

**UNITED STATES COURT OF APPEALS
FOR THE
DISTRICT OF COLUMBIA CIRCUIT
CASE NO. 20-1469**

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NEW YORK PAVING, INC.,

Petitioner,

v.

**NLRB Case Nos.
29-CA-234894 and
29-CA-233990**

NATIONAL LABOR RELATIONS BOARD,

Respondent.

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CERTIFICATE OF COUNSEL

Pursuant to Circuit Rule 28(a)(1), the undersigned counsel certifies as follows:

A. Parties and Amici:

The only parties in this “appeal” (*i.e.*, Petition for Review) are New York Paving, Inc., and the National Labor Relations Board.

New York Paving, Inc., is the Petitioner in Case No. 20-1469. The National Labor Relations Board is the Respondent in Case No. 20-1469 and as of the date of this Certificate of Counsel otherwise has not filed an application to enforce its Order in Case Nos. 29-CA-233990 and 29-CA-234894 reported at 370 NLRB No. 44, dated November 9, 2020 and titled *New York Paving, Inc. and Construction Council Local 175, Utility Workers Union of America, AFL–CIO and Elijah Jordan*.

Construction Council Local 175, Utility Workers Union of America, AFL–CIO is the Charging Party in the underlying National Labor Relations Board proceeding. As of the date of this Certificate of Counsel there are no intervenors (and no *amici curiae*) in this appeal.

B. Rulings Under Review:

The ruling under review is a “Decision and Order” of the National Labor Relations Board in Case Nos. 29-CA-233990 and 29-CA-234894 reported at 370 NLRB No. 44, dated November 9, 2020 and titled *New York Paving, Inc. and Construction Council Local 175, Utility Workers Union of America, AFL–CIO and Elijah Jordan*.

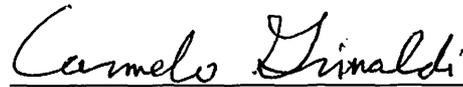
Two (2) copies of this Decision and Order are being filed with the Court simultaneously with this Certificate of Counsel as directed by this Court in its Order, dated November 25, 2020.

C. Related Cases:

There are no related cases. This matter has not been before any other court prior to the filing of this Petition for Review with this Court on November 25, 2020.

Respectfully submitted,

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& Breitstone, LLP



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December 28, 2020