

No. 18-60522

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IN THE  
**United States Court of Appeals for the Fifth Circuit**

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DISH NETWORK CORPORATION,  
*Petitioner-Cross-Respondent,*

*v.*

NATIONAL LABOR RELATIONS BOARD,  
*Respondent-Cross-Petitioner,*

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On Petition for Review of the Order of the  
National Labor Relations Board, Case Nos.  
16-CA-173719, 16-CA-  
173720, 16-CA-173770, 16-CA-177314,  
16-CA-177321, 16-CA-178881,  
and 16-CA-178884

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**UNOPPOSED MOTION  
FOR EXTENSION OF TIME TO RESPOND  
TO THE UNION'S PETITION FOR  
REHEARING EN BANC**

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Petitioner-Cross-Respondent DISH Network Corporation respectfully requests a 21-day extension, to and including June 16, 2020, to respond to the petition for rehearing en banc filed by Intervenor Communications Workers of America, AFL-CIO.

In support of this motion, DISH states as follows:

1. On May 4, Intervenor Communications Workers of America, AFL-CIO (the Union) petitioned for rehearing en banc in this case. On May 15, the Court ordered the parties to respond to the Union's petition by May 26.

2. David Casserly, attorney for the National Labor Relations Board, contacted undersigned counsel to indicate that he intended to seek an extension of time to respond to the Union's petition. Mr. Casserly further communicated that the Clerk of the Court had informed him that the Court disfavors extension motions that would result in different deadlines for different parties. He accordingly inquired whether DISH would seek an extension of time to respond to the Union's petition. An extension of time is therefore justified by the need to align the parties' deadlines.

3. An extension is also justified due to the various other obligations of undersigned counsel. These include an opening brief, also due to be filed on May 26, 2020, in the United States Court of Appeals for the Second Circuit, in *DISH Network L.L.C. v. Ace American Insurance Company*, No. 20-268-cv. Additionally, an extension is

warranted due to the ongoing COVID-19 pandemic and associated stay-at-home orders, which have required counsel to use remote work arrangements and increased responsibilities for childcare, among other things.

4. This motion is unopposed. As noted, on May 18, David Casserly, counsel for the Board, urged DISH to seek an extension. And on May 19, Matt Holder, counsel for the Union, indicated that the Union does not oppose DISH's request for an extension.

For the foregoing reasons, the Court should grant DISH's motion for a 21-day extension of time to file its response to the Union's petition for rehearing en banc.

Respectfully submitted,

/s/ Eric A. Shumsky

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May 20, 2020

## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system on May 20, 2020.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

ORRICK, HERRINGTON & SUTCLIFFE LLP

*/s/ Eric A. Shumsky*

Eric A. Shumsky

*Counsel for Petitioner-Cross-Respondent*

## CERTIFICATE OF COMPLIANCE

This motion complies with the word limit of Fed. R. App. P. 27(d)(2)(a) because this motion contains 323 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f).

This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and 5th Cir. R. 32.1 and the type style requirements of Fed. R. App. P. 32(a)(6) because this motion has been prepared in a proportionally spaced typeface using Microsoft Word 2013 in Century Schoolbook 14-point font.

ORRICK, HERRINGTON & SUTCLIFFE LLP

*/s/ Eric A. Shumsky*

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