

**Nos. 20-3179, 20-3480**

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**In the United States Court of Appeals**  
**FOR THE THIRD CIRCUIT**

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DUPONT SPECIALTY PRODUCTS USA, LLC

*Petitioner*

v.

NATIONAL LABOR RELATIONS BOARD,

*Respondent*

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On Petition for Review and Cross-Application for Enforcement  
of an Order of the National Labor Relations Board

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**PETITIONER'S UNCONTESTED MOTION TO LODGE ITS  
BRIEF IN SUPPORT OF ITS EXCEPTIONS TO THE  
ADMINISTRATIVE LAW JUDGE'S DECISION**

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Theresa A. Queen

David G. Barger

GREENBERG TRAURIG LLP

1750 Tysons Boulevard, Suite 1000

McLean, VA 22102

(703) 903-7516

David R. Broderdorf

Michael E. Kenneally

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, NW

Washington, DC 20004

(202) 739-3000

Justin F. Keith

GREENBERG TRAURIG LLP

One International Place, Suite 2000

Boston, MA 02110

(617) 310-6000

Robert M. Goldich

GREENBERG TRAURIG LLP

1717 Arch Street, Suite 400

Philadelphia, PA 19103

(215) 988-7800

*Counsel for DuPont Specialty Products USA, LLC*

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Petitioner DuPont Specialty Products USA, LLC (“DuPont”) respectfully requests leave to lodge, as part of the appendix in this appeal, DuPont’s brief in support of its exceptions to the decision of the Administrative Law Judge (“ALJ”). This material is appropriate for inclusion in the appellate appendix because it consists of briefing DuPont submitted as part of proceedings before the National Labor Relations Board (the “Board”) and shows where in the agency proceedings DuPont raised certain issues on review. *See* 3d Cir. L.A.R. 28.1(a)(1). Yet under Board regulations and practice, this briefing is not included as part of the Administrative Record. *See* 29 C.F.R. § 102.45(b). Granting leave to lodge the brief as part of the Appendix will ensure the Court has access to the full briefing submitted to the Board concerning the ALJ’s decision.

Respondent’s counsel has informed DuPont’s counsel that the Board does not oppose this motion if the material is designated as non-record evidence.

For all these reasons, DuPont’s motion should be granted.

Dated: February 8, 2021

Respectfully submitted,

Theresa A. Queen  
David G. Barger  
GREENBERG TRAURIG LLP  
1750 Tysons Boulevard, Suite 1000  
McLean, VA 22102  
(703) 903-7516

*s/ David R. Broderdorf*  
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David R. Broderdorf  
Michael E. Kenneally  
MORGAN, LEWIS & BOCKIUS LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004  
(202) 739-3000

Justin F. Keith  
GREENBERG TRAURIG LLP  
One International Place, Suite 2000  
Boston, MA 02110  
(617) 310-6000

Robert M. Goldich  
GREENBERG TRAURIG LLP  
1717 Arch Street, Suite 400  
Philadelphia, PA 19103  
(215) 988-7800

*Counsel for DuPont Specialty Products USA, LLC*

**CERTIFICATE OF COMPLIANCE**

In accordance with Federal Rule of Appellate Procedure 32(g)(1), I certify that the foregoing motion meets the type-volume limitations of Rule 27(d)(2)(A) because it contains 165 words.

*s/ David R. Broderdorf* \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I certify that, on this February 8, 2021, I electronically filed the foregoing with the Clerk for the United States Court of Appeals for the Third Circuit. I used the Court's CM/ECF system, which serves registered CM/ECF users. All attorneys in this case are registered CM/ECF users and were served accordingly.

*s/ David R. Broderdorf*