

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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VIEJAS BAND OF KUMEYAAY INDIANS)	
d/b/a VIEJAS CASINO & RESORT)	
)	
Petitioner/Cross-Respondent)	Nos. 18-1181 & 18-1191
)	
v.)	
)	
NATIONAL LABOR RELATIONS BOARD)	
)	
Respondent/Cross-Petitioner)	Board Case No.
)	21-CA-166290
)	
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JOINT MOTION FOR VOLUNTARY DISMISSAL OF APPEALS

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

Pursuant to Federal Rule of Appellate Procedure 42(b), the National Labor Relations Board (“the Board”), by its Deputy Associate General Counsel, and Viejas Band of Kumeyaay Indians d/b/a Viejas Casino & Resort (“Viejas”), by its counsel, respectfully move that the Court grant the parties leave to voluntarily dismiss their appeals. In support of this motion, the parties show as follows:

1. This case is before the Court on Viejas’s petition to review, and the Board’s cross-application to enforce, a Board Order issued against Viejas on June 21, 2018. *See* 366 NLRB No. 113. The United Food and Commercial Workers Union, Local 135,

AFL-CIO (“the Union”), the charging party before the Board, moved to intervene in the proceedings before the Court.

2. Since the above filings, Viejas and the Union have executed a settlement agreement that resolves the instant case to the satisfaction of the Board, thus dispensing with the need for further litigation.

3. Accordingly, Viejas agrees to voluntarily dismiss its petition for review, and the Board agrees to voluntarily dismiss its cross-application for enforcement.

4. Each party is to bear its own attorneys’ fees and costs.

5. Counsel for Viejas, George S. Howard, has authorized Board counsel to file this motion on his behalf.

WHEREFORE, Viejas and the Board respectfully request that the Clerk enter an order dismissing the petition for review and the cross-application for enforcement.

Respectfully submitted,

For the Board:

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570
(202) 273-2960

Dated: August 21, 2018

For Viejas Band of Kumeyaay Indians d/b/a Viejas Casino & Resort:

/s/ George S. Howard

George S. Howard

Jones Day

4655 Executive Drive

San Diego, CA 92121

(858) 314-1200

Dated: August 21, 2018

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that the foregoing Motion contains 367 words of proportionally-spaced, 14-point type, and the word processing system used was Microsoft Word 2010.

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, D.C. 20570
(202) 273-2960

Dated at Washington, D.C.
this 21st day of August 2018

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Respondent/Cross-Petitioner)	21-CA-166290
)	
)	

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Pursuant to Circuit Rules 27(a)(4) and 28(a)(1), counsel for the National Labor Relations Board (“the Board”) certify the following:

A. Parties and Amici

Petitioner/Cross-Respondent Viejas Band of Kumeyaay Indians d/b/a Viejas Casino & Resort (“Viejas”) was the Respondent before the Board in the underlying proceeding (Board Case No. 21-CA-166290). The Board’s General Counsel was a party before the Board. United Food and Commercial Workers International Union, Local 135, AFL-CIO was the charging party before the Board.

B. Rulings Under Review

The matter before the Court is a Decision and Order of the Board, issued against Viejas on June 21, 2018, and reported at 366 NLRB No. 113.

C. Related Cases

The Decision and Order herein has not previously been before this Court, or any other court.

/s/ Linda Dreeben

Linda Dreeben

Deputy Associate General Counsel

National Labor Relations Board

1015 Half Street, SE

Washington, D.C. 20570

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this 21st day of August 2018

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CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2018, I electronically filed the foregoing Opposition with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system.

I further certify that all parties or their counsel of record are CM/ECF users and will be served through the CM/ECF system.

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, D.C. 20570
(202) 273-2960

Dated at Washington, D.C.
this 21st day of August 2018