



United States Government

NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

April 27, 2012

SENT VIA FIRST-CLASS MAIL AND EMAIL

Benjamin P. Glass, Esq.
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Re: *U.S. Chamber of Commerce, et al. v. NLRB, et al.*
Case No. 11-cv-02516-DCN

Dear Mr. Glass:

In response to your request for clarification of the Board's understanding of the district court's judgment of April 17, 2012, we are guided by the traditional presumption that declaratory judgments against the government will be honored without the need for an injunction. *See Comm. on Judiciary of U.S. House of Representatives v. Miers*, 542 F.3d 909, 911 (D.C. Cir. 2008); *Sanchez-Espinoza v. Reagan*, 770 F.2d 202, 208 n. 8 (D.C. Cir. 1985).

Consistent with that understanding, the NLRB will honor the District Court of South Carolina's judgment and not implement the Rule against any person unless and until that judgment is reversed upon appeal by the Fourth Circuit Court of Appeals or the Supreme Court of the United States. Future action on the injunction issued by the U.S. Court of Appeals for the D.C. Circuit will have no impact upon the Board's obligation to abide by the judgment of the District Court of South Carolina until it is reversed.

In light of our actual compliance with the District Court of South Carolina's judgment, and our assurance of continuing compliance, we think negotiating and executing formal stipulation, or moving the Court to explicitly enjoin what we have agreed not to do, is an inappropriate use of

the resources of the parties and the Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric G. Moskowitz", written over a horizontal line.

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