

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

Case No. 21-71

LABORERS' INTERNATIONAL
UNION OF NORTH AMERICA,
LOCAL UNION NO. 91,

Respondent.

ANSWER TO APPLICATION FOR ENFORCEMENT

Pursuant to Federal Rule of Appellate Procedure 15(b)(2), Respondent, Laborers' International Union of North America, Local Union No. 91 ("Local 91"), submits its Answer to the Application for Enforcement for an Order of the National Labor Relations Board (the "Board"), which was filed on or about January 11, 2021, which seeks enforcement of the Board's Decision and Order in NLRB Case Nos. 03-CB-202698, 03-CB-207801 and 03-CB-211488, reported at 370 NLRB No. 42 (the "Board's Order").

Local 91 admits that this Court has jurisdiction over this matter and that venue is proper in this Circuit. Local 91 denies, however, it committed any unfair labor practices and asserts that the Board's Decision and Order is invalid for lack of

jurisdiction and is not supported by substantial evidence, is arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with the law. Local 91 therefore respectfully requests that the Court decline to enforce the NLRB's Decision and Order, which was premised on the above-described errors.

Dated: January 28, 2020
Buffalo, New York

/s/ Robert L. Boreanaz
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