

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 FOR SUMMARY ENFORCEMENT**

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*Attorneys for Petitioner and Intervenor,* INTERNATIONAL UNION OF  
OPERATING ENGINEERS, LOCAL 501

1. This is a Petition for Review by the employer challenging the Board's certification of Operating Engineers Local 501 to represent a bargaining unit of slot technicians. This is also a Cross-Petition for Enforcement filed by the National Labor Relations Board.

2. On April 30, the employer sent the letter attached as Exhibit A to the Union, advising it that it would recognize the Union.

3. The acknowledgment by the employer that it would recognize the Union moots its Petition for Review. The Board has recently reaffirmed that when an employer bargains with the Union, it waives the right to challenge the certification. See *NP Palace LLC*, 368 N.L.R.B. 148 (2019).

4. Because the employer agreed on April 30 to recognize the Union, it no longer has a defense to the Board's Cross-Petition for Enforcement of the Bargaining Order in this case.

5. This Court should enter a summary Order enforcing the Board's Decision and Order in light of the employer's waiver of its test of Certification.

Dated: May 7, 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  
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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 167 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: May 7, 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,  
AFL-CIO

# **EXHIBIT A**



Via email @ [tom@local501.org](mailto:tom@local501.org) and certified mail, return receipt requested

April 30, 2020

Thomas O'Mahar, President  
International Union of Operating Engineers, Local 501  
301 Deauville St  
Las Vegas NV 89106-3912

In re: NP Red Rock LLC, d/b/a/ Red Rock Casino Resort Spa,  
NLRB Case No. 28-RC-230613

Mr. O'Mahar:

NP Red Rock LLC d/b/a/ Red Rock Casino Resort Spa, (Company), will immediately be taking steps to withdraw all pending legal challenges to the NLRB's certification of representative in the above referenced case.

Effective immediately the Company recognizes the International Union of Operating Engineers, Local 501 as the authorized representative of the bargaining unit described in NLRB Case No. 28-RC-230613.

If you wish to meet, please contact me.

Sincerely yours,

A handwritten signature in blue ink that reads "Phil Fortino". The signature is written in a cursive style with a long horizontal stroke at the end.

Phil Fortino  
Senior Vice President – Human Resources

