

proceedings unless Petitioner immediately complied with the Board's notice-posting remedy.

2. On December 18, 2017, however, counsel for the Board's contempt litigation division contacted counsel for Respondent to discuss the motion. During these discussions, counsel for both parties agreed that the Board would not seek to initiate contempt proceedings while the case was pending in the Supreme Court. It was further agreed that Petitioner would withdraw its motion as the motion was no longer deemed necessary or appropriate.

WHEREFORE, Capital Medical Center respectfully requests that its Motion to Recall and Stay Mandate be withdrawn on the grounds that the circumstances underlying the motion have been resolved by mutual agreement.

Respectfully submitted this 18th day of December 2018.

/s/ Charles P. Roberts III

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CERTIFICATE OF COMPLIANCE

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because this motion contains 260 words.
2. This motion complies with the typeface requirements of Fed. R. App. P. 27(d)(1)(e) because this motion contains 887 words.

Dated December 18, 2018

/s/ Charles P. Roberts III

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 18th day of December, 2018, I caused this Petitioner's Motion to Withdraw Motion to Recall and Stay Mandate to be filed electronically with the Clerk of the Court using the CM/ECF System, which will send notice of filing to the following registered CM/ECF users:

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