

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

**INTERNATIONAL ASSOCIATION OF )  
MACHINISTS AND AEROSPACE )  
WORKERS, AFL-CIO, )**

**Plaintiff, )**

**) Case No. 2:19-cv-3214-BHH**

**v. )**

**JOHN RING, Chairman, MARVIN KAPLAN, )  
Board Member, WILLIAM EMANUEL, )  
Board Member, and the NATIONAL LABOR )  
RELATIONS BOARD, )**

**Defendants. )**

**DEFENDANTS’ MOTION TO DISMISS  
FOR LACK OF SUBJECT MATTER JURISDICTION**

Pursuant to Federal Rule Civil Procedure 12(b)(1) and Rule 7.02 of the Local Civil Rules for the District of South Carolina, Defendants John Ring, Chairman, Marvin Kaplan, Board Member, William Emanuel, Board Member, and the National Labor Relations Board (collectively “the Board”), respectfully submit their Motion to Dismiss the Complaint filed in the above-captioned action. As explained in the accompanying brief, this Court lacks subject-matter jurisdiction to review the Board’s representation case decision in *The Boeing Company*, 368 NLRB No. 67 (Sept. 9, 2019).

Attorney David Boehm, counsel for the Board, affirms that, prior to filing the instant motion he conferred with opposing counsel and attempted in good faith to resolve the matter contained in the motion. However, such effort was unsuccessful.

Accordingly, for the reasons set forth in the Board’s accompanying brief, the Complaint in this matter should be dismissed.

Respectfully submitted,

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ACTING UNITED STATES ATTORNEY

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Dated at Washington, D.C. and Charleston, S.C.  
This 31st day of January 2020.

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**CERTIFICATE OF SERVICE**

I hereby certify that Defendants’ Motion to Dismiss for Lack of Subject-Matter Jurisdiction and Brief in Support of their motion were electronically filed with the Clerk of Court for the United States District Court for the District of South Carolina this 31st day of January 2020 using the CM/ECF system, which will serve all case participants registered for the CM/ECF system, including counsel for Plaintiff International Association of Machinists and Aerospace Workers, AFL-CIO.

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