

CASE NO. 19-1172 [Consolidated with 19-1209 and 19-1213]

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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NP RED ROCK LLC D/B/A RED RICK CASINO RESORT & SPA,

*Petitioner,*

v.

NATIONAL LABOR RELATIONS BOARD,

*Respondent and Petitioner,*

and

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 501,

*Petitioner and Intervenor.*

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ON PETITION FOR ENFORCEMENT OF DECISION AND ORDER OF  
NATIONAL LABOR RELATIONS BOARD  
CASE NO. 368 NLRB NO. 52, CASE 28-CA-242302

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**MOTION TO SPLIT ORAL ARGUMENT, CIRCUIT RULE 34**

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1. This is a motion pursuant to Circuit Rule 34 regarding oral argument.
2. The Court has set oral argument in this and two other cases which involve the same issue whether slot technicians are guards within the meaning of the National Labor Relations Act.
3. Intervenor Operating Engineers Local 501, which is the Charging Party in these proceedings, seeks to split oral argument with the National Labor Relations Board. Intervenor seeks three minutes of the 15 minutes allotted to the NLRB.
4. Counsel for the NLRB has indicated that the Board does not oppose this motion and will split three minutes with the Intervenor if the Court permits it.
5. Counsel for the Intervenor is familiar with the issues in this case regarding whether the slot technicians are security guards or not. Counsel also argued on behalf of the Petitioner and Intervenor Local 501 in the Ninth Circuit cases which have already been decided finding the slot technicians are not guards. See *International Union of Operating Engineers Local 501 v. NLRB*, 949 F.3d 477 (9th Cir. 2020) and *International Union of Operating Engineers Local 501 v. NLRB*, 2020 U.S. App. LEXIS 4439 (9th Cir. 2020).

Dated: April 30, 2020

Respectfully Submitted,

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

By: /s/ David A. Rosenfeld  
David A. Rosenfeld

*Attorneys For Petitioner and Intervenor,*  
INTERNATIONAL UNION OF  
OPERATING ENGINEERS LOCAL 501,  
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**CERTIFICATE OF COMPLIANCE PURSUANT TO 27(d)(2)(A)**

I hereby certify pursuant to Federal Rule of Appellate Procedure 27(d)(2)(A) that this motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 196 words. This motion complies with the typeface requirements of Federal Rule of Appellate Procedure and the typestyle requirements of Federal Rule of Appellate Procedure because it has been prepared with Microsoft Word 2010 in a proportional 14 point typeface in Times New Roman font.

Dated: April 30, 2020

Respectfully Submitted,

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

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