

NOT YET SCHEDULED FOR ORAL ARGUMENT**Nos. 18-1236, -1288, -1291**

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

STATION GVR ACQUISITION, LLC, d/b/a
Green Valley Ranch Resort Spa Casino,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent and Petitioner,

v.

INTERNATIONAL UNION OF OPERATING ENGINEERS

LOCAL 501, AFL-CIO,

Intervenor, Petitioner and Respondent.

On Petition for Review of Decision and Order of National Labor Relations Board
Case No. 366 NLRB No. 175, Cases 28-CA-211043 and 28-CA-216411

**PETITIONER'S RESPONSE TO BOARD'S MOTION TO LIFT
ABEYANCE AND REMAND**

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Petitioner Station GVR Acquisition, LLC d/b/a Green Valley Ranch Resort Spa Casino (“GVR”) files this response to the National Labor Relations Board’s (“NLRB” or “Board”) Motion to Lift Abeyance and Remand (“Motion”) (Document #1839289, filed April 22, 2020).

GVR supports the Board’s Motion.

As explained in the Board’s Motion, the Board has overruled the decision under review to the extent it is inconsistent with the Board’s “new remedial approach to apply when the employer that is being ordered to produce information to a union is simultaneously challenging that union’s certification.” (Motion at 3.) GVR agrees that, in these circumstances, “it is appropriate for the Board to address in the first instance the effects of *NP Palace II* on the Board’s Decision and Order in *GVR II*.” (Motion at 4.) The Board’s proposed approach will conserve this Court’s and the parties’ resources and promote the interests of justice better than resuming briefing in this appeal based on a Board decision that has now become obsolete. GVR therefore supports the Board’s motion without prejudice to any other rights and remedies that GVR may have with respect to the underlying matter.

Dated: May 4, 2020

Respectfully submitted,

/s/ Harriet Lipkin

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CERTIFICATE OF COMPLIANCE

I hereby certify pursuant to Federal Rule of Appellate Procedure 32(g)(1) that this response contains 188 words, excluding the portions exempted by the rules, and has been prepared with Microsoft Word 2016 in a proportional 14 point typeface in Times New Roman font.

Dated: May 4, 2020

Respectfully submitted,

/s/ Harriet Lipkin

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CERTIFICATE OF SERVICE

I certify that I electronically filed this PETITIONER'S RESPONSE TO BOARD'S MOTION TO LIFT ABEYANCE AND REMAND with the United States Court of Appeals for the District of Columbia Circuit via the Court's CM/ECF system on May 4, 2020, and that service will be made on counsel of record for all parties to this case through the Court's CM/ECF system.

/s/ Harriet Lipkin

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