



informed Board counsel that, as a result of the settlement, he intends to hand-file a motion to dismiss his petition for review on October 15.

3. Based on these discussions, the Board believes settlement has been reached. Because the Board's brief is also due on October 15, the Board respectfully requests a 14-day extension of time to accommodate withdrawal of the petition for review.

4. Mr. Peters and Anthony Byergo, counsel for Watco Transloading, have informed Board counsel that they do not oppose this motion.

WHEREFORE, the Board respectfully requests that its motion for a 14-day extension of time to file its brief be granted.

Respectfully submitted,

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

Dated at Washington, DC  
this 13th day of October, 2020

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

|                                |   |                             |
|--------------------------------|---|-----------------------------|
| JOHN D. PETERS                 | ) |                             |
|                                | ) |                             |
| Petitioner                     | ) | No. 20-2164                 |
|                                | ) |                             |
| v.                             | ) | Board Case Nos.             |
|                                | ) | 04-CA-136562, <i>et al.</i> |
| NATIONAL LABOR RELATIONS BOARD | ) |                             |
| Respondent                     | ) |                             |
|                                | ) |                             |
| and                            | ) |                             |
|                                | ) |                             |
| WATCO TRANSLOADING, LLC        | ) |                             |
| Intervenor                     | ) |                             |
|                                | ) |                             |

**CERTIFICATE OF COMPLIANCE**

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that the foregoing document contains 296 words of proportionally spaced, 14-point type, and that the word processing system used was Microsoft Word 2016.

Respectfully submitted,

/s/ David Habenstreit  
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|                                | ) |                             |
| and                            | ) |                             |
|                                | ) |                             |
| WATCO TRANSLOADING, LLC        | ) |                             |
| Intervenor                     | ) |                             |
|                                | ) |                             |

**CERTIFICATE OF SERVICE**

I certify that on October 13, 2020, I electronically filed the foregoing motion with the Clerk of the Court for the U.S. Court of Appeals for the Third Circuit by using the appellate CM/ECF system. I further certify that the motion was served on all parties or their counsel of record through the appellate CM/ECF system, with the below listed exception, who was served via email as follows:

John D. Peters  
Petitioner, Pro Se  
boomerjdpeters@verizon.net

Respectfully submitted,

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

Dated at Washington, DC  
this 13th day of October, 2020