

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
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September 03, 2020

Mr. John R. Hunt
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1201 W. Peachtree Street, N.W.
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Suite 2400
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Mr. Arch Y. Stokes
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1201 W. Peachtree Street, N.W.
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Mr. Paul E. Wagner
Stokes Wagner, A.L.C.
903 Hanshaw Road
Ithaca, NY 14850

No. 20-60647 Horseshoe Entertainment, L.P. v. NLRB
Agency No. 15-CA-215656

Dear Mr. Hunt, Mr. Stokes, Mr. Wagner,

We have filed the record. PETITIONER'S BRIEF AND RECORD EXCERPTS ARE DUE WITHIN 40 DAYS FROM THE DATE ABOVE, See **FED. R. APP. P.** and **5TH CIR. R.** 28, 30 and 31. Except in the most extraordinary circumstances, the maximum extension for filing briefs is 40 days in agency cases. See also **5TH CIR. R.** 30.1.2 and **5TH CIR. R.** 31.1 to determine if you have to file electronic copies of the brief and record excerpts, and the Portable Document Format (PDF) you **MUST** use. See also **5TH CIR. R.** 30.1 for the contents of the Record Excerpts which are filed instead of an appendix. You may access our briefing checklist on the Fifth Circuit's website "<http://www.ca5.uscourts.gov/docs/default-source/forms-and-documents---clerks-office/rules/brchecklist.pdf>". An intervenor's time is governed by **5TH CIR. R.** 31.2. **5TH CIR. R.** 42.3.2 allows the clerk to dismiss appeals **without notice** if the brief is not filed on time.

The caption for this appeal is attached, and we ask you to use it on any briefs filed with this court.

Brief Template: The clerk's office offers brief templates and the ability to check the brief for potential deficiencies prior to docketing to assist in the preparation of the brief. To access these options, log in to CM/ECF and from the Utilities menu, select 'Brief Template' (Counsel Only) or 'PDF Check Document'.

Once you obtain the record, you should check it within 14 days of receipt for any missing or incomplete items. If you need to request a supplemental record or order transcripts, do so promptly. The court will not grant extensions of time to file your brief because you did not timely check the record.

Guidance Regarding Citations for Administrative Records

See 5TH CIR. R. 28.2.2 - You must use the proper citation format when citing to the electronic administrative record.

Within the electronic record, the record citation cited at the bottom left hand side of the page is the proper citation to be used.

An example of a proper record citation format is, "ROA" followed by a period, followed by the page number. For example, "ROA.123". See 5TH CIR. R. 28.2.2.

Reminder as to Sealing Documents on Appeal: Our court has a strong presumption of public access to our court's records, and the court scrutinizes any request by a party to seal pleadings, record excerpts, or other documents on our court docket. Counsel moving to seal matters must explain in particularity the necessity for sealing in our court. Counsel do not satisfy this burden by simply stating that the originating court sealed the matter, as the circumstances that justified sealing in the originating court may have changed or may not apply in an appellate proceeding. It is the obligation of counsel to justify a request to file under seal, just as it is their obligation to notify the court whenever sealing is no longer necessary. An unopposed motion to seal does not obviate a counsel's obligation to justify the motion to seal.

Sincerely,

LYLE W. CAYCE, Clerk

By: /s/Dantrell Johnson
Dantrell Johnson, Deputy Clerk
504-310-7689

Enclosure(s)

cc w/encl:

Ms. Julie Brock Broido
Mr. David S. Habenstreit
Ms. M. Kathleen McKinney
Ms. Milakshmi Varuni Rajapakse

Mr. Peter B. Robb

Case No. 20-60647

Horseshoe Entertainment, L.P., doing business as Horseshoe
Bossier City Hotel & Casino,

Petitioner Cross-Respondent

v.

National Labor Relations Board,

Respondent Cross-Petitioner