

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

LOWE’S HOME CENTERS, L.L.C.,

Petitioner Cross-Respondent,

vs.

NATIONAL LABOR RELATIONS BOARD,

Respondent Cross-Petitioner

Case No. 20-60472

**LOWE’S HOME CENTERS, LLC’S UNOPPOSED MOTION FOR LEAVE
TO FILE ANSWER TO CROSS-APPLICATION FOR ENFORCEMENT OF
AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD**

Pursuant to Rule 27 of the Federal Rules of Appellate Procedure, Petitioner Cross-Respondent Lowe’s Home Centers, LLC (“Lowe’s”) files this Unopposed Motion for Leave to File its Answer to the National Labor Relations Board’s Cross-Application for Enforcement (“Cross-Application”). In support of this Unopposed Motion, Lowe’s states as follows:

1. On July 15, 2020, the National Labor Relations Board filed its Cross-Application for Enforcement.
2. Lowe’s seeks to respond to the Cross-Application for Enforcement by filing an Answer. *See Federal Rules of Appellate Procedure 15(b)(2)*.
3. Based on communications with Clerk’s staff, it is our understanding that because of the course of procedural filings in this matter, the Court’s electronic

case filing system does not recognize a deadline for an Answer to the Cross-Application and will not allow the undersigned counsel to select an electronic filing event that would permit filing and submission of Lowe's Answer to the Cross-Application. Nonetheless, the undersigned counsel on behalf of its client, Lowe's, seeks to file an Answer to the Cross-Application.

4. Counsel for the National Labor Relations Board informed the undersigned on July 29, via e-mail, that it does not oppose this motion. Thus, this motion is unopposed.

5. Lowe's proposed form of Answer to Cross-Application for Enforcement is attached to this Unopposed Motion as Exhibit A.

WHEREFORE, Lowe's respectfully moves for leave of court to file its Answer to Cross-Application for Enforcement in the form attached as Exhibit A to this Unopposed Motion and respectfully requests that the Court and the Clerk accept Exhibit A and that the Answer be filed and docketed as submitted.

Respectfully submitted,

Dated: July 31, 2020

/s/ David J. Pryzbylski
David J. Pryzbylski
Peter A. Morse
BARNES & THORNBURG LLP
11 South Meridian Street
Indianapolis, Indiana 46204
Telephone: (317) 231-6464
Facsimile: (317) 231-7433
Email: dpryzbylski@btlaw.com
pmorse@btlaw.com

Peter J. Wozniak
BARNES & THORNBURG LLP
One North Wacker Drive, Suite 4400
Chicago, Illinois 60606-2833
Telephone: (312) 214-2113
Facsimile: (312) 759-5646
Email: pwozniak@btlaw.com

*Attorneys for Petitioner, Lowe's Home
Centers, LLC*

CERTIFICATE OF COMPLIANCE

I certify that, pursuant to Federal Rule of Appellate Procedure 32, the attached Unopposed Motion is proportionately spaced, has a typeface of 14 points or more, and contains 311 words.

Respectfully submitted,

Dated: July 31, 2020

/s David J. Pryzbylski
David J. Pryzbylski
Peter A. Morse
BARNES & THORNBURG LLP
11 South Meridian Street
Indianapolis, Indiana 46204
Telephone: (317) 231-6464
Facsimile: (317) 231-7433
Email: dpryzbylski@btlaw.com
pmorse@btlaw.com

Peter J. Wozniak
BARNES & THORNBURG LLP
One North Wacker Drive, Suite 4400
Chicago, Illinois 60606-2833
Telephone: (312) 214-2113
Facsimile: (312) 759-5646
Email: pwozniak@btlaw.com

*Attorneys for Petitioner, Lowe's Home
Centers, LLC*

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

LOWE'S HOME CENTERS, L.L.C.,

Petitioner Cross-Respondent,

vs.

NATIONAL LABOR RELATIONS BOARD,

Respondent Cross-Petitioner

Case No. 20-60472

CERTIFICATE OF SERVICE

Pursuant to Rule 15(c) of the Federal Rules of Appellate Procedure, I, David J. Pryzbylski, an attorney, hereby certify that on July 31, 2020, I caused a true and complete copy of Lowe's Home Centers, LLC's Unopposed Motion for Leave to File Answer to Cross-Application for Enforcement to be served via the Court's Electronic Filing System on counsel for parties admitted to participate in the proceedings before the National Labor Relations Board, as follows:

Ronald K. Hooks
Regional Director
National Labor Relations Board
915 2nd Avenue
Room 2948
Seattle, WA 98174-1078

Roxanne Rothschild
Executive Secretary
Office of the Executive Secretary
National Labor Relations Board
1015 Half Street SE
Washington, DC 20003-3656

David S. Habenstreit
Assistant General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570-0001

David Casserly
National Labor Relations Board
Room 4154
1015 Half Street, SE
Washington, DC 20570-0001

Elizabeth Ann Heaney
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570-0001

M. Kathleen McKinney
National Labor Relations Board
Region 15
7th Floor
600 S. Maestri Place
New Orleans, LA 70130

Amber Dawn Frare
4988 North Huntington Road
Marion, IN 46952
(courtesy copy via U.S. Mail)

Respectfully submitted,

Dated: July 31, 2020

/s David J. Pryzbylski

David J. Pryzbylski
Peter A. Morse
BARNES & THORNBURG LLP
11 South Meridian Street
Indianapolis, Indiana 46204
Telephone: (317) 231-6464
Facsimile: (317) 231-7433
Email: dpryzbylski@btlaw.com
pmorse@btlaw.com

Peter J. Wozniak
BARNES & THORNBURG LLP
One North Wacker Drive, Suite 4400
Chicago, Illinois 60606-2833
Telephone: (312) 214-2113
Facsimile: (312) 759-5646
Email: pwozniak@btlaw.com

*Attorneys for Petitioner, Lowe's Home
Centers, LLC*