

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

ADVANCED SERVICES, INC.,

Petitioner,

v.

No. 15-3988

NATIONAL LABOR RELATIONS
BOARD,

Respondent.

**PETITIONER’S UNOPPOSED MOTION FOR
AN EXTENSION OF TIME TO FILE OPENING BRIEF**

Pursuant to Federal Rules of Appellate Procedure 26(b) and 27 and Circuit Rule 27A, Petitioner Advanced Services, Inc., through counsel, hereby moves this Court for a 60-day extension of time in which Petitioner must file its opening brief—from July 23, 2018 to and including September 21, 2018. In support of this Motion, Petitioner states as follows:

1. Petitioner commenced this action on December 31, 2015;
2. On January 19, 2016 the Clerk ordered that the above-referenced case be held in abeyance pending the final resolution of *Cellular Sales of Missouri LLC v. NLRB*, Case Nos. 15-1620 & 15-1860. The abeyance was lifted on October 13, 2016 and Petitioner’s opening brief was to be due November 10, 2016.
3. On October 31, 2016, the Clerk ordered that the briefing schedule in the above-referenced case again be held in abeyance pending the final resolution of

four petitions for writs of certiorari filed in the Supreme Court. On January 18, 2017, the Clerk noted that the Supreme Court had granted the petitions for writ of certiorari and continued the abeyance of the briefing schedule until the Supreme Court had ruled on Nos. 16-285/300/307.

4. On June 21, 2018, the Clerk lifted the abeyance and scheduled Petitioner's opening brief to be due July 23, 2018.

5. The Parties currently are engaged in discussions about a potential resolution to this dispute. These discussions have been cordial and productive, and the Parties believe they are close to reaching an out-of-court settlement. Terms have been proposed and are being reviewed by Respondent right now.

6. A 60-day extension of time for Petitioner to file its opening brief should give Respondent enough time to finish reviewing the proposed settlement terms.

7. The undersigned has conferred with counsel for Respondent, who has advised that it does not object to the requested extension.

* * *

WHEREFORE, Petitioner respectfully request a 60-day extension of the time in which it must file its opening brief—from July 23, 2018 to and including September 21, 2018.

DATED: July 17, 2018

Respectfully submitted,

s/ Bryan M. Killian

Morgan, Lewis & Bockius
Bryan M. Killian
1111 Pennsylvania Avenue, NW
Washington, DC 20004
bryan.killian@morganlewis.com

Counsel for Petitioner

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g), I certify that the foregoing motion

1. was prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point Times New Roman font; and
2. complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 335 words.

DATED: July 17, 2018

s/ Bryan M. Killian

Bryan M. Killian

CERTIFICATE OF SERVICE

I hereby certify that, on July 17, 2018, I electronically filed the foregoing with the Clerk of the Court for the United State Court of Appeals for the Eighth Circuit via the CM/ECF system. I certify that all participates in this case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

DATED: July 17, 2018

s/ Bryan M. Killian

Bryan M. Killian