

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-1090

September Term, 2020

NLRB-02CA220395

Filed On: February 17, 2021

RAV Truck and Trailer Repairs Inc. and
Concrete Express of NY, LLC,

Petitioners

v.

National Labor Relations Board,

Respondent

Consolidated with 20-1124

BEFORE: Henderson and Tatel, Circuit Judges; and Edwards, Senior Circuit Judge

ORDER

It is **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.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk