

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

OZBURN-HESSEY LOGISTICS, LLC)	
Petitioner/Cross-Respondent)	
)	
v.)	Nos. 19-1054, 19-1090
)	
NATIONAL LABOR RELATIONS BOARD)	
Respondent)	
)	
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UNITED STEEL, PAPER AND FORESTRY,)	
RUBBER, MANUFACTURING, ENERGY,)	
ALLIED INDUSTRIAL AND SERVICE)	
WORKERS INTERNATIONAL UNION,)	
AFL-CIO, CLC)	
Intervenor)	

**NATIONAL LABOR RELATIONS BOARD’S MOTION TO EXPEDITE
SETTLEMENT OF JUDGMENT AND ISSUE MANDATE**

The National Labor Relations Board (the Board), respectfully moves this Court to expedite the settlement of its judgment in the above-captioned case pursuant to Rule 19 of the Federal Rules of Appellate Procedure. In support of this motion, the Board shows as follows

1. On March 12, 2020, the Court issued its opinion granting Ozburn-Hessey Logistics, LLC’s petition for review in part and granting the Board’s cross-application for enforcement in part.

2. On March 23, 2020, the Board filed a proposed judgment per Rule 19 of the Federal Rules of Appellate Procedure. No other party filed a proposed judgment or otherwise opposed the Board's filing.

3. On May 4, 2020, the Court issued mandate without settling the judgment. On May 5, the Court recalled mandate.

The Clerk's office has informed the Board that its unopposed proposed judgment remains pending before the panel of judges. Until the Court issues judgment and mandate, the Board cannot ensure Ozburn-Hessey's compliance with the Court's decision. Accordingly, pursuant to Rule 27(f) of the Federal Rules of Appellate Procedure, the Board moves to expedite conclusion of the appeal.

WHEREFORE, the Board respectfully requests that this Court settle the judgment and direct entry in this case.

Respectfully submitted,

/s/ David Habenstreit
David Habenstreit
Assistant General Counsel
NATIONAL LABOR RELATIONS BOARD
1015 Half Street, SE
Washington, DC 20570

Dated at Washington, DC
this 5th day of October 2020

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AFL-CIO, CLC)	
Intervenor)	

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that its motion contains 298 words of proportionally spaced, 14-point type, and that the word processing system used was Microsoft Word 365.

Respectfully submitted,

/s/ David Habenstreit
David Habenstreit
Assistant General Counsel
National Labor Relations Board
1015 Half Street S.E.
Washington, DC 20570
(202) 273-2960

Dated at Washington, D.C.
this 5th day of October 2020

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Intervenor)	

CERTIFICATE OF SERVICE

I certify that on October 5, 2020, the foregoing motion was filed with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the appellate CM/ECF system, and that all counsel are registered CM/ECF users.

Respectfully submitted,

/s/ David Habenstreit
David Habenstreit
Assistant General Counsel
National Labor Relations Board
1015 Half Street S.E.
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