

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

<p><b>ATLANTIC CITY ELECTRIC COMPANY</b></p> <p>Petitioner/Cross-Respondent</p> <p>v.</p> <p><b>NATIONAL LABOR RELATIONS BOARD</b></p> <p>Respondent/Cross-Petitioner</p>	<p>No. 20-1504 and 20-1606</p>
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**UNOPPOSED MOTION FOR LEAVE TO FILE SUPPLEMENTAL  
APPENDIX**

Pursuant to the Court’s September 9 and 16, 2020 Orders, Intervenor International Brotherhood of Electrical Workers, Local 210 (“Local 210 or Union”) respectfully submits this Motion for Leave to File a Supplemental Appendix, previously submitted by Local 210 on September 8, 2020 (ECF No. 30-2).

In support of this motion, the Union states as follows:

1. Intervenor Union filed a brief on September 8, 2020 with (ECF No. 30-2).
2. While preparing the brief, on September 2, 2020, the United States Court of Appeals for the Fifth Circuit issued a decision IBEW Local Unions 605 and 985 v. NLRB, No. 19-60616 (5<sup>th</sup> Cir. Sept. 2, 2020) (Entergy IV).

3. Intervenor Union discussed and cited to Entergy IV, which is directly related to three other decisions cited extensively by the Petitioner/Cross-Respondent.

4. In response to a Lexis Nexis or other electronic citation for Entergy IV not being readably available at the time that Intervenor was preparing to file the brief, Intervenor submitted the decision in a Supplemental Appendix.

5. On Friday, September 11, 2020, counsel's office contacted the Clerk's office and asked whether the Court would prefer that Entergy IV decision be filed pursuant to F.R.A.P. 32.1 rather than by filing the instant Motion.

6. The Clerk's office directed Intervenor to file the instant Motion.

7. Counsel for Petitioner and Respondent have represented to Local 210 that they will not oppose this Motion.

Accordingly, Local 210 respectfully seeks leave to file the Supplemental Appendix (ECF 30-2) electronically submitted with its September 8, 2020 Brief (ECF 30-1).

Respectfully Submitted,

/s/ David F. Watkins Jr.

David F. Watkins Jr., Esquire

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### **CERTIFICATE OF SERVICE**

I hereby certify that on September 16, 2020, International Brotherhood of Electrical Workers, Local 210's Unopposed Motion for Leave to File a Supplemental Appendix was electronically filed with the Court and is being served on all counsel of record via ECF, pursuant to Local Rule 25.1.

/s/ David F. Watkins Jr.  
David F. Watkins Jr., Esquire

Dated: September 16, 2020