

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

**OUTOKUMPU STAINLESS USA, LLC,
f/k/a THYSSENKRUPP STAINLESS USA,
LLC,**

Respondent.

**Case Nos. 17-15498,
18-10198**

**NATIONAL LABOR RELATIONS BOARD’S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE ITS REPLY TO RESPONDENT’S
RESPONSE TO PETITION FOR ADJUDICATION IN CIVIL CONTEMPT**

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

The National Labor Relations Board (“the Board”) respectfully submits this unopposed motion to extend the time to file its Reply by 30 days, through and including January 28, 2021. In support of its motion, the Board shows as follows:

1. The Board filed its Petition for Adjudication in Civil Contempt and for Other Civil Relief on October 6, 2020.
2. Outokumpu Stainless USA, LLC f/k/a Thyssenkrupp Stainless USA, LLC (“Outokumpu”) filed its Response to National Labor Relations Board’s

Petition for Adjudication in Civil Contempt and for Other Civil Relief on November 15, 2020.

3. Outokumpu filed a Motion for Leave to File Out of Time Respondent's Response to National Labor Relations Board's Petition for Adjudication in Civil Contempt and for Other Relief on November 18, 2020.

4. This Court granted Outokumpu's Motion for Leave to File Out of Time on December 15, 2020 and directed the Board to file a Reply in support of its contempt petition within 14 days, by December 29, 2020.

5. Kevin P. Flanagan, the supervisory attorney assigned to this case, will be out of the office on previously planned leave scheduled from December 23rd to December 30th.

6. Molly G. Sykes, the attorney with primary responsibility for drafting the Board's reply, will be out of the office on previously planned leave scheduled from December 21st to January 1st.

7. Paul A. Thomas, the secondary attorney on the case, will be out of the office on previously planned leave scheduled from December 17th to December 30th.

8. Additionally, supervisory and trial attorneys in this case are involved in *National Labor Relations Board v. American Federation of Labor-Congress of Industrial Organizations*, Nos. 20-5223, 20-5226 (D.C. Cir. appeal docketed

July 24, 2020), where the Court has set a January 25, 2021 deadline for the Board's Appellant Reply and Cross-Appellee Brief. Ms. Sykes and Mr. Thomas are also engaged in ongoing contempt litigation in *National Labor Relations Board v. Hamilton Park Health Care Center*, No. 20-3133 (3d Cir. 2020 docketed Oct. 20, 2020), and *National Labor Relations Board v. Alaris Health at Hamilton Park*, 20-cv-2810 (D.N.J. filed May 13, 2020). Finally, Mr. Thomas anticipates the commencement of contempt litigation in a different case in the near future.

9. Extending the deadline for the Board to file its Reply to January 28 will alleviate these difficulties and will allow the Board to produce a Reply that will better aid the Court in deciding the merits of this case.

10. Board counsel has contacted Gavin Appleby, counsel for Outokumpu, who has stated that he does not oppose this motion.

WHEREFORE, the Board respectfully requests that the Court grant this unopposed motion to extend time to file the Board's reply through and including January 28, 2021.

Respectfully submitted,

NATIONAL LABOR RELATIONS BOARD

WILLIAM G. MASCIOLI
Assistant General Counsel

Contempt, Compliance & Special
Litigation Branch
(202) 273-3746
bill.mascioli@nlrb.gov

KEVIN P. FLANAGAN
Supervisory Attorney
(202) 273-2938
kevin.flanagan@nlrb.gov

PAUL A. THOMAS
Trial Attorney
(202) 273-3788
paul.thomas@nlrb.gov

s/ Molly G. Sykes
MOLLY G. SYKES
Trial Attorney
Tel: (202) 273-1747
Fax: (202) 273-4244
molly.sykes@nlrb.gov

Dated at Washington, D.C.,
This 17th day of December, 2020

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

NATIONAL LABOR RELATIONS BOARD,)

Petitioner,)

v.)

OUTOKUMPU STAINLESS USA, LLC,)
f/k/a THYSSENKRUPP STAINLESS USA,)
LLC,)

Respondent.)

**Case Nos. 17-15498,
18-10198**

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that its motion contains 468 words of proportionally-spaced, 14-point type, and that the word processing system used was Microsoft Word 365.

s/ Molly G. Sykes
MOLLY G. SYKES
Trial Attorney
Tel: (202) 273-1747
Fax: (202) 273-4244
molly.sykes@nlrb.gov

Dated at Washington, D.C.
This 17th day of December, 2020

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

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

**OUTOKUMPU STAINLESS USA, LLC,
f/k/a THYSSENKRUPP STAINLESS USA,
LLC,**

Respondent.

**Case Nos. 17-15498,
18-10198**

CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2020, I filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit using the CM/ECF system. I certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

s/ Molly G. Sykes
MOLLY G. SYKES
Trial Attorney
Tel: (202) 273-1747
Fax: (202) 273-4244
molly.sykes@nlrb.gov

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

NATIONAL LABOR RELATIONS BOARD,)	
)	
Petitioner,)	
)	
v.)	Case Nos. 17-15498,
)	18-10198
)	
OUTOKUMPU STAINLESS USA, LLC,)	
f/k/a THYSSENKRUPP STAINLESS USA,)	
LLC,)	
)	
Respondent.)	

CERTIFICATE OF INTERESTED PARTIES

1. Robb, Peter B., General Counsel, National Labor Relations Board
2. Mascioli, William G., Assistant General Counsel, National Labor Relations Board
3. Thomas, Paul A., Acting Supervisory Attorney, National Labor Relations Board
4. Sykes, Molly G., Trial Attorney, National Labor Relations Board
5. Ring, John, Chairman, National Labor Relations Board
6. Kaplan, Marvin, Member, National Labor Relations Board
7. Emanuel, William, Member, National Labor Relations Board
8. McFerran, Lauren, Member, National Labor Relations Board

9. Wedekind, Jeffrey D., Administrative Law Judge, National Labor Relations Board
10. Appleby, Gavin S., Counsel for Respondent
11. Littler Mendelson, P.C., Counsel for Respondent
12. Outokumpu Stainless USA, LLC, Respondent
13. Outokumpu Oyj, Parent Company of Respondent
14. Manzillo, Brad, Organizing Counsel, United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC
15. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers Union International Union, AFL-CIO, CLC

Respectfully submitted,

NATIONAL LABOR RELATIONS BOARD

WILLIAM G. MASCIOLI
Assistant General Counsel
Contempt, Compliance & Special
Litigation Branch
(202) 273-3746
bill.mascioli@nlrb.gov

KEVIN P. FLANAGAN
Supervisory Attorney
(202) 273-2938
kevin.flanagan@nlrb.gov

PAUL A. THOMAS
Trial Attorney
(202) 273-3788
paul.thomas@nlrb.gov

s/ Molly G. Sykes
MOLLY G. SYKES
Trial Attorney
Tel: (202) 273-1747
Fax: (202) 273-4244
molly.sykes@nlrb.gov

Dated at Washington, D.C.
This 17th day of December, 2020