

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:
	:
Petitioner	: Docket No.
v.	: 20-2964
	:
ZEIGLER LINCOLNWOOD, LLC D/B/A ZEIGLER BUICK	: Board Nos.:
GMC OF LINCOLNWOOD & CADILLAC OF	: 13-CA-255786
LINCOLNWOOD AND ZEIGLER NORTH RIVERSIDE, LLC	: 13-CA-255789
D/B/A ZEIGLER FORD OF NORTH RIVERSIDE	: 13-CA-255791
	:
Respondents	:

MOTION TO VACATE THE BRIEFING SCHEDULE AND
ENTER JUDGMENT GRANTING THE BOARD'S APPLICATION
FOR ENFORCEMENT OF AN ORDER UPON STIPULATION OF
THE PARTIES FOR A CONSENT JUDGMENT

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

The National Labor Relations Board ("the Board"), by its Assistant General Counsel, respectfully moves that the briefing schedule in this matter be vacated and an order issued granting the Board's application for entry of a consent judgment enforcing the Board's order. In support the Board shows as follows:

1. Pursuant to a stipulation between the parties in this case, on October 13, 2020, the Board filed an application with the Court for entry of a judgment enforcing the Board's Order of September 18, 2020. The Court docketed the Board's application on October 13, 2020, and issued a letter providing Respondents until November 3, 2020, to file a response setting forth any objections

or modifications to the Board's proposed judgment. On October 19, 2020, the Court issued a docket Text Entry order setting brief due dates.

2. To date Respondents have not filed any objections to enforcement of the Board's Order. Pursuant to the Federal Rules of Appellate Procedure Rule 15(b)(2), the period to respond to the Board's application for enforcement of its order has expired. *See* Fed. R. App. P. 15 (“[w]ithin 21 days after the application for enforcement is filed, the respondent must serve on the applicant an answer to the application and file it with the clerk. If the respondent fails to answer in time, the court will enter judgment for the relief requested.”)

3. Given both the basis set forth in the Board's application for enforcement of its order upon stipulation of the parties for a consent judgment and in light of the expiration of the period to time within which to object, there are no issues to be briefed.

WHEREFORE, the Board respectfully requests that the court vacate the briefing order and grant the Board's application for enforcement of its order upon stipulation of the parties for a consent judgment.

Dated in Washington, D.C.
this 20th day of November 2020

/s/David Habenstreit
David Habenstreit
Assistant General Counsel
National Labor Relations Board
1015 Half Street, S.E.
Washington, D.C. 20570

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rules of Appellate Procedure 27(d)(2)(A) and 32(g)(1), the Board certifies that this motion contains 347 words of proportionally spaced, 14-point type, and the word-processing software used was Microsoft Word for Office 365. The Board further certifies that the PDF file submitted to the Court has been scanned for viruses using Microsoft Defender and is virus-free according to that program.

/s/David Habenstreit
David Habenstreit
Assistant General Counsel
National Labor Relations Board
1015 Half Street, S.E.
Washington, D.C. 20570

Dated in Washington, D.C.
this 20th day of November 2020

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CERTIFICATE OF SERVICE

The undersigned certifies that one copy each of the Board’s Motion to Vacate the Briefing Schedule and Enter Judgment Granting the Board’s Application for Enforcement of an Order Upon Stipulation of the Parties for a Consent Judgment, has this day been served by first class mail at the address below:

James F. Hendricks Jr., Esq.
Leech Tishman Fuscaldo and Lampl LLC
2215 York Road, Ste. 310
Oak Brook, IL 60523

/s/David Habenstreit
David Habenstreit
Assistant General Counsel
National Labor Relations Board
1015 Half Street, S.E.
Washington, D.C. 20570

Dated in Washington, D.C.
this 20th day of November 2020