

**IN THE UNITED STATES COURT OF  
APPEALS FOR THE FIFTH CIRCUIT**

**RANDALLS FOOD AND  
DRUG, L.P.,**

**Petitioner,**

**v.**

**NATIONAL LABOR RELATIONS  
BOARD,**

**Respondent.**

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**CASE NO. 20-60515**

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**INTERNATIONAL BROTHERHOOD OF TEAMSTERS,  
LOCAL UNION 745’S MOTION FOR LEAVE  
TO FILE BRIEF OF INTERVENOR**

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**TO THE HONORABLE COURT OF APPEALS:**

COMES NOW International Brotherhood of Teamsters, Local Union 745 (“Local 745”) and moves for leave to file Brief of Intervenor.

1. Local 745 is the Intervenor in this case. Local 745’s Briefing deadline was November 24, 2020. Counsel for Local 745 went on the court’s ECF website and submitted the Brief of Intervenor for filing at approximate 5:00 p.m. on November 24, 2020. A copy of Brief of Intervenor that was submitted to the ECF system is attached hereto as Exhibit A.

2. Counsel for Local 745 then served copies of Brief of Intervenor on all counsel of record by e-mail. Copies of such e-mails are attached hereto as Exhibit B.

3. As no e-mail notification of the filing was submitted from the court, counsel for Local 745 called the court on November 25, 2020 to inquire as to the status of the filing of the Brief of Intervenor. At that time, a clerk informed counsel that no such filing was shown as being received.

4. Local 745 respectfully requests leave of court to submit and file the Brief of Intervenor on November 25, 2020. No prejudice or harm will result in this filing in light of the fact that all counsel of record received the Brief on November 24, 2020.

5. Counsel for Local 745 attempted to confer with counsel for the parties regarding this motion. Counsel for the National Labor Relations Board responded that they did not oppose this motion. As of the time of the filing of this motion, counsel for Randalls Food and Drug, L.P. had not yet responded.

WHEREFORE, PREMISES CONSIDERED, Local 745 prays this motion be granted, and that the court allow the Brief of Intervenor attached as Exhibit A to this motion to be filed on November 25, 2020.

Respectfully submitted,

***LYON, GORSKY & GILBERT, L.L.P***

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**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,  
TYPEFACE REQUIREMENTS, AND TYPE STYLE REQUIREMENTS**

1. This document complies with the type-volume limit of Fed. R. App. P. 32(a)(7)(B) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f) and 5<sup>th</sup> Cir. R. 32.2:

this document contains 521 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because:

3. This document has been prepared in a proportionally spaced typeface using Word 2013 in “Times New Roman” 14-point font.

*/s/ David K. Watsky*

David K Watsky

**CERTIFICATE OF SERVICE**

I hereby certify that on November 25, 2020, I electronically filed the foregoing document with the clerk of the court for the United States Court of Appeals for the Fifth Circuit using the court's electronic case filing system. The ECF system sent a "Notice of Electronic Filing" to all attorneys of record.

/s/ David K. Watsky  
David K Watsky