

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

ALTURA COMMUNICATION SOLUTIONS, LLC)	
)	
Petitioner/Cross-Respondent)	Nos. 20-71522
)	20-71705
v.)	
)	
NATIONAL LABOR RELATIONS BOARD)	
)	
Respondent/Cross-Petitioner)	
)	
and)	Board Case No.
)	13-CA-174605
IBEW LOCAL 21)	
)	
Intervenor)	
)	

**UNOPPOSED MOTION
OF THE NATIONAL LABOR RELATIONS BOARD
FOR A 32-DAY EXTENSION OF TIME FOR FILING ITS BRIEF**

To the Honorable, the Judges of the United States
Court of Appeals for the Ninth Circuit:

The National Labor Relations Board, by its Assistant General Counsel, respectfully moves that the time for filing the Board’s brief be extended from October 22 to November 23, 2020. In support of its motion, the Board shows as follows:

1. On July 8, 2020 the Court issued a scheduling order requiring Petitioner/Cross-Respondent Altura Communication Solutions, LLC to file its

opening brief by September 8, and requiring the Board to file its answering brief by October 8.

2. On September 1, Altura filed an unopposed motion for a two-week extension of the deadline for its opening brief. The Court granted that motion and issued a revised briefing schedule requiring Altura to file its opening brief by September 22, and requiring the Board to file its answering brief by October 22.

3. Consistent with the revised schedule, Altura filed its opening brief on September 22.

4. Board counsel with primary responsibility for preparing the Board's brief, Milakshmi Rajapakse, was unexpectedly called away from work on October 1, 2020, because her father was hospitalized with a serious illness. Given the necessary course of treatment for that illness, Ms. Rajapakse will be periodically out of the office in October and November to attend medical appointments and assist in her father's care. In addition, Ms. Rajapakse must prepare for and present oral argument this month in *Local 23, American Federation of Musicians v. NLRB*, D.C. Cir. No. 20-1010 (oral argument October 19), another case for which she is primarily responsible.

5. Board counsel with primary responsibility for supervising the Board's brief, Julie Broido, is also responsible for supervising the Board's briefs due this

month in *Jarrar v. NLRB*, D.C. Cir. No. 20-1067 (due October 7), and *NLRB v. Nico Asphalt Paving, Inc.*, 2d Cir. No. 20-0077 (due October 26).

6. Because of the commitments described above, it will not be possible for Board counsel, with due diligence and giving priority to the preparation of the brief, to file the Board's brief on October 22 as currently scheduled. To allow sufficient time for preparation of the brief, the Board respectfully requests a 32-day extension of time, to and including November 23, to file its brief.

7. The Board has not previously requested an extension of time in this case.

8. Board counsel has informed counsel for Altura, Anthony Byergo, and counsel for Intervenor IBEW Local 21, Barry Bennett, of this request. They have stated that they have no objection to the Board's proposed 32-day extension.

WHEREFORE, the Board respectfully requests that the Court grant this motion and extend the time for filing the Board's brief from October 22 to November 23, 2020.

Respectfully submitted,

/s/ David Habenstreit

David Habenstreit
Assistant General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570-0001
(202) 273-2960

Dated at Washington, DC
this 6th day of October 2020

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that its motion contains 452 words of proportionally-spaced, 14-point type, and the word processing system used was Microsoft Word 2016. The Board further certifies that the PDF file submitted to the Court has been scanned for viruses using Symantec Endpoint Protection version 12.1.6 and is virus-free according to that program.

Respectfully submitted,

/s/ David Habenstreit

David Habenstreit

Assistant General Counsel

National Labor Relations Board

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CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2020, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the CM/ECF system. I certify that the foregoing document will be served via the CM/ECF system on all parties or their counsel of record.

/s/ David Habenstreit
David Habenstreit
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Dated at Washington, D.C.
this 6th day of October 2020