

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 20-1090****September Term, 2020****NLRB-02CA220395****Filed On: February 17, 2021** [1885764]RAV Truck and Trailer Repairs Inc. and Concrete  
Express of NY, LLC,

Petitioners

v.

National Labor Relations Board,

Respondent

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Consolidated with 20-1124**BEFORE:** Circuit Judges Henderson and Tatel, and Senior Circuit Judge Edwards**COURTROOM MINUTES OF ORAL ARGUMENT**

PROCLAMATION BEING MADE, the Court opened on February 17, 2021 at 9:46 a.m. The cause was heard as case No. 2 of 2 and argued before the Court by:

Aaron Tulencik, counsel for Petitioner.

Gregoire Frederic Sauter (NLRB), counsel for Respondent.

AT ARGUMENT, the Court:

Ordered, on the court's own motion, that respondent file a supplemental brief, not to exceed 1,300 words, by 12:00 noon on Thursday, February 18, 2021. The supplemental brief shall provide citations to Board or D.C. Circuit authority justifying a restoration order in a situation in which the employer has entirely given up pieces of the operation that are needed to run the disputed business that is the subject of the Board's order. In particular, the supplemental brief shall explain how the Board's order in this case can be squared with the court's decision in Douglas Foods Corp. v. NLRB, 251 F.3d 1056, 1064-65 (D.C. Cir. 2001) (vacating restoration order that would require a "forced repurchase of independently owned assets"). In Douglas, the court noted that the Board acted "without any explanation of its authority to enter such order or [the company's] ability to carry it out." Id. at 1064. Petitioner's supplemental brief, not to exceed 1,300 words, is due by 12:00 noon on Friday, February 19, 2021.

**FOR THE COURT:**  
Mark J. Langer, ClerkBY: /s/  
Anne A. Rothenberger  
Deputy Clerk