

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

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 24th day of February, two thousand twenty one,

305 West End Holding, LLC, d/b/a 305 West End Avenue Operating, LLC, Ultimate Care Management Assisted Living Management, LLC, A Division of The Engel Burman Group, d/b/a Ultimate Care Management, LLC,

ORDER
Docket No. 20-1522

Petitioners-Cross-Respondents,

v.

National Labor Relations Board,

Respondent-Cross-Petitioner.

IT IS HEREBY ORDERED that the motion to strike portions of the Petitioner-cross-Respondent's filed opening and reply briefs on appeal is granted. The stricken portions of these briefs rely on documents that are outside the record on appeal. Petitioner-cross-Respondent is instructed to submit, within two weeks of this order, the following revised briefs. The revised opening brief shall exclude the following, which appears in the filed opening brief: (1) The paragraph on pages 9 to 10 of the opening brief that begins with "Some of the employees..."; (2) the first two sentences of the paragraph that begins on page 10 with "The Union in this case..."; (3) the first two paragraphs of the "Summary of the Argument" section, beginning on page 17 with "The bargaining unit at issue" and ending on page 18 with "themselves members of the Union." The revised reply brief shall exclude the following, which appears in the filed reply brief: The entirety of the two consecutive paragraphs beginning on page 13 with "The corrupt practices..." and ending on page 14 with "therefore cannot be enforced."

For The Court:
Catherine O'Hagan Wolfe,
Clerk of Court


Catherine O'Hagan Wolfe