

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

LENAWEE STAMPING CORP.,)	
d/b/a KIRCHHOFF VAN-ROB,)	
)	
Petitioner/Cross-Respondent)	
)	
)	
v.)	Nos. 17-1170, 17-1196
)	
)	
NATIONAL LABOR RELATIONS BOARD)	
)	
Respondent/Cross-Petitioner)	
)	
and)	
)	
INTERNATIONAL UNION, UNITED)	
AUTOMOBILE, AEROSPACE AND)	
AGRICULTURAL IMPLEMENT)	
WORKERS OF AMERICA, UAW)	
)	
Intervenor)	
<hr/>)	

**JOINT MOTION TO DISMISS THE PETITION FOR REVIEW
WITH PREJUDICE AND TO DISMISS THE CROSS-APPLICATION
FOR ENFORCEMENT WITHOUT PREJUDICE**

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

Pursuant to Federal Rule of Appellate Procedure 42(b), Lenawee Stamping Corp., d/b/a Kirchhoff Van-Rob (“the Company”), by its counsel, and the National Labor Relations Board (“the Board”), by its Deputy Associate General Counsel, respectfully move the Court for leave to dismiss, with prejudice, the Company’s

petition for review of the Board's Order and to dismiss, without prejudice, the Board's cross-application for enforcement of that Order, and show:

1. On July 10, 2017, the Company filed with the Court a petition (No. 17-1170) to review a decision and order issued by the Board on June 14, 2017, reported at 365 NLRB No. 97. On August 24, 2017, the Board filed a cross-application (No. 17-1196) for enforcement of its Order, which the Clerk consolidated with the Company's petition.

2. Since then, the Company and the Board have sought to resolve these consolidated cases without further litigation or the costs associated with such litigation. The parties have reached such an agreement.

3. The Company and the Board, therefore, request that this Court dismiss, with prejudice, the Company's petition for review and dismiss, without prejudice, the Board's cross-application for enforcement.¹

4. Each side is to bear its own costs.

¹ The parties ask that the Court dismiss the Board's cross-application "without prejudice" so that the Board can, if necessary, enforce the "continuing obligation" imposed on the Company by the Board's Order. *See NLRB v. Mexia Textile Mills*, 339 U.S. 563, 567 (1950) ("the employer's compliance with an order of the Board does not render the cause moot, depriving the Board of its opportunity to secure enforcement from an appropriate court. . . . A Board order imposes a continuing obligation; and the Board is entitled to have the resumption of the unfair practice barred by an enforcement decree."); *accord NLRB v. Raytheon Co.*, 398 U.S. 25, 27-28 (1970).

5. Mark W. DeLaquil, counsel for the Company, has given the Board permission to sign this motion on his behalf.

6. Stuart Shoup, counsel for the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, which intervened in this case on behalf of the Board, does not oppose this motion.

WHEREFORE, the parties respectfully request that the Court grant this motion, dismiss the Company's petition for review with prejudice, and dismiss the Board's cross-application for enforcement without prejudice.

For the Board:

/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: September 18, 2018

For Lenawee Stamping Corp.:

/s/ Mark W. DeLaquil
Mark W. DeLaquil
Baker & Hostetler LLP
1050 Connecticut Avenue, NW
Washington Square, Suite 1100
Washington, DC 20036-5304
(202) 861-1500

Dated: September 18, 2018

ADDENDUM

As required by Circuit Rules 27(a)(4) and 28(a)(1), counsel for the Board certifies the following:

(A) Parties and Amici: Lenawee Stamping Corp., d/b/a d/b/a Kirchhoff Van-Rob (“the Company”) was the respondent in the case before the Board. The Board is the respondent here, and the Board’s General Counsel was a party in the case before the Board. The International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, is the intervenor here and was the charging party before the Board.

(B) Ruling under Review: This case involves a petition for review and cross-application for enforcement of the Board’s June 14, 2017 Decision and Order, reported at 365 NLRB No. 91.

(C) Related Case: This case has not previously been before this Court or any other court.

Respectfully submitted,

/s/ Linda Dreeben

Linda Dreeben

Deputy Associate General Counsel

National Labor Relations Board

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that its motion contains 699 words of proportionally spaced, 14-point type, and that the word processing system used was Microsoft Word 2016.

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CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2018, I filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for District of Columbia Circuit by using CM/ECF system. I certify that the foregoing document

was served on all parties or their counsel of record through the appellate 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 18th day of September 2018