

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No. 19-3451
v.	:	
	:	Board Case No.:
ALARIS HEALTH AT THE ATRIUM	:	22-CA-206044
	:	
Respondent	:	

MOTION TO DISMISS THE BOARD’S APPLICATION FOR SUMMARY  
ENTRY OF A JUDGMENT ENFORCING THE BOARD’S ORDER

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

Pursuant to Federal Rule of Appellate Procedure 42(b), the National Labor Relations Board (“the Board”), by its Assistant General Counsel, respectfully moves to dismiss, without prejudice, the Board’s application for enforcement in the above-captioned case, and shows:

1. The Board’s application for summary entry of a judgment enforcing an order of the National Labor Relations Board against Alaris Health at the Atrium in the above-captioned case (No. 19-3451), was docketed on October 23, 2019.
2. The Board has recently been informed by the Board’s regional office that Alaris Health at the Atrium has fully complied with the Board’s order. The Board

now seeks to withdraw its presently pending application for summary entry of a judgment enforcing an order of the National Labor Relations Board.

3. Accordingly, the Board seeks to withdraw its application, without prejudice, each side to bear its own costs.

WHEREFORE, the Board requests that the Clerk enter an order dismissing without prejudice the above captioned case, each side to bear its own costs.

/s/ David Habenstreit

David Habenstreit  
Assistant General Counsel  
National Labor Relations Board  
1015 Half Street, S.E.  
Washington, D.C. 20570

Dated in Washington, D.C.  
this 27th day of April, 2020

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CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2020, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Third Circuit by using the appellate CM/ECF system. I further certify that the foregoing document was served on all those parties or their counsel of record through the CM/ECF system.

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

Dated in Washington, D.C.  
this 27th day of April 2020