

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

NEW YORK PAVING, INC.)	No. 20-1469
)	
Petitioner)	Board Case Nos.
)	29-CA-233990
v.)	29-CA-234894
)	
NATIONAL LABOR RELATIONS BOARD)	
)	
Respondent)	

**UNOPPOSED MOTION
OF THE NATIONAL LABOR RELATIONS BOARD
FOR AN EXTENSION OF TIME FOR FILING ITS BRIEF**

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

The National Labor Relations Board (“Board”), by its Assistant General Counsel, respectfully moves this Court for a 22-day extension of time from April 1, 2021, to and including April 23, 2021, for filing its responsive brief in this case. In support of this motion, the Board shows as follows:

1. New York Paving, Inc. (“the Company”) filed its opening brief on March 2, 2021. The Board’s brief is currently due on April 1, 2021.

2. The Board has not previously requested an extension in this case.

Oral argument has not been scheduled.

3. Barbara Sheehy, the attorney with primary responsibility for drafting the Board's brief, will be out of the office on a pre-paid, planned vacation between April 12 and 16.

Ms. Heaney, the supervisory attorney on the case will also be out of the office on pre-approved leave between March 29 and April 2.

4. Due to Board counsels' above-described commitments, it will not be possible for Board counsel, with due diligence and giving priority to the preparation of the brief, to file the brief on time.

5. The Board has contacted counsel for the Company, Carmelo Grimaldi, who indicated that the Company does not oppose this request.

WHEREFORE, the Board respectfully requests that the Court grant this motion and extend the time for filing its brief to and including April 23, 2021.

Respectfully submitted,

/s/ David Habenstreit
David Habenstreit
Assistant General Counsel
NATIONAL LABOR RELATIONS BOARD
1015 Half Street, SE
Washington, DC 20570

Dated at Washington, DC
this 11th day of March 2021

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Board certifies that its document contains 328 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 March 11, 2021, I filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the District of Columbia 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, DC 20570
(202) 273-2960

Dated at Washington, DC,
this 11th day of March 2021