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Molly C. Dwyer
Clerk of the Court
United States Court of Appeals for the Ninth Circuit
The James R. Browning Courthouse
95 Seventh Street
San Francisco, CA 94103

Re: *Communication Workers of America, AFL-CIO v. NLRB v. Purple Communications, Inc.*, Case Nos. 17-70948, 17-71062, and 17-71276

Dear Ms. Dwyer:

Pursuant to FRAP 28(j), Cross-Petitioner Purple Communications, Inc. submits this letter of supplemental authority to call the Court's attention to the attached Brief of the General Counsel recently filed in the case of *Caesars Entertainment Corp. d/b/a Rio All-Suites Hotel & Casino*, NLRB Case No. 28-CA-0608410. The General Counsel's brief argues that the Board decision at issue in the present appeal should be overruled for "a variety of legal and practical reasons" that are diametrically opposed to the brief filed by the counsel for the General Counsel in the present appeal.

The attached Brief of the General Counsel summarizes the reasons why the decision at issue in the present appeal was wrongly decided, at page 3 of the brief, as follows:

First, contrary to decades of Board precedent, the decision impermissibly created a right by employees to use employer-owned and -financed communication systems, even where employees possess a plethora of other means of communication. Second, the decision requires employers to provide and pay for employee communications in violation of their First Amendment rights. Third, permitting employees to use an employer's email systems for Section 7 communications places an undue and unnecessary burden on

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employers' business operations and has the practical effect of reducing productivity, disrupting business operations, and can compromise system security and confidentiality.

The attached brief thus provides strong additional grounds for the Board's pending Motion to Stay Oral Argument and Hold the Appeal in Abeyance, since Counsel for the General Counsel will otherwise be placed in the untenable position of arguing contradictory positions. The attached brief further supports Cross-Petitioner Purple's pending petition for review and Purple's request therein to remand this case to the Board for reconsideration in light of subsequent legal developments.

Sincerely,

/s/Maurice Baskin

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cc: All counsel of record via ECF filing