

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

CONSTELLATION BRANDS, U.S. OPERATIONS,)	
INCORPORATED d/b/a WOODBRIDGE WINERY)	No. 19-1321
)	19-1549
Petitioner/Cross-Respondent)	
)	
v.)	
)	Board Case Nos.
NATIONAL LABOR RELATIONS BOARD,)	32-CA-186238
)	32-CA-186265
Respondent/Cross-Petitioner.)	

**UNOPPOSED MOTION OF CONSTELLATION BRANDS, U.S.
OPERATIONS INCORPORATED FOR EXTENSION OF TIME FOR
FILING ITS REPLY BRIEF**

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

Petitioner/Cross-Respondent, Constellation Brands, U.S. Operations Incorporated d/b/a Woodbridge Winery (hereinafter as “Constellation”), by and through its counsel, Kaufman Dolowich & Voluck, LLP, respectfully moves that the time for filing Constellation’s reply brief be extended from December 3, 2020 until December 22, 2020. Respondent/Cross-Petitioner, The National Labor Relations Board (the “Board”), does not oppose Constellation’s motion. Pursuant to Circuit Rule 26, in support of its motion, Constellation shows:

1. On January 31, 2019, the Board issued a Decision and Order against the Constellation, reported at 367 NLRB No. 79. On February 21, 2019,

Constellation filed a petition for review of the Board's Order with the Court. On March 27, 2019, the Board filed a cross-application for enforcement, and the two cases were subsequently consolidated. On July 23, 2020, following an extended stay of the briefing schedule pending mediation, the Court issued an order requiring Constellation to file its opening brief by September 11, 2020, and the Board to file its answering brief by October 13, 2020.

2. On September 11, 2020, Constellation filed its opening brief.

3. On September 29, 2020, the Board filed its unopposed motion requesting a 3-day extension of time to file its brief. The Court issued an order granting the Board's motion and requiring the Board to file its brief by November 12, 2020, and Constellation to file its reply brief by December 3, 2020.

4. On November 12, 2020, the Board filed its brief.

5. Counsel of record for Constellation, Michael Kaufman, Karol Corbin Walker, and Taylor Ferris, have conflicting work obligations. In particular, Michael Kaufman is preparing for and scheduled to conduct several depositions in *Cotoggio v. TT of Massapequa, Inc.*, JAMS Ref. No. 1425028903; *Lashley v. TT of Massapequa, Inc.*, JAMS Ref. No. 1425028900; and *Galante v. TT of Massapequa, Inc.*, JAMS Ref. No. 1425028901 in the first two weeks of December 2020. Karol Corbin Walker is involved with an extensive investigation for the State of New Jersey, which requires Ms. Corbin Walker to conduct countless interviews, all of

which must be completed by November 30, 2020. Finally, Taylor Ferris is preparing a complex motion pursuant to Rule 12(c) of the Federal Rules of Civil Procedure in *Nachshen v. 53-55 West 21st Owners LLC, et al.*, 19-cv-6134 (S.D.N.Y.), and further must submit a joint motion for settlement in *Joseph v. Westbury Stove & Fireplace, Ltd. et al.*, 2:20-cv-1233 (E.D.N.Y.) by December 1, 2020.

6. As a result, it will not be possible for Constellation's counsel, with due diligence and giving priority to the preparation of the reply brief, to file Constellation's brief on December 3, 2020 as currently scheduled. To allow sufficient time to prepare its brief, Constellation respectfully requests an extension of time to file its brief until December 22, 2020.

7. Counsel for Constellation has informed counsel for the Board, and the Board does not oppose this motion.

WHEREFORE, Constellation respectfully requests that the Court grant its unopposed motion and extend the time for filing Constellation's brief until December 22, 2020.

Dated: November 17, 2020
Woodbury, New York

KAUFMAN DOLOWICH & VOLUCK, LLP

/s/ Michael Kaufman

Michael Kaufman

Attorneys for Petitioner/Cross-Respondent

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), Constellation Brands, U.S. Operations d/b/a Woodbridge Winery certifies that its motion contains 517 words of proportionally spaced, 14-point type, and that the word-processing system used was Microsoft Word.

Dated: November 17, 2020
Woodbury, New York

KAUFMAN DOLOWICH & VOLUCK, LLP

/s/ Michael Kaufman
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CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2020, I filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. I certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system

Dated: November 17, 2020
Woodbury, New York

KAUFMAN DOLOWICH & VOLUCK, LLP

/s/ Michael Kaufman
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