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Reply To **Gary E. Lofland**

Direct: 509/452-2828

April 9, 2019

Mr. Mark Langer
U.S. Court of Appeals for the D.C. Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue NW
Washington, DC 20001-2866

Re: Supplemental Authority in *Kitsap Tenant Support Services v. NLRB*
No. 18-1187 (Consolidated)

Dear Mr. Langer:

Pursuant to FRAP 28(j) and Circuit Rule 28(f) KTSS submits the following supplemental authority.

1. Reinstatement is inappropriate

Opening Brief IV (f) (5) and (6) pp
Reply V (A) and (B) pp 14-19

NLRB v. Big Three Welding, 359 F.2d 77, 83 (5th Cir. 1966)
NLRB v. Coca Cola Bottling, 333 F.2d 181, 185 (7th Cir. 1964)
Iowa Beef Packer v. NLRB, 331 F.2d 176, 185 (8th Cir. 1964)
NLRB v. Mutual MTC., 632 F.2d 33, 38 (7th Cir. 1980)
NLRB v. Magnusen, 523 F.2d 643, 646 (9th Cir. 1975)

2. Good faith bargaining

Opening Brief VI (I) p.45ff
Reply VI p.19ff
Granting concessions in bargaining shows good faith in bargaining.

Overnight Transport Co., 307 NLRB 666, 674 (1992)
Phelps Dodge, 337 NLRB 455 n.2, 457 (2002)
Coastal Electric, 311 NLRB 1126, 1127 (1993).

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3. Coincidence in time between union activity and discharge does not itself raise an inference of knowledge on the employer's part without direct evidence of knowing.

Opening Brief VI (f)(1) p.23
Reply IV (c) (2) and (3) p.8

NLRB v. Century Broadcasting, 419 F.2d 771, 777 (8th Cir. 1970).
Indiana Metal Products v. NLRB, 202 F.2d 613, 617-18 (7th Cir. 1953).

4. Ratification

Opening Brief VI (A) p.14
Reply II p.4

...the General Counsel, upon receipt of a recommendation by a regional director, has undertaken review of case actions and determinations in cases currently pending where the issue has been raised and has ratified the underlying determinations to date.

Memorandum GC -16-02 (Revised)
2016 WL 1254476 (NLRB GC)

Respectfully Submitted,

/s/ Gary E. Lofland

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of April, 2019, on behalf of Petitioner Kitsap Tenant Support Services, I electronically filed the foregoing document with the Clerk of the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system, which will send notification of such filing to the following counsel:

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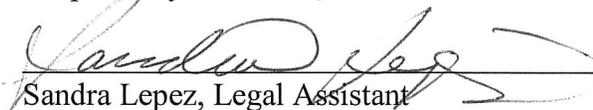
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Dated: April 9, 2019.

Respectfully submitted,



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