

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 20-1163

Caption [use short title]

Motion for: an Order Permitting the Filing of a Deferred Appendix

Set forth below precise, complete statement of relief sought:
Petitioner moves for an order permitting the filing of a deferred appendix in this case. Petitioner has not yet filed its opening brief, which is due August 14, 2020.

International Brotherhood of E v. NLRB

MOVING PARTY: International Brotherhood of Electrical

OPPOSING PARTY: National Labor Relations Board

- Plaintiff Defendant
Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: Matthew Ginsburg

OPPOSING ATTORNEY: Greg P. Lauro

[name of attorney, with firm, address, phone number and e-mail]

815 Sixteenth Street, NW

1015 Half Street, SE

Washington, DC 20006

Washington, DC 20570

(202) 637-5397 / mginsburg@afclcio.org

(202) 273-2965 / greg.lauro@nrlrb.gov

Court- Judge/ Agency appealed from: National Labor Relations Board

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
Yes No (explain):

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has this request for relief been made below? Yes No
Has this relief been previously sought in this court? Yes No
Requested return date and explanation of emergency:

Opposing counsel's position on motion:
Unopposed Opposed Don't Know

Does opposing counsel intend to file a response:
Yes No Don't Know

Is oral argument on motion requested? Yes No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? Yes No If yes, enter date:

Signature of Moving Attorney:

/s/ Matthew Ginsburg

Date: 07/02/2020

Service by: CM/ECF Other [Attach proof of service]

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

INTERNATIONAL)
BROTHERHOOD OF)
ELECTRICAL WORKERS,)
LOCAL UNION 43,)
)
Petitioner,)
)
v.)
)
NATIONAL LABOR RELATIONS)
BOARD,)
)
Respondent,)
)
and)
)
ADT, LLC,)
)
Intervenor.)

Case No. 20-1163

**PETITIONER’S UNOPPOSED MOTION FOR AN ORDER
PERMITTING THE FILING OF A DEFERRED APPENDIX**

Pursuant to Federal Rule of Appellate Procedure 30(c) and Local Rule 30.1(c), Petitioner International Brotherhood of Electrical Workers, Local Union 43 hereby moves the Court for an order permitting the filing of a deferred appendix in this case. Petitioner has not yet filed its opening brief, which is due on August 14, 2020.

Counsel for Petitioner has consulted with counsel for Respondent National Labor Relations Board and counsel for Intervenor ADT, LLC

regarding this motion. Counsel for Respondent states that the NLRB has no objection to the use of a deferred appendix. Counsel for Intervenor states that ADT has no objection and will stipulate to the use of a deferred appendix.

WHEREFORE, Petitioner respectfully requests that the Court grant its unopposed motion for an order permitting the filing of a deferred appendix in this case.

Jonathan D. Newman
Sherman Dunn, P.C.
900 Seventh Street, NW
Suite 1000
Washington, D.C. 20001

/s/ Matthew J. Ginsburg
Matthew J. Ginsburg
James B. Coppess
815 Sixteenth Street NW
Washington, DC 20006
(202) 637-5397

Bryan Arnault
Blitman & King, LLP
443 N Franklin Street, Suite 300
Syracuse, NY 13204

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME
LIMITATION, TYPEFACE REQUIREMENTS,
AND TYPE-STYLE REQUIREMENTS**

1. This motion complies with the type-volume limitations of Fed. R. App. P. 27(d)(2)(A) because this motion contains 148 words.
2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because the motion has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in a 14-point type in a Times New Roman font style.

/s/ Matthew J. Ginsburg
Matthew J. Ginsburg

Date: July 2, 2020

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2020, the foregoing Petitioner's Unopposed Motion for an Order Permitting the Filing of a Deferred Appendix was served on all parties or their counsel of record through the CM/ECF system.

/s/ Matthew J. Ginsburg
Matthew J. Ginsburg