

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

| | | |
|-----------------------------------|---|---------------------|
| NATIONAL LABOR RELATIONS BOARD |) | |
| |) | |
| Petitioner/Cross-Respondent |) | Nos. 20-77 & 20-361 |
| |) | |
| v. |) | Board Case No. |
| |) | 29-CA-186692 |
| NICO ASPHALT PAVING, INC. and its |) | |
| SUCCESSOR IN INTEREST and ALTER |) | |
| EGO, CITY WIDE PAVING, INC. |) | |
| |) | |
| Respondents/Cross-Petitioner |) | |

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2020, I filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Second Circuit by using the CM/ECF system. I certify 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