

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

NATIONAL LABOR RELATIONS BOARD,)	Case Nos.	19-2356
)		19-2397
)		
Petitioner/Cross- Respondent,)		
)		
v.)	RESPONDENT/CROSS- PETITIONER ROEMER	
ROEMER INDUSTRIES, INC.,)	INDUSTRIES, INC.’S MOTION TO	
)	CALENDAR THIS MATTER FOR	
Respondent/Cross- Petitioner.)	<u>ORAL ARGUMENT</u>	
)		

Respondent/Cross-Petitioner Roemer Industries, Inc. respectfully, requests that this Court schedule this matter for oral argument. The dispute is currently scheduled for submission on the briefs on August 4, 2020. The issues before the Court involve and implicate important Constitutional considerations where the so-called neutral arbiter of the NLRB (i.e. the ALJ) post-hearing, altered the charged, pled, and argued basis urged by the General Counsel to challenge the discharge of employee Bruce Haas. Additionally, the NLRB’s recent submission of “supplemental authority”¹, which the Board professes to have settled a “argument *similar*” to one raised by Roemer in this case is an additional reason for calendaring this dispute for oral argument. As pointed out in Roemer’s Reply Brief to this Court,

¹ *Challenge Manufacturing Co. v. NLRB*, ___ F. Appx. ___, 2020 WL 3060747 (June 9, 2020).

the NLRB's administrative law judges have a different viewpoint about the effect of the NLRB's decision in *Tschiggfrie Properties, Ltd.*, 368 NLRB No. 120 (2019) in the identical - - not merely "similar" - - setting as this case. *Kenny/Obayashi*, 2020 WL 1244630 (March 12, 2020). Moreover, the NLRB has a disturbing pattern of mis-applying its § 8(a)(3) *Wright Line*² analysis, which is argued here. *Circus Circus Casinos, Inc. v. NLRB*, 2020 WL 3108276 (D.C. Cir. June 12, 2020), *reversing*, 366 NLRB No. 110 (2018).

Accordingly, pursuant to Fed. R. App. P. 27, Respondent/Cross-Petitioner Roemer Industries, Inc. respectfully requests that this matter be calendared for oral argument, and not decoded simply by submission of the briefs.

Respectfully submitted,

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² *Wright Line*, 251 NLRB 1083 (1980), *approved in NLRB v. Transp. Mgmt.*, 462 U.S. 393, 403-04 (1983).

CERTIFICATE OF SERVICE

I certify that the foregoing Motion to Calendar this Matter for Oral Argument was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by placing a true and correct copy in the United States mail, postage prepaid, to their address of record:

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Dated: June 15, 2020