trucking*, 323 NLRB 1206, 1207 (1997); *Haddon House Food Products*, 260 NLRB 1060 (1982).