

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 11-1274****September Term, 2019**

NLRB-12CA24979

NLRB-12CA25055

Filed On: April 9, 2020

MasTec Advanced Technologies, a division  
of MasTec, Inc.,

Petitioner

v.

National Labor Relations Board,

Respondent

**A True copy:**

**United States Court of Appeals  
for the District of Columbia Circuit**

By:  Deputy Clerk

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Consolidated with 11-1273, 11-1294

**BEFORE:** Srinivasan, Chief Judge, and Rogers, Circuit Judge

**ORDER**

Upon consideration of the petition of the National Labor Relations Board ("NLRB") for adjudication in civil contempt and for other civil relief, the court's order filed December 9, 2019, to show cause why MasTec Advanced Technologies ("MasTec") should not be held in civil contempt and directing an answer to the allegations in the petition; MasTec's response to the order to show cause and answer to the petition; the amended supplement to the answer withdrawing Exhibit B and resubmitting an amended Exhibit B; the reply of the NLRB to MasTec's response to the order to show cause and the answer; and the motion of the NLRB for reference to a Special Master, it is

**ORDERED** that the order to show cause be discharged. It is

**FURTHER ORDERED** that the motion for reference to a Special Master be granted. See Fed. R. App. P. 48(a). It is

**FURTHER ORDERED** that the Honorable G. Michael Harvey is hereby appointed as Special Master. The Clerk shall forthwith furnish the Special Master with a certified copy of this order and the above-referenced petition and answer. It is

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**FURTHER ORDERED** that the Special Master shall recommend factual findings and disposition as appropriate based upon the present and any future submissions of the parties. It is

**FURTHER ORDERED** that the Special Master shall have the following authority, powers, and duties:

1. To conduct such proceedings as may be appropriate to consider the simplification of the issues herein, the possibility of obtaining admissions of fact and of documents, and all other matters which may aid in the disposition of this reference, including the entertainment and disposition of motions pursuant to the rules regulating discovery, and motions to amend or supplement the pleadings and all other matters as authorized by the Federal Rules of Civil Procedure.

2. To hold such hearings as may be reasonably necessary to obtain relevant and admissible oral or documentary evidence.

3. To engage a qualified reporter to take and transcribe the testimony if such be deemed necessary. Charges for the services of such reporter shall be initially borne equally by the parties, subject to a final determination by this Court at the conclusion of the entire matter.

4. In accordance with the Federal Rules of Civil Procedure, to regulate all proceedings in the hearings before him and to do all things necessary or proper for the efficient performance of his duties under this order. He may require production before him of admissible evidence upon all matters relevant and material to the issues, including the production of books, papers, vouchers, documents, and writings. He may put witnesses on oath and may himself examine them. He may rule upon the admissibility of evidence, subject to review by this Court upon his report. At the request of either party, he shall make a record of evidence offered as provided in the Federal Rules of Civil Procedure for a court sitting without a jury. Notwithstanding these powers, however, the parties shall, in order to expedite the proceedings and in the interests of justice, be permitted to obtain discovery without leave of court in accordance with the provisions of the Federal Rules of Civil Procedure, Rules 26, et seq.

5. To conduct the hearings with the purpose of keeping the inquiry within reasonable bounds confined to the controlling questions in the case, of producing a concise record, and of terminating the proceedings within a reasonable time.

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6. After the conclusion of the hearings, the Special Master shall file with the Clerk of this Court the transcript of the proceedings, if any, and the evidence, and the original exhibits, together with the Special Master's report thereon (including findings of fact, conclusions of law, and recommended remedies, if any). The Special Master's report shall be binding upon this Court only in the manner and to the extent the Court deems appropriate. The Special Master may require the parties to submit, prior to the filing of his report, proposed findings of fact, objections to proposed findings, and briefs.

7. Final assessment of all costs, fees, and expenses, including those incurred in proceedings before the Special Master, if any, is reserved for this Court. It is

**FURTHER ORDERED** that upon filing with the Clerk of the Court of the Special Master's report, the transcript of the proceedings, and the original exhibits, the Clerk will forthwith mail formal notice of filing to all parties. Either side may file written objections to the report, but any such objection must be filed with the Court and served upon the other side within 20 days after issuance of notice of the report by the Clerk. If both sides intend to file objections, petitioner must file and serve its brief within the following 20 days, respondent 20 days thereafter, and petitioner may thereafter reply only to the objections raised by the responding party within 10 days. The objection and response shall not exceed 5,200 words. Any reply may not exceed 2,600 words.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Michael C. McGrail  
Deputy Clerk