

CASE NO. 19-1102

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

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THE COMMITTEE TO PRESERVE THE RELIGIOUS RIGHT TO ORGANIZE,

*Petitioner,*

v.

NATIONAL LABOR RELATIONS BOARD,

*Respondent.*

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**MOTION TO FILE SUPPLEMENTAL DECLARATION OF DAVID A.  
ROSENFELD IN SUPPORT OF PETITIONER'S OPPOSITION TO  
NATIONAL LABOR RELATIONS BOARD'S MOTION TO DISMISS**

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ON APPEAL FROM DECISION AND ORDER OF THE NATIONAL LABOR  
RELATIONS BOARD  
CASE 367 N.L.R.B. NO. 78, CASE 20-CA-139745

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David A. Rosenfeld, Bar No. 058163  
Caren P. Sencer, Bar No. 233488  
WEINBERG, ROGER & ROSENFELD  
A Professional Corporation  
1001 Marina Village Parkway, Suite 200  
Alameda, California 94501  
Telephone (510) 337-1001  
Fax (510) 337-1023  
Email: drosenfeld@unioncounsel.net  
csencer@unioncounsel.net

*Attorneys for Petitioner* THE COMMITTEE TO PRESERVE THE RELIGIOUS  
RIGHT TO ORGANIZE

1. Petitioner, The Committee to Preserve the Religious Right to Organize (“the Committee”), hereby moves this Court for an Order allowing the filing of the Supplemental Declaration of David Rosenfeld. The Declaration establishes that one member of the Committee is a current employee of Hobby Lobby, who remains subject to the requirement to resolve through the disputed arbitration provision. She is also aware of others who have issues which they would have to resolve through the arbitration provision.

2. This Supplemental Declaration goes to the standing issue because it is a live issue for a member of the Committee who wishes to pursue the case on her own behalf and because there are other workers who are subject to the same disputed arbitration agreement.

For the above reasons, the Supplemental Declaration establishing that one member of The Committee is currently employed by Hobby Lobby should be granted.

Dated: September 19, 2019

Respectfully Submitted,

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

By: /s/ David A. Rosenfeld  
David A. Rosenfeld  
Caren P. Sencer  
Attorneys for Petitioner THE  
COMMITTEE TO PRESERVE THE  
RELIGIOUS RIGHT TO ORGANIZE

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**CERTIFICATE OF COMPLIANCE**

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), The Committee to Preserve the Religious Right to Organize certifies that its **MOTION TO FILE SUPPLEMENTAL DECLARATION OF DAVID A. ROSENFELD IN SUPPORT OF PETITIONER'S OPPOSITION TO NATIONAL LABOR RELATIONS BOARD'S MOTION TO DISMISS** contains 147 words of proportionally-spaced, 14-point type, and the word processing system used was Microsoft 2010.

Dated: September 19, 2019

Respectfully Submitted,

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

By: /s/ David A. Rosenfeld  
David A. Rosenfeld  
Caren P. Sencer  
Attorneys for Petitioner THE  
COMMITTEE TO PRESERVE THE  
RELIGIOUS RIGHT TO ORGANIZE

**CERTIFICATE OF SERVICE**

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501.

I hereby certify that on September 19, 2019, I electronically filed the foregoing **MOTION TO FILE SUPPLEMENTAL DECLARATION OF DAVID A. ROSENFELD IN SUPPORT OF PETITIONER'S OPPOSITION TO NATIONAL LABOR RELATIONS BOARD'S MOTION TO DISMISS** with the United States Court of Appeals, District of Columbia Circuit, by using the Court's CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the Notice of Electronic Filing by the Court's CM/ECF system.

I certify under penalty of perjury that the above is true and correct.  
Executed at Alameda, California, on September 19, 2019.

/s/ Karen Kempler  
Karen Kempler