

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

CORDÚA RESTAURANTS, INCORPORATED)	
)	
Petitioner/Cross-Respondent)	No. 19-60630
)	
v.)	Board Case Nos.
)	16-CA-160901 <i>et al.</i>
NATIONAL LABOR RELATIONS BOARD)	
)	
Respondent/Cross-Petitioner)	
_____)	

**UNOPPOSED MOTION OF THE NATIONAL LABOR
RELATIONS BOARD FOR LEAVE TO FILE CORRECTED BRIEF**

To the Honorable, the Judges of the United States
Court of Appeals for the Fifth Circuit:

The National Labor Relations Board (“the Board”), by its Assistant General Counsel, respectfully moves for leave to file a corrected answering brief. The petitioner/cross-respondent, Cordúa Restaurants, Inc. (“the Employer”), does not oppose the Board’s motion. In support of its unopposed motion, the Board shows as follows:

1. The Board timely filed its answering brief in this case on February 4, 2020. The Employer timely filed a reply brief on March 9, 2020.
2. The Board has regrettably discovered a systemic error in the citations to the administrative record in its answering brief as filed with the Court. The Board’s brief mistakenly cites to record pagination that is inconsistent with the

Electronic Record on Appeal (EROA) pagination required by 5th Cir. R. 28.2.2 and the Guidance for Record References as directed by the Clerk of Court.

3. Accordingly, the citations to the record in the Board's brief require correction for the benefit of the Court and in order to ensure the proper functioning of the computerized hyperlinks utilized by the Court.

4. The Board has corrected the record citations to reflect the EROA pagination, and a copy of a proposed corrected brief is submitted alongside this motion. The Board has made no other alterations to the brief. The Board is prepared to subsequently file corrected hard copies at the Court's direction.

5. Board counsel has contacted counsel for the Employer, and the Employer does not oppose the Board's motion. The Board would not oppose a subsequent motion by the Employer for leave to file a revised reply brief, as necessary, in light of the Board's proposed changes to its answering brief.

WHEREFORE, the Board respectfully requests that the Court grant its unopposed motion for leave to file a corrected answering brief.

Respectfully submitted,

/s/ David Habenstreit
David Habenstreit
Acting Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, S.E.
Washington, D.C. 20570
(202) 273-2960

Dated at Washington, D.C.
this 12th day of March, 2020

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that its motion contains 290 words of proportionally-spaced, 14-point type, and the word processing system used was Microsoft Word 2016. The Board further certifies that the PDF file submitted to the Court has been scanned for viruses using Symantec Endpoint Protection version 12.1.6 and is virus-free according to that program.

Respectfully submitted,

/s/ David Habenstreit
David Habenstreit
Acting Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, S.E.
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CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2020, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the CM/ECF system. I certify that the foregoing document will be served via the CM/ECF system on all parties or their counsel of record.

Respectfully submitted,

/s/ David Habenstreit
David Habenstreit
Acting Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, S.E.
Washington, D.C. 20570
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