

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

ATLANTIC CITY
ELECTRIC COMPANY,

Petitioner

v.

NATIONAL LABOR
RELATIONS BOARD,

Respondent

Nos. 20-1504 and 20-1606

**PETITIONER’S UNOPPOSED MOTION
FOR AN EXTENSION OF TIME TO FILE ITS REPLY BRIEF**

In accordance with Local Appellate Rule 31.4, Petitioner Atlantic City Electric Company (“ACE”) respectfully moves for an order extending the deadline for ACE’s reply brief by 21 days, to October 20, 2020. In support of this unopposed motion, ACE represents the following:

1. After the Court set its initial briefing schedule, ACE filed an unopposed motion for a 30-day extension of time for filing its brief and appendix. Dkt. 19.
2. The Court granted ACE’s motion, Dkt. 20, and ACE filed its brief and appendix on July 8, 2020. Dkt. 23.

3. The Board subsequently filed an unopposed motion for a 30-day extension of time for filing its brief. Dkt. 25.

4. The Court granted the Board's motion, Dkt. 26, and the Board and Intervenor International Brotherhood of Electrical Workers Local 210 filed their briefs on September 8, 2020, Dkts. 29-30.

5. On September 15, 2020, International Brotherhood of Electrical Workers, AFL-CIO, CLC filed an amicus brief in support of the Board. Dkt. 34.

6. ACE's reply brief is currently due September 29, 2020. *See* Dkt. 18-2; FED. R. APP. P. 31(a)(1).

7. Because of the press of other deadlines, counsel for ACE respectfully request a 21-day extension, from September 29, 2020 to October 20, 2020.

8. Since the filing of the respondent and intervenor's briefs and over the coming weeks through the existing September 29 deadline, the undersigned counsel for ACE has had and will continue to have a particularly busy practice, including, for example, the following preexisting litigation events and deadlines: (a) oral argument in *Heimbach v. Amazon.com, Inc.*, No. 43 EAP 2019 (Pa.); (b) a response to a motion to certify

questions of law to a state supreme court in *Buero v. Amazon.com, Inc.*, No. 20-35633 (9th Cir.); (c) a reply brief in support of a motion to dismiss in *Burke v. Boeing Co.*, No. 19-cv-2203 (N.D. Ill.); and (d) an amicus brief in support of a petition for a writ of mandamus in *In re 3M Co.*, No. 20-2864 (3d Cir.).

9. In addition, complications and limitations arising out of the COVID-19 pandemic and related stay-at-home orders, including child-care responsibilities, have added to the challenge of preparing an opening brief by the current deadline.

10. Counsel for ACE accordingly requires additional time to adequately prepare ACE's reply brief.

11. This is ACE's first motion for an extension of time for this brief.

12. As required by Local Appellate Rule 27.3, ACE certifies that counsel for the Board and counsel for Intervenor International Brotherhood of Electrical Workers Local 210 have both stated that their clients do not oppose this motion for a 21-day extension of time.

Accordingly, ACE respectfully requests an extension to October 20, 2020 to file its opening brief and the joint appendix.

Dated: September 18, 2020

Respectfully submitted,

s/ Michael E. Kenneally

Michael E. Kenneally

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CERTIFICATE OF COMPLIANCE

1. This document complies with the length limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 458 words.

2. The document complies with the typeface and type style requirements of Federal Rules of Appellate Procedure 32(a)(5) and 32(a)(6) because it was prepared in a proportionally spaced typeface using Microsoft Office Word 2016 in Century Schoolbook 14-point font.

Dated: September 18, 2020

s/ Michael E. Kenneally
Michael E. Kenneally

*Counsel for
Atlantic City Electric Company*

CERTIFICATE OF SERVICE

I certify that on September 18, 2020, a copy of the foregoing was filed electronically and served on counsel of record for all parties through this Court's CM/ECF system.

s/ Michael E. Kenneally
Michael E. Kenneally

*Counsel for
Atlantic City Electric Company*