

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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DUPONT SPECIALTY PRODUCTS USA, LLC, as a successor to E.I. DU PONT DE NEMOURS & CO.	)	
	)	Nos. 20-3179
Petitioner/Cross-Respondent	)	20-3480
	)	
v.	)	Board Case No.
	)	05-CA-222622
NATIONAL LABOR RELATIONS BOARD,	)	
	)	
Respondent/Cross-Petitioner	)	

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**UNOPPOSED MOTION OF THE NATIONAL LABOR RELATIONS  
BOARD FOR A 21-DAY EXTENSION OF TIME FOR FILING ITS BRIEF**

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

The National Labor Relations Board (“the Board”), by its Assistant General Counsel, respectfully moves that the time for filing the Board’s answering brief be extended by 21 days. Petitioner/Cross-Respondent DuPont Specialty Products USA, LLC, as a successor to E.I. du Pont de Nemours & Co. (“the Employer”) does not oppose the Board’s motion. In support of its motion, the Board shows:

1. On July 8, 2020, the Board issued a Decision and Order against the Employer, reported at 369 NLRB No. 117. On October 23, 2020, the Employer filed a petition for review of the Board’s Order with the Court. On December 8, 2020, the Board filed a cross-application for enforcement, and the two cases were

consolidated. On December 30, 2020, the Court issued an order requiring the Employer to file its opening brief by February 8, 2021, and requiring the Board to file its answering brief within 30 days thereafter.

2. The Employer filed its opening brief on February 8, 2021. The Board's answering brief is currently due March 10, 2021.

3. Board counsel with primary responsibility for preparing the Board's brief, Kira Dellinger Vol and Eric Weitz, have conflicting work obligations. Ms. Vol was responsible for supervising preparation of the Board's answering brief in *800 River Road Operating Co. v. NLRB*, D.C. Cir. Nos. 20-1280 & 20-1321, which was filed on February 12. Mr. Weitz is temporarily occupied with an assignment involving short-term deadlines in numerous administrative proceedings. Ms. Vol and Mr. Weitz were also responsible for reviewing rehearing petitions adverse to the Board filed on February 10 in *Local Joint Executive Board of Las Vegas v. NLRB*, 9th Cir. No. 19-73322, and *Service Employees International Union, Local 1107 v. NLRB*, 9th Cir. No. 20-70312, which were denied on February 19.

4. As a result, it will not be possible for Board counsel, with due diligence and giving priority to the preparation of the brief, to file the Board's brief on March 10 as currently scheduled. To allow sufficient time to prepare its brief, the Board respectfully requests a 21-day extension of time to file its brief.

5. Board counsel has informed counsel for the Employer, and the Employer does not oppose the Board's motion.

WHEREFORE, the Board respectfully requests that the Court grant its unopposed motion and extend the time for filing the Board's brief by 21 days.

Dated at Washington, D.C.,  
this 24th 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 motion contains 391 words of proportionally spaced, 14-point type, and that the word-processing system used was Microsoft Word 2016.

Dated at Washington, D.C.,  
this 24th day of February, 2021

/s/ David Habenstreit  
David Habenstreit  
Assistant General Counsel  
National Labor Relations Board  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2021, I filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Third 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.

Dated at Washington, D.C.,  
this 24th day of February, 2021

/s/ David Habenstreit  
David Habenstreit  
Assistant General Counsel  
National Labor Relations Board  
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