

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-1090

September Term, 2020

NLRB-02CA220395

Filed On: November 23, 2020

RAV Truck and Trailer Repairs Inc. and
Concrete Express of NY, LLC,

Petitioners

v.

National Labor Relations Board,

Respondent

Consolidated with 20-1124

BEFORE: Millett, Pillard, and Rao, Circuit Judges

ORDER

Upon consideration of the emergency motion for stay, the response thereto, and the reply, it is

ORDERED that the emergency motion for stay be denied. Petitioners have not shown that moving first before the agency for a stay “would be impracticable” in light of the National Labor Relations Board’s (NLRB) concession before this court that its March 3, 2020 order is unenforceable pending this court’s review. See Fed. R. App. Proc. 18(a). Additionally, petitioners have not satisfied the stringent requirements for a stay pending court review. See *Nken v. Holder*, 556 U.S. 418, 434 (2009); D.C. Circuit Handbook of Practice and Internal Procedures 33 (2019). In particular, petitioners have not shown that irreparable harm would result from having to attend a hearing at which they could raise the NLRB’s concession as a defense.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Manuel J. Castro

Deputy Clerk