

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

LION ELASTOMERS LLC)	
)	No. 20-60499
Petitioner)	
)	Board Case Nos.
v.)	16-CA-190681
)	16-CA-203509
NATIONAL LABOR RELATIONS BOARD)	16-CA-225153
)	
Respondent)	
)	
and)	
)	
UNITED STEEL, PAPER AND FORESTRY,)	
RUBBER, MANUFACTURING, ENERGY,)	
ALLIED INDUSTRIAL & SERVICE WORKERS)	
INTERNATIONAL UNION, LOCAL 228)	
)	
Intervenor)	

**UNOPPOSED MOTION OF THE
NATIONAL LABOR RELATIONS BOARD
FOR A 60-DAY EXTENSION OF TIME TO REINSTATE PETITION**

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

The National Labor Relations Board (“the Board”), by its Assistant General Counsel, respectfully moves this Court for a 60-day extension of time, from February 22, 2021, to and including April 23, 2021, for reinstating the petition for review and cross-application for enforcement in the above matter, and shows:

1. On June 18, 2020, Lion Elastomers LLC (“the Company”) filed a Petition for Review of the Board’s Order reported at 369 NLRB No. 88.

2. On July 29, 2020, the Board filed a Cross-Application for Enforcement of its Order.

3. On August 26, 2020, the Court dismissed the referenced appeal without prejudice and instructed the parties to request reinstatement of the appeal within 180 days (by February 22, 2021) if the case is not resolved. The parties have made progress in settlement negotiations but will not be able to reach an agreement by February 22, 2021. Accordingly, the parties request that the Court extend the time in which to reinstate the appeal by an additional 60 days, to and including April 23, 2021. If the Court is not inclined to allow an additional 60 days, however, then the parties request that the appeal be reinstated and a briefing schedule issued.

4. Counsel for the Company and for the Intervenor do not oppose this motion and do not intend to file a response.

WHEREFORE, the Board respectfully requests that the Court grant the Board's motion for a 60-day extension of time, to and including April 23, 2021, for reinstating the petition for review and cross-application for enforcement.

Dated at Washington, D.C.,
this 18th day of February 2021

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

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that its document contains 318 words of proportionally spaced, 14-point type, and that the word-processing system used was Microsoft Office 365.

CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2021, I filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by 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.

Respectfully submitted,

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

Dated at Washington, D.C.,
this 18th day of February 2021