IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 16-10341-AA

EVERGLADES COLLEGE, INC.,
d.b.a. Keiser University,
d.b.a. Everglades University,

Petitioner-Cross

Respondent,

versus

NATIONAL LABOR RELATIONS BOARD,

Respondent-Cross

Petitioner,

LISA K. FIKKI,

Intervenor-Respondent.

No. 16-10644-FF

JORGIE FRANKS,

Petitioner,

versus

NATIONAL LABOR RELATIONS BOARD,

Respondent.

No. 16-10788-FF

SAMSUNG ELECTRONICS AMERICA, INC.,

Petitioner-Cross Respondent,

versus

NATIONAL LABOR RELATIONS BOARD,

Respondent-Cross Petitioner.

No. 16-10932-BB

COWABUNGA, INC.,

Petitioner-Cross Respondent,

versus

NATIONAL LABOR RELATIONS BOARD,

Respondent-Cross Petitioner.

Petitions for Review of Decisions of the
National Labor Relations Board

ORDER:

The Court directs that counsel for the parties shall file separate letter briefs regarding the effect of the Supreme Court's decision in Epic Systems Corp. v. Lewis, 584 U.S. __, No. 16-285 (May 21, 2018) on the issues presented in their above respective cases. Each brief shall address (1) the class action waiver issue and (2) separately address the effect, if any, on the collateral issues presented by each petition for review, such as (a) in Everglades and Cowabunga, whether the arbitration agreement would be reasonably read to prohibit the filing of unfair labor practice charges with the National Labor Relations Board; (b) in Everglades, whether the employer violates § 8(a)(1) by discharging an employee for refusing to sign the arbitration agreement; and (c) in Samsung, whether substantial evidence supported the National Labor Relations Board review panel's decision.

Each petitioner shall file a separate letter brief not to exceed 15 pages no later than close of business at 5:00 p.m. on June 4, 2018. Each respondent shall file a reply letter brief no later than close of business at 5:00 p.m. on June 14, 2018.

Frank M. Hull

UNITED STATES CIRCUIT JUDGE