

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

WENDT CORPORATION)	
)	
Petitioner/Cross-Respondent)	
)	
v.)	Nos. 20-1319
)	20-1328
NATIONAL LABOR RELATIONS BOARD)	
)	
Respondent/Cross-Petitioner)	

**UNOPPOSED MOTION
OF THE NATIONAL LABOR RELATIONS BOARD
FOR AN EIGHT-DAY EXTENSION OF TIME FOR FILING ITS BRIEF**

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

The National Labor Relations Board, by its Assistant General Counsel, and with the consent of Petitioner/Cross-Respondent Wendt Corporation, respectfully moves that the time for filing the Board’s brief be extended from February 8 to February 16, 2021. In support of its motion, the Board shows as follows:

1. On October 15, 2020, the Court issued a scheduling order requiring Wendt to file its opening brief by November 24, 2020, and requiring the Board to file its answering brief by December 24, 2020.

2. On October 28, 2020, Wendt filed an unopposed motion to extend the time for filing its opening brief by 45 days. The Court granted Wendt’s motion and accordingly issued a revised briefing schedule requiring Wendt to file its

opening brief by January 7, 2021, and requiring the Board to file its answering brief by February 8, 2021.

3. Consistent with the revised schedule, Wendt filed its opening brief on January 7.

4. Board counsel with primary responsibility for preparing the Board's brief, Milakshmi Rajapakse, is helping to care for her father, who is undergoing treatment for a complex medical issue. For that reason, she must be periodically out of the office in order to attend medical appointments and assist in her father's care.

5. Because of the circumstances described above, it will not be possible for Board counsel, with due diligence and giving priority to the preparation of the brief, to file the Board's brief on February 8 as currently scheduled. To allow sufficient time for preparation of the brief, the Board respectfully requests an eight-day extension of time, to and including February 16, 2021.

6. The Board has not previously requested an extension of time in this case.

7. Board counsel has informed counsel for Wendt, Ginger D. Schroder, Linda H. Joseph, and Alicia C. Rood, of this request. Ms. Rood has stated Wendt has no objection to the Board's proposed eight-day extension, provided that the remaining deadlines in the case are also similarly extended.

WHEREFORE, the Board respectfully requests that the Court grant this motion and extend the time for filing the Board's brief from February 8 to February 16, 2021.

/s/ David Habenstreit
David Habenstreit
Assistant General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570
(202) 273-2960

Dated at Washington, D.C.
this 22nd day of January 2021

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

WENDT CORPORATION)	
)	
Petitioner/Cross-Respondent)	
)	
v.)	Nos. 20-1319
)	20-1328
NATIONAL LABOR RELATIONS BOARD)	
)	
Respondent/Cross-Petitioner)	

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that the foregoing Motion contains 455 words of proportionally spaced, 14-point type, and the word processing system used was Microsoft Word 2016.

Dated at Washington, D.C.
this 22nd day of January 2021

/s/ David Habenstreit
David Habenstreit
Assistant General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, D.C. 20570
(202) 273-2960

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

WENDT CORPORATION)	
)	
Petitioner/Cross-Respondent)	
)	
v.)	Nos. 20-1319
)	20-1328
NATIONAL LABOR RELATIONS BOARD)	
)	
Respondent/Cross-Petitioner)	

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2021, I electronically filed the foregoing Motion with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system.

I further certify that all parties or their counsel of record are CM/ECF users and will be served through the CM/ECF system.

Dated at Washington, D.C.
this 22nd day of January 2021

/s/ David Habenstreit
David Habenstreit
Assistant General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, D.C. 20570
(202) 273-2960