

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

CORDUA RESTAURANTS, INC.,	§	
	§	
Petitioner/Cross-Respondent,	§	
	§	No. 19-60630
v.	§	
	§	Board Case Nos.
NATIONAL LABOR RELATIONS	§	16-CA-160901 <i>et al.</i>
BOARD,	§	
	§	
Respondent/Cross-Petitioner.	§	

**CORDUA RESTAURANTS, INC.’S UNOPPOSED MOTION FOR LEAVE
TO FILE PETITION FOR PANEL REHEARING OUT OF TIME**

Cordua Restaurants, Inc. (Cordua) respectfully requests leave to file its petition for panel rehearing out of time. A true copy of the petition for panel rehearing is attached as Exhibit 1. The National Labor Relations Board (the Board) does not oppose the request to file the motion for leave to file out of time, and takes no position on the motion.

Cordua’s counsel’s law firm was not operating the week of the winter storm, during February 15 to February 21, due to lack of power at the firm’s office and at attorneys’ homes.¹ Cordua reviewed General Order 2021-4, issued on February 18, 2021 by the Fifth Circuit, which stated that due to the unprecedented winter storm, the “Clerk’s Office will extend all current deadlines that fall due between Monday,

¹ As part of the power outage, there was no internet service, which eliminated access to the Firm’s computer server. Additionally, the power outage left the Firm’s office and attorneys’ homes with no heaters during the freezing weather.

February 15, 2021 and Friday, February 26, 2021 by 14 days.” (Ex. 2.) The deadline to file Cordua’s petition for panel rehearing fell on February 25, 2021. Therefore, Cordua believed the deadline was extended by 14 days, to March 11, 2021.

After filing Cordua’s petition for panel rehearing on March 11, 2021, Cordua was informed by the Clerk’s office that the deadline extension in General Order 2021-4 was not applicable to the petition for panel rehearing.

Accordingly, Cordua respectfully requests leave to file its petition for panel rehearing out of time, due to the power disruption caused by the winter storm and Cordua’s good faith reliance on General Order 2021-4.

Respectfully submitted,
MONTY & RAMIREZ LLP

/s/ Daniel N. Ramirez

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**ATTORNEY-IN-CHARGE
FOR CORDUA RESTAURANTS, INC.**

CERTIFICATE OF CONFERENCE

I certify that on March 11, 2021, counsel for Cordua conferred with counsel for the Board regarding this motion via phone and email, and the Board does not oppose this motion.

/s/ Daniel N. Ramirez
DANIEL N. RAMIREZ

CERTIFICATE OF COMPLIANCE

1. Required privacy redactions have been made in compliance with Fifth Circuit Rule 25.2.13.
2. This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(a)(7)(B) because it contains 276 words, as determined by the word-count function of Microsoft Word 2010.
3. This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Times New Roman font.

/s/ Daniel N. Ramirez
DANIEL N. RAMIREZ

CERTIFICATE OF SERVICE

I do hereby certify that on March 11, 2021, I electronically 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 will be served via the CM/ECF system on all parties or their counsel of record.

/s/ Daniel N. Ramirez

DANIEL N. RAMIREZ