

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

WALMART INC.	)	
	)	
Petitioner/Cross-Respondent/Intervenor	)	
	)	
v.	)	
	)	
NATIONAL LABOR RELATIONS BOARD	)	Nos. 16-72963,
	)	16-73186 & 16-73279
Respondent/Cross-Petitioner	)	
	)	
and	)	
	)	
THE ORGANIZATION UNITED FOR	)	
RESPECT AT WALMART	)	
	)	
Intervenor/Petitioner	)	

**JOINT MOTION TO DISMISS WITH PREJUDICE THE PETITIONS FOR  
REVIEW AND TO DISMISS WITHOUT PREJUDICE THE  
APPLICATION FOR ENFORCEMENT**

To the Honorable, the Judges of the United States  
Court of Appeals for the Ninth Circuit:

Pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure, the National Labor Relations Board (“the Board”), by its Deputy Associate General Counsel; Walmart Inc. (“Walmart”); and the Organization United for Respect at Walmart (“OUR Walmart”) (collectively, “the Parties”) respectfully move to dismiss with prejudice Walmart’s and OUR Walmart’s petitions for review, and to dismiss without prejudice the Board’s application for enforcement. In support of their joint motion, they show as follows:

1. On August 27, 2016, the Board issued a Decision and Order reported at 364 NLRB No. 118. OUR Walmart filed a petition for review of the Board's Order in the Ninth Circuit (No. 16-72963). Walmart filed a petition for review of the Board's Order in the D.C. Circuit, which was transferred to the Ninth Circuit (No. 16-73186). The Board cross-applied for enforcement of its Order (No. 16-73279). The Ninth Circuit issued an order consolidating the three cases.

2. Subsequently, the Parties reached a resolution of all outstanding issues arising from the Board's Order.

3. The Parties, therefore, now move to dismiss Walmart's and OUR Walmart's petitions 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.

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

5. Steven Wheelless, counsel for Walmart, and David Rosenfeld, counsel for OUR Walmart, have authorized the Board to execute this motion on their behalf.

WHEREFORE, the Parties respectfully request that the Court grant this motion and dismiss with prejudice Walmart's and OUR Walmart's petitions for review and dismiss without prejudice the Board's application for enforcement of its Order.

Respectfully submitted,

/s/Linda Dreeben  
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National Labor Relations Board  
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/s/Steven D. Wheelless  
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/s/David A. Rosenfeld  
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(510) 337-1001

Dated at Washington, DC  
this 26th day of July 2018

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THE ORGANIZATION UNITED FOR	)	
RESPECT AT WALMART	)	
	)	
Intervenor/Petitioner	)	

**CERTIFICATE OF COMPLIANCE**

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that its motion contains 313 words of proportionally-spaced, 14-point type, and the word processing system used was Microsoft Word 2013.

/s/Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half Street, SE  
Washington, DC 20570

Dated at Washington, DC  
this 26th day of July 2018

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RESPECT AT WALMART	)	
	)	
Intervenor/Petitioner	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on July 26, 2018, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that the foregoing document was served on all those parties or their counsel of record through the CM/ECF system.

/s/Linda Dreeben \_\_\_\_\_  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half Street, SE  
Washington, DC 20570

Dated at Washington, DC  
this 26th day of July 2018