

Nos. 19-1235, 19-1259

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Davidson Hotel Company, LLC
(Chicago Marriot at Medical District/UIC),

Petitioner,

v.

National Labor Relations Board,

Respondent.

On Petition for Review from the National Labor Relations Board,
Case No. 13-CA-229523,
The Honorable McFerran, Kaplan, and Emanuel

Petitioner's Unopposed Motion to Extend Time

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Unopposed Motion to Extend Time

Pursuant to Circuit Rule 27(h), Petitioner Davidson Hotel Company, LLC (“Davidson”) moves for a 30-day extension of time on the deadline for responding Unite Here Local 1’s (“Union”) petition for panel rehearing, from the current deadline of December 30, 2020, to and including January 29, 2021. In support, Davidson states as follows:

1. This Court issued a unanimous decision on October 23, 2020, granting Davidson’s petition for review and denying the Respondent National Labor Relations Board’s (“Board”) cross-application for enforcement because “the Board did not distinguish its precedents” and “when faced with contrary precedent directly on point, the Board must distinguish it.” D.C. Circuit Court’s Opinion, at 2, 7.

2. On December 7, 2020, the Union filed a petition for panel rehearing concerning certification of the food and beverage unit. The Union’s petition does not concern the Court’s decision regarding the housekeeping unit.

3. The Board did not file a petition for rehearing on any ground.

4. On December 15, 2020, the Court requested responses to the Union’s petition for panel rehearing from Davidson and the Board.

5. The current deadline for responding to the Union’s petition for panel rehearing is December 30, 2020.

6. Counsel for Davidson requests a 30-day extension of time because of the upcoming holidays and their substantial workload in other matters.

7. Counsel for Davidson’s substantial workload includes, among other

matters, responding to two motions for summary judgment on December 21, 2020; filing a reply brief in an appeal in the Ninth Circuit on December 21, 2020; filing responsive briefing to a motion for a protective order in a federal district court on December 21, 2020; preparing for a hearing on December 23, 2020; preparing for a hearing on January 6, 2021; responding to a summary judgment motion on January 11, 2021; and filing a reply brief in another appeal in the Ninth Circuit on January 20, 2021.

8. Davidson's counsel conferred with counsel for the Board and for the Union. The Board consents to this extension; the Union does not oppose it.

For these reasons, the Court should grant the motion for a 30-day extension of time and reset the deadline for responding to the Union's petition for panel rehearing from December 30, 2020, to and including January 29, 2021.

Dated: December 16, 2020

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Respectfully submitted,

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Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Dated: December 16, 2020

/s/ Mark W. DeLaquil
Mark W. DeLaquil

Counsel for Davidson Hotel Company

Certificate of Compliance

I HEREBY CERTIFY that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d) and Circuit Rule 32(g) because it contains 381 words, excluding the parts of the motion exempted by Fed. R. App. P. 27(d)(2) and Fed. R. App. P. 32(f). I further certify that this brief 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 this brief has been prepared in 14-point Calisto MT font, a proportionally spaced typeface.

Dated: December 16, 2020

/s/ Mark W. DeLaquil
Mark W. DeLaquil

Counsel for Davidson Hotel Company