

1. On July 27, 2017, Southcoast filed a petition for review of the Board's Order against Southcoast, which is reported at 365 NLRB No. 100. On August 17, the Board filed a cross-application for enforcement of its Order. On September 6, the Court granted the motion of the Massachusetts Nurses Association ("the Union") to intervene.

2. The Board and Southcoast have reached a resolution of this dispute which dispenses with the need for further litigation.

3. The parties, therefore, now move to dismiss Southcoast's petition for review with prejudice, and to dismiss the Board's application for enforcement without prejudice to the Board's right to file a future application for enforcement, if necessary, to enforce the "continuing obligation" imposed on Southcoast by the Board's Order. *See NLRB v. Mexia Textile Mills*, 339 U.S. 563, 567 (1950) (a party's compliance does not deprive the Board of the right to secure enforcement of its order from an appropriate court because "a Board order imposes a continuing obligation" and "the Board is entitled to have [any] resumption of the unfair practice barred by an enforcement decree"). *Accord NLRB v. Raytheon Co.*, 398 U.S. 25, 27-28 (1970).

4. The parties agree that each party is to bear its own costs.

5. Jason Powalisz, counsel for the Union, has stated that the Union does not oppose this motion.

6. Gregory Brown, counsel for Southcoast, has authorized the Board to execute this motion on his behalf.

WHEREFORE, the parties respectfully request that their joint motion be granted and that the Court dismiss with prejudice Southcoast's petition for review of the Board's Order against it, and dismiss without prejudice the Board's application for enforcement of its Order against Southcoast.

Respectfully submitted,

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