

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

<b>NATIONAL LABOR RELATIONS BOARD,</b>	:	
	:	
<b>Petitioner,</b>	:	
	:	
v.	:	<b>No. 16-3415</b>
	:	
<b>EYM KING OF MISSOURI, LLC.,</b>	:	
	:	
<b>Respondent.</b>	:	

**THE NATIONAL LABOR RELATIONS BOARD’S STATUS UPDATE  
REGARDING OFFER OF INSTATEMENT**

The National Labor Relations Board, (NLRB), filed its Petition for Adjudication in Civil Contempt against Respondent, EYM King of Missouri, (EYM), on February 28, 2018. That same day this Court issued an Order to Show Cause why EYM should not be adjudged in civil contempt. EYM filed its response on March 22, 2018 and the NLRB filed a Reply on March 30, 2018. Subsequently, on April 13, 2018, this Court issued an Order holding the case in abeyance for 14 days to provide EYM “a final opportunity to comply with [the Court’s] June 21, 2017 judgment enforcing the Board’s order by offering reinstatement to Terrence Wise.” The Court’s April 13 order directed the parties to report back on the status of the offer by the 14<sup>th</sup> day, which is April 27, 2018.

The Board wishes to advise the Court that EYM submitted an unconditional offer of reinstatement to the discriminatee, Terrence Wise, on April 26, 2018. It is the NLRB's position that this offer of reinstatement complies with the court's June 21, 2017 judgment enforcing the Board's Order. In view of the belated timing of EYM's reinstatement offer – ten months after it was initially ordered to do so – and only following the NLRB's filing of a contempt petition, the NLRB respectfully requests that the Court require EYM to pay the NLRB's attorneys fees and costs incurred in obtaining compliance.

Respectfully submitted,

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**/s/ Pia Winston**

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Dated at Washington, D.C.  
this 27th day of April, 2018

The undersigned certifies that a copy of the Peititioner's Status Update Regarding Offer Of Instatement, have this day been served by CM/ECF to Douglas C. Braken, Counsel for the Respondent.

/s/ Pia Winston \_\_\_\_\_  
Pia Winston  
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Dated at Washington, D.C.  
This 27<sup>th</sup> day of April, 2018