

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

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METROPOLITAN SECURITY SERVICES,		)	
INC. d/b/a WALDEN SECURITY		)	
		)	
Petitioner		)	
v.		)	Nos. 18-1204
		)	& 18-1231
NATIONAL LABOR RELATIONS BOARD		)	
		)	Board Case No.
Respondent		)	14-CA-170110
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**JOINT MOTION TO DISMISS WITH PREJUDICE THE PETITION FOR  
REVIEW AND TO DISMISS WITHOUT PREJUDICE THE CROSS-  
APPLICATION FOR ENFORCEMENT**

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

Pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure, the National Labor Relations Board (“the Board”), by its Assistant General Counsel, and Metropolitan Security Services, Inc. d/b/a Walden Security (“Walden”) (collectively, “the Parties”) respectfully move to dismiss with prejudice Walden’s petition for review, and to dismiss without prejudice the Board’s cross-application for enforcement. In support of their joint motion, they show as follows:

1. On March 23, 2018, the Board issued a Decision and Order reported at 366 NLRB No. 44. Walden filed a petition for review of the Board's Order in this Court (No. 18-1204) and the Board cross-applied for enforcement of its Order (No. 18-1231). The Court issued an order consolidating these cases.

2. Subsequently, with the assistance of the Court's mediation program, the Parties reached a written agreement that resolved all outstanding issues arising from the Board's Order. Walden has complied with that agreement and with the underlying Order in a manner satisfactory to the Board, thus dispensing with the necessity of further litigation at this time.

3. Accordingly, pursuant to the terms of their agreement, the Parties now move to dismiss Walden's petition for review with prejudice, and to dismiss the Board's cross-application for enforcement without prejudice to the Board's right to file a future application for enforcement, if necessary, in the event that Walden fails to continue complying with the Order. *See NLRB v. Mexia Textile Mills*, 339 U.S. 563, 567 (1950) (because "[a] Board order imposes a continuing obligation" and because "the Board is entitled to have [any] resumption of the unfair practice barred by an enforcement decree," an employer's compliance does not deprive the Board of the right to secure enforcement of the order from an appropriate court); *accord NLRB v. Raytheon Co.*, 398 U.S. 25, 27-28 (1970).

4. The Parties agree that each party is to bear its own costs.

5. Daniel Altchek, counsel for Walden, has authorized the Board to

execute this motion on Walden's behalf.

WHEREFORE, the Parties respectfully request that the Court grant this joint motion and dismiss with prejudice Walden's petition for review and dismiss without prejudice the Board's cross-application for enforcement of its Order.

Respectfully submitted,

/s/ David Habenstreit

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Dated at Washington, DC  
this 28th 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 497 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 28th day of May 2020

