

**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/Cross-Respondent

v.

NATIONAL LABOR RELATIONS BOARD

Respondent/Cross-Petitioner

and

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 501, AFL-CIO

Intervenor

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 501, AFL-CIO

Petitioner

v.

NATIONAL LABOR RELATIONS BOARD

Respondent

and

STATION GVR ACQUISITION, LLC,
d/b/a GREEN VALLEY RANCH RESORT
SPA CASINO

Intervenor

Nos. 18-1236
18-1288

Board Case Nos.
28-CA-211043
28-CA-216411

No. 18-1291

Board Case Nos.
28-CA-211043
28-CA-216411

**MOTION FOR 11-DAY EXTENSION OF TIME FOR FILING BOARD’S
REPLY TO OPPOSITION TO REMAND**

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

The National Labor Relations Board (“the Board”), by its Assistant General Counsel, seeks an 11-day extension of time, from May 11 to and including May 22, to file its reply to the opposition of International Union of Operating Engineers Local 501, AFL-CIO (“the Union”) to the Board’s motion to lift abeyance and remand this case.

1. On April 22, 2020, the Board filed a motion to take this case out of abeyance and remand it to the Board in light of an intervening change of Board law that potentially affected the remedy.

2. On May 4, the Union filed an opposition to the Board’s motion. On the same date, Station GVR Acquisition, LLC, d/b/a Green Valley Ranch Resort Spa Casino (“the Company”) filed a response in support of the Board’s motion.

3. The Board’s reply is due on May 11.

4. The Board seeks additional time to prepare its reply because its counsel, including Heather Beard, is preparing for oral argument on May 14 before this Court in three related cases, *NP Palace LLC, d/b/a Palace Station Hotel & Casino v. NLRB* (D.C. Cir. Nos. 19-1107, 19-1119, 19-1133), *NP Lake Mead LLC d/b/a Fiesta Henderson Casino Hotel v. NLRB* (D.C. Cir. Nos. 19-1138, 19-1151),

and *NP Red Rock LLC d/b/a Red Rock Casino Resort & Spa v. NLRB* (D.C. Cir. Nos. 19-1172, 19-1209, 19-1213). Further, Board counsel expended significant time over the last week in settlement discussions regarding those cases, which involve the same counsel and related parties as here. Pursuant to this Court's March 1, 2016 Notice regarding Mandatory Notification of Settlement Proceedings, the Board advised the Court of the serious settlement discussions by letters filed May 1 in each of those cases.

5. Counsel for the Company does not oppose the instant motion. Counsel for the Union does not consent to the extent that the requested extension is based in part on the Board's participation in settlement discussions in the three cases set for oral argument on May 14.

WHEREFORE, the Board respectfully requests that this Court grant its motion to extend the due date for the Board's reply to the Union's opposition to the Board's motion to lift abeyance and remand the case to and including May 22, 2020.

Respectfully submitted,

/s/ David Habenstreit

David Habenstreit
Assistant General Counsel
National Labor Relations Board
1015 Half St., SE
Washington, D.C.
(202) 273-2960

Dated at Washington, D.C.
this 8th day of May, 2020

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that the foregoing document contains 556 words of proportionally spaced, 14-point type, and that the word processing system used was Microsoft Word 2016.

/s/ David Habenstreit
David Habenstreit
Assistant General Counsel
NATIONAL LABOR RELATIONS BOARD
1015 Half Street, SE
Washington, DC 20570

Dated at Washington, DC
this 8th day of May 2020

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2020, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system. I certify further that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

/s/ David Habenstreit
David Habenstreit
Assistant General Counsel
NATIONAL LABOR RELATIONS BOARD
1015 Half Street, SE
Washington, DC 20570

Dated at Washington, DC
this 8th day of May 2020