

Rev. 4/18

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT  
**CIVIL APPEAL STATEMENT**

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 19-10524-H

Caption: <b>National Labor Relations Board</b>  v.  <b>Mitsubishi Hitachi Power Systems Americas, Inc.</b>	District and Division: <u>N/A (Agency Case)</u> Name of Judge: <u>National Labor Relations Board (ALJ Geoffrey Carter)</u> Nature of Suit: <u>Alleged unfair labor practice</u> Date Complaint Filed: <u>3/31/2017</u> District Court Docket Number: <u>NLRB Case No. 12-CA-188952</u> Date Notice of Appeal Filed: <u>2/26/2019</u> <input checked="" type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____
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	Attorney Name	Mailing Address	Telephone, Fax, Email
For Appellant: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify)	For: NLRB David Habenstreit Usha Dheenan Jessica Mendoza Uriol	National Labor Relations Board 1015 Half Street SE Washington, DC 20570	202-273-2960 202-273-0191 (fax) appellatecourt@nlrb.gov
For Appellee: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify)	For respondent/ cross-appellant Mitsubishi: Stacy D. Blank	Holland & Knight, LLP 100 N. Tampa Street, Suite 4100 Tampa, FL 33602	813-227-8500 813-229-0134 (fax) stacy.blank@hkllaw.com

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question <input type="checkbox"/> Diversity <input type="checkbox"/> US Plaintiff <input type="checkbox"/> US Defendant	<input type="checkbox"/> Final Judgment, 28 USC 1291 <input type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1) <input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b) <input type="checkbox"/> Interlocutory Order, Qualified Immunity <input checked="" type="checkbox"/> Final Agency Action (Review) <input type="checkbox"/> 54(b)	<input type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Default Judgment <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment/Bench Trial <input type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Judgment/Directed Verdict/NOV <input type="checkbox"/> Injunction <input checked="" type="checkbox"/> Other <u>Final agency order</u>	Amount Sought by Plaintiff: \$ _____  Amount Sought by Defendant: \$ _____  Awarded: \$ _____ to _____  Injunctions: <input type="checkbox"/> TRO <input type="checkbox"/> Granted <input type="checkbox"/> Preliminary <input type="checkbox"/> Denied <input type="checkbox"/> Permanent <input type="checkbox"/> Denied

Based on your present knowledge:

(1) Does this appeal involve a question of First Impression?  Yes  No  
What is the issue you claim is one of First Impression? \_\_\_\_\_

(2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute?  Yes  No

If Yes, provide

- (a) Case Name/Statute National Labor Relations Act
- (b) Citation 29 USC 151
- (c) Docket Number if unreported \_\_\_\_\_

(3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that

- (a) Arises from substantially the same case or controversy as this appeal?  Yes  No
- (b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal?  Yes  No

If Yes, provide

- (a) Case Name \_\_\_\_\_
- (b) Citation \_\_\_\_\_
- (c) Docket Number if unreported \_\_\_\_\_
- (d) Court or Agency \_\_\_\_\_

(4) Will this appeal involve a conflict of law

- (a) Within the Eleventh Circuit?  Yes  No
- (b) Among circuits?  Yes  No

If Yes, explain briefly:

(5) Issues proposed to be raised on appeal, including jurisdictional challenges:

Whether substantial evidence supports the National Labor Relations Board's finding that Mitsubishi Hitachi Power Systems Americas, Inc. violated Section 8(a)(1) of the National Labor Relations Act (29 USC 158(a)(1)) by discharging Mohamed Shahat because he engaged in protected concerted activities.

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 8th DAY OF April, 2019.

Stacy D. Blank  
NAME OF COUNSEL (Print)

/s/ Stacy D. Blank  
SIGNATURE OF COUNSEL