

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

RANDALLS FOOD AND DRUG, L.P.,)	
)	
Petitioner,)	
)	
v.)	Case No. 20-60515
)	
NATIONAL LABOR RELATIONS)	
BOARD,)	
)	
Respondent.)	

**PETITIONER’S MOTION FOR LEAVE TO FILE ANSWER TO RESPONDENT’S
CROSS-APPLICATION FOR ENFORCEMENT OF AN ORDER OF THE NATIONAL
LABOR RELATIONS BOARD**

Petitioner Randalls Food and Drug, L.P.(“Petitioner” or “Randalls”), by and through its undersigned counsel, hereby moves the Court for an Order allowing it to file its Answer to Respondent’s Cross-Application for Enforcement of an Order of the National Labor Relations Board attached hereto as Exhibit A. In support of this motion, Randalls states as follows:

1. Petitioner file its Petition for Review on or about June 22, 2020.
2. Respondent National Labor Relations Board (“Respondent” or “NLRB”) filed its Cross-Application for Enforcement on or about July 30, 2020.
3. Rule 15(b) of the Federal Rules of Appellate Procedure, “Application or Cross-Application to Enforce an Order; Answer; Default” (the “Rule”), provides for an answer to an application for enforcement (or cross-application, as implied by the title of the Rule) to be filed and requires the answer to be filed within 21 days of the filing of the application for enforcement. The Rule further provides the Court will enter judgment for the relief sought in an application for enforcement if an answer is not

timely filed.

4. Therefore, the filing of an answer by Petitioner to Respondent's Cross-Application for Enforcement is a matter of right. Petitioner is entitled to answer Respondent's Cross-Application for Enforcement and to avoid the risk of judgment being entered against it for failure to timely file an answer.

Pursuant to Local Rule 27.4, Petitioner contacted counsel for all parties to determine whether any party opposes this Motion. Counsel for all parties responded they have no opposition.

Accordingly, Petitioner respectfully requests that the Court enter an Order granting its motion to file its Answer to Respondent's Cross-Application for Enforcement of an Order of the National Labor Relations Board.

Respectfully submitted this 18th day of August 2020.

/s/ Jeffrey A. Schwartz
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COUNSEL FOR PETITIONER

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CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2020, I electronically filed the within and foregoing **PETITIONER’S MOTION FOR LEAVE TO FILE ANSWER TO RESPONDENT’S CROSS-APPLICATION FOR ENFORCEMENT OF AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD** via the Court’s CM/ECF system, which will send e-mail notification and a true and correct copy of same to

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and I served the following by depositing true and correct copies of same in the U.S. Mail with sufficient postage thereon to reach their destinations:

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