

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

MHN GOVERNMENT SERVICES, LLC,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

Case No. 20-1184  
(Consolidated with Case No.  
20-1199)

**MOTION TO EXTEND FILING DEADLINES**

Pursuant to D.C. Circuit Rule 28(e), Petitioner MHN Government Services, LLC (“MHNGS”), respectfully requests a 30-day extension of all briefing and related deadlines in this appeal (No. 20-1184), as consolidated with the National Labor Relations Board’s (the “NLRB”) cross-application for enforcement (No. 20-1199). *See* Clerk’s Order in Appeal No. 20-1184, filed June 12, 2020, Doc. No. 1847023. The NLRB is not opposed to this requested extension. Intervenor International Association of Machinists and Aerospace Workers, AFL-CIO (the “Union”) has not responded to an email sent on August 21 or a phone call and follow-up email on August 24 to its counsel asking whether it would consent to or oppose this motion.

Within the past two weeks, the federal government ended its contractual relationship with MHNGS, and the employees who were the subject of the Certification of Representative at issue here have become employed by another

contractor replacing MHNGS at the same site. MHNGS's former employees are now covered by the other contractor's collective bargaining agreement with the Union. The dispute over the employees' representation by the Union is therefore effectively moot. As a result, the parties may be able to resolve their dispute without the need for the Court to rule on the merits. The additional time will allow the parties to negotiate whether the case should continue or not, thereby potentially saving the parties' and the Court's resources.

MHNGS's opening brief, the first scheduled to be filed in this matter, is currently due on September 14, 2020. *See* Clerk's Order filed August 5, 2020, Doc. No. 1855233. The NLRB's brief is due on October 14, the Intervenor Union's brief on October 21, MHNGS's reply brief on November 12, and final briefs on December 3. *Id.* Oral argument has not been scheduled. MHNGS requests that these and any other remaining deadlines in this matter be extended by 30 days to allow the parties to work to resolve their dispute amicably.

### **CONCLUSION**

For these reasons, MHNGS requests a 30-day extension of all remaining deadlines.

Dated: August 24, 2020

Respectfully submitted,

/s/ Mark D. Harris

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was filed electronically with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Dated: August 24, 2020

Respectfully submitted,

/s/ Mark D. Harris

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## CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g), the undersigned counsel certifies that this document complies as follows:

This document complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because, excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f), this document contains 337 words.

The document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Times New Roman font. As permitted by Federal Rule of Appellate Procedure 32(g)(1), the undersigned has relied upon the word-count feature of this word processing system in preparing this certificate.

Dated: August 24, 2020

/s/ Mark D. Harris