

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

EVERPORT TERMINAL SERVICES, INC.)	
)	
and)	
)	
INTERNATIONAL LONGSHORE AND)	
WAREHOUSE UNION,)	
)	
Petitioners/Cross-Respondents)	Nos. 20-1411
)	20-1412
v.)	20-1432
)	
NATIONAL LABOR RELATIONS BOARD,)	Board Case Nos.
)	32-CA-172286
Respondent/Cross-Petitioner)	32-CB-172414
)	
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)	
INTERNATIONAL ASSOCIATION OF)	
MACHINISTS & AEROSPACE WORKERS,)	
DISTRICT LODGE 190,)	
LOCAL LODGES 1546 & 1414, AFL-CIO,)	
)	
Intervenors for Respondent/Cross-Petitioner)	
)	

**UNOPPOSED MOTION OF
THE NATIONAL LABOR RELATIONS BOARD
FOR A 30-DAY EXTENSION OF TIME TO FILE BRIEF**

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

The National Labor Relations Board (“the Board”), by its Assistant General
Counsel, respectfully submits this unopposed motion for a 30-day extension of

time to file its response brief, through and including March 25, 2021. In support thereof, the Board shows as follows:

1. On September 30, 2020, the Board issued a Decision and Order (“the Order”) against Everport Terminal Services, Inc. (“Everport”) and International Longshore and Warehouse Union (“ILWU”) in Board Case Nos. 32-CA-172286 and 32-CB-172414. *See Everport Terminal Servs., Inc.*, 370 NLRB No. 28, 2020 WL 6050506 (Sept. 30, 2020).

2. On October 9, Everport and ILWU (together, “the Petitioners”) filed petitions for this Court to review the Board’s Order, which the Court docketed as Case Nos. 20-1411 and 20-1412, respectively. On October 26, the Board filed a cross-application to enforce its Order, which was docketed as Case No. 20-1432. The next day, the Court consolidated the cross-application and the petitions.

3. On December 20, the Court issued a notice for the Petitioners to file their opening briefs on January 19, 2021. On January 6, ILWU requested a one-week extension of time to file its opening brief. Everport and ILWU filed their opening briefs on January 19 and 26, respectively. The Board’s response brief is currently due on February 25.

4. The Board respectfully moves for a 30-day extension of time to file its response brief, through and including March 25, 2021. This is the Board’s first request for an extension.

5. This extension is necessary because supervisory attorney Julie Broido and briefing attorney Gregoire Sauter have substantial responsibilities in other cases. Specifically, Ms. Broido is charged with supervising *Wendt Corp. v. NLRB*, D.C. Cir. Nos. 20-1319 & 20-1328 (Board brief due February 17, 2021). In addition, Ms. Broido and Mr. Sauter are representing the Board in *RAV Truck and Trailer Repairs Inc. v. NLRB*, D.C. Cir. Nos. 20-1411, 20-1412, and 20-1432, which is scheduled for oral argument on the same day.

6. Due to the overlapping commitments described above, as well as the dislocations caused by the ongoing pandemic, it will not be possible for Board counsel, with due diligence and giving priority to the preparation of the brief in this case, to meet the February 25 deadline.

7. Pursuant to D.C. Circuit Rule 27(h)(2), the Board contacted Everport Counsel Joseph N. Akrotirianakis, ILWU Counsel Eleanor Morton, and David Rosenfeld, counsel for Intervenors International Association of Machinists and Aerospace Workers, District Lodge 190, Local Lodges 1546 & 1414, AFL-CIO. Counsel indicated that their respective clients do not oppose the Board's request.

WHEREFORE, the Board respectfully requests that the Court grant this unopposed motion to extend the time to file the Board's response brief through and including March 25, 2021.

Respectfully submitted,

s/ David Habenstreit
David Habenstreit
Assistant General Counsel
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001
(202) 273-2960

Dated at Washington, DC
this 10th day of February 2021

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rules of Appellate Procedure 27(d)(2)(A) and 32(g)(1), the Board certifies that this motion contains 469 words of proportionally spaced, 14-point type, and the word-processing software used was Microsoft Word for Office 365. The Board further certifies that the PDF file submitted to the Court has been scanned for viruses using Microsoft Defender and is virus-free according to that program.

s/ David Habenstreit _____
David Habenstreit
Assistant General Counsel
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this 10th day of February 2021

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CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2021, I electronically filed the foregoing with the Clerk for the Court of the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. I further certify that this document was served on all parties or their counsel of record through the appellate CM/ECF system.

s/ David Habenstreit
 David Habenstreit
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 National Labor Relations Board
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Dated at Washington, DC
 this 10th day of February 2021