

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

COMMUNICATION WORKERS OF
AMERICA, AFL-CIO,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

Nos. 17-70948
17-71062
17-71276

PURPLE COMMUNICATIONS, INC.,

Petitioner/Cross-Respondent,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent/Cross-Petitioner.

and

COMMUNICATION WORKERS OF
AMERICA, AFL-CIO,

Intervenor.

Board Case No.
21-CA-095151

**MOTION TO EXTEND TIME TO FILE RESPONSE TO MOTION OF THE
NATIONAL LABOR RELATIONS BOARD FOR REMAND OF THE CASE
TO THE BOARD**

1. On December 20, the National Labor Relations Board filed a Motion to Remand this case to the Board.

2. The undersigned, who is primarily responsible for the briefing in this case for the Petitioner and Intervenor, Communication Workers of America, was in the hospital at the time that motion was filed. He did not become aware of the Motion until December 27, after he came home from six days in the hospital.

3. This case involves important issues and counsel needs to consult with other counsel for Communication Workers of America and other counsel regarding whether to oppose the Motion and, if so, on what basis.

4. Counsel for Communication Workers of America is not fully back to work but has been able to work partially from home. He does not anticipate being back to work on any consistent basis for several weeks because of the requirement to remain home recuperating.

5. Counsel for Communication Workers of America has contacted David Habenstreit, Acting Deputy Associate General Counsel, who filed the Motion. Mr. Habenstreit has indicated that the Board has no objection to an extension until January 15, 2020, to reply to the Board's Motion.

6. Based on the above facts, I request that the Court grant the extension to file a response until January 15, 2020. Barring any serious change in counsel's recuperation, he should be able to meet that deadline.

7. There will be no prejudice by this extension of time since this case has been pending in various forms since 2011.

8. If called as a witness, I could competently testify to the above facts since they are in my personal knowledge.

Date: December 30, 2019

Respectfully Submitted,

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/ David A. Rosenfeld
David A. Rosenfeld
Attorneys for Petitioner and Intervenor,
COMMUNICATION WORKERS OF
AMERICA

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), Intervenor certifies that its Motion To Extend Time To File Response To Motion of the National Labor Relations Board For Remand of the Case To the Board contains 298 words of proportionally-spaced, 14-point type, and the word processing system used was Microsoft 2010.

Date: December 30, 2019

Respectfully Submitted,

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: */s/ David A. Rosenfeld*
David A. Rosenfeld
Attorneys for Petitioner and Intervenor
COMMUNICATION WORKERS OF
AMERICA

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 December 30, 2019, I electronically filed and served the forgoing **MOTION TO EXTEND TIME TO FILE RESPONSE TO MOTION OF THE NATIONAL LABOR RELATIONS BOARD FOR REMAND OF THE CASE TO THE BOARD** with the United States Court of Appeals For the Ninth Circuit by using the Court's CM/ECF system.

I further certify that counsel for parties listed below are registered users who have been served through the CM/ECF system.

I certify under penalty of perjury that the above is true and correct.
Executed at Alameda, California, on December 30, 2019.

/s/ Karen Kempler
Karen Kempler