

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

-----

Lion Elastomers,	)	
	)	
Petitioner,	)	
	)	<b>Case No. 20-60499</b>
v.	)	
	)	
National Labor Relations Board,	)	
	)	
Respondent,	)	
	)	
and	)	
	)	
United Steel, Paper and Forestry, Rubber	)	
Manufacturing, Energy, Allied Industrial &	)	
Service Workers International Union,	)	
Local 228,	)	
	)	
Intervenor.	)	
	)	

-----

**UNION’S MOTION TO INTERVENE**

Now comes United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 228 (“Union”), and moves this Court for leave to intervene in the above-captioned case pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure. In support of this Motion, the Union states the following:

1. On June 17, 2020, Lion Elastomers (“Company”), pursuant to FRAP 15(a), filed a petition for review of the National Labor Relations Board’s

(“NLRB”) Order of May 29, 2020, in Case Nos. 16-CA-190681, 16-CA-203509, and 16-CA-225153.

2. In the May 29, 2020 Decision and Order, the NLRB found that the Company violated Sections 8(a)(1) and (3) of the National Labor Relations Act, 29 U.S.C. §§ 158(a)(1) and (3), and ordered the Company to take appropriate remedial action.

3. The Union was the charging party in these cases. As the Supreme Court held in *UAW Local 283 v. Scofield*, 382 U.S. 205 (1965), the successful party in an NLRB proceeding has the right to intervene in appellate proceedings. The Court in *Scofield* reasoned that “the charging party may have vital ‘private rights’ in the Board proceeding,” *id.* at 220, and should be afforded “an opportunity tantamount to that of the unsuccessful party in persuading an appellate court,” *id.* at 222.

4. This Motion to Intervene, filed within 30 days after the Company filed its Petition for Review, is timely. *See* FRAP 15(d).

WHEREFORE, this Court should grant leave for the Union to intervene in the above-captioned case.

Dated: July 17, 2020

Respectfully submitted,

s/ David R. Jury  
David R. Jury

David R. Jury  
General Counsel  
(PA ID: 77015)  
United Steel, Paper and Forestry, Rubber,  
Manufacturing, Energy, Allied Industrial  
and Service Workers International Union  
Five Gateway Center, Room 807  
Pittsburgh, PA 15222  
(412) 562-2545  
Fax (412) 562-2574

*(Counsel for United Steel, Paper and Forestry,  
Rubber, Manufacturing, Energy, Allied Industrial and  
Service Workers International Union, Local 228)*

Sasha Shapiro  
Assistant General Counsel  
(PA ID: 208571)  
United Steel, Paper and Forestry, Rubber,  
Manufacturing, Energy, Allied Industrial  
and Service Workers International Union  
Five Gateway Center, Room 807  
Pittsburgh, PA 15222  
(412) 562-2355  
Fax (412) 562-2574

*(Application for Admission Pending)*

**CERTIFICATE OF SERVICE**

I, Sasha Shapiro, do hereby certify that on July 17, 2020, an electronic copy of the Union's Motion to Intervene was filed with the Court via the ECF system. I also certify that a copy of the foregoing was served upon the following persons via U.S. Mail, postage prepaid:

David Habenstreit  
1015 Half Street, SE  
Washington, DC 20570  
[appellatecourt@nlrb.gov](mailto:appellatecourt@nlrb.gov)

Usha Dheenan  
1015 Half Street, SE  
Suite 4130  
Washington, DC 20570  
[usha.dheenan@nlrb.gov](mailto:usha.dheenan@nlrb.gov)

Jaklyn Wrigley  
Steven R. Cupp  
FISHER & PHILLIPS LLP  
2505 14th Street, Suite 300  
Gulfport, MS 39501  
[jwrigley@fisherphillips.com](mailto:jwrigley@fisherphillips.com)  
[scupp@fisherphillips.com](mailto:scupp@fisherphillips.com)

*s/ David R. Jury*

\_\_\_\_\_  
David R. Jury