

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

JUL 17 2018

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE  
WORKERS AFL-CIO, EAST BAY  
AUTOMOTIVE MACHINISTS LODGE  
NO. 1546, DISTRICT LODGE 190,

Petitioner,

SJK, INC., DBA Fremont Ford,

Intervenor,

v.

NATIONAL LABOR RELATIONS  
BOARD,

Respondent.

No. 16-74025

NLRB No. 32-CA-151443  
National Labor Relations Board

ORDER

SJK, INC., DBA Fremont Ford,

Petitioner,

v.

NATIONAL LABOR RELATIONS  
BOARD,

Respondent,

INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE  
WORKERS AFL-CIO, EAST BAY  
AUTOMOTIVE MACHINISTS LODGE

No. 17-71210

NLRB No. 32-CA-151443

NO. 1546, DISTRICT LODGE 190,

Intervenor.

NATIONAL LABOR RELATIONS  
BOARD,

Petitioner,

v.

SJK, INC., DBA Fremont Ford,

Respondent.

No. 17-71337

NLRB No. 32-CA-151443

Before: TASHIMA, SILVERMAN, and GRABER, Circuit Judges.

On May 15, 2018, this court issued orders staying proceedings in these consolidated petitions pending the issuance of the United States Supreme Court's decisions in *Epic Systems Corp. v. Lewis*, 16-285, *Ernst & Young v. Morris*, 16-300, and *NLRB v. Murphy Oil USA*, 16-307. On May 21, 2018, the Supreme Court issued its decision in the referenced cases. Accordingly, the stay orders filed May 15, 2018, are lifted and these consolidated petitions shall proceed.

The National Labor Relations Board's ("NLRB") motion for SJK, Inc.'s petition for review to be summarily granted, for the NLRB's cross-application for enforcement to be summarily denied, and for International Association Of Machinists And Aerospace Workers AFL-CIO, East Bay Automotive Machinists Lodge No. 1546, District Lodge 190's petition for review to be summarily denied

(Docket Entry No. 32 in petition No. 17-71210, Docket Entry No. 25 in petition No. 17-71337, and Docket Entry No. 37 in petition No. 16-74025), is denied.

Accordingly, we remand these consolidated petitions sua sponte for the NLRB to consider whether the FAA applies here, and for such reconsideration as the NLRB deems necessary in light of *Epic Systems*.

**VACATED and REMANDED.**