

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 14-4523

NATIONAL LABOR RELATIONS BOARD

v.

UPMC PRESBYTERIAN SHADYSIDE,
Appellant

(W.D. Pa. No. 2-14-mc-00109)

Nos. 14-4524, 14-4525

NATIONAL LABOR RELATIONS BOARD

v.

UPMC,
Appellant

(W.D. Pa. No. 2-14-mc-00110; W.D. Pa. No. 2-14-mc-00111)

Present: MCKEE, AMBRO, and HARDIMAN, Circuit Judges

1. Joint Motion to Dismiss as Moot and to Remand with Instructions to Vacate District Court Opinions and Orders.

ORDER

These matters involve appeals from the District Court's Orders granting the NLRB's application for summary orders enforcing subpoenas duces tecum related to certain unfair labor practices charges. The parties have filed a joint motion to dismiss the Appeals at Nos. 14-4523, 14-4524, and 14-4525 as moot and to vacate the District Court's enforcement orders. The joint motion indicates that the underlying labor practice dispute has resolved and furthermore Appellee NLRB represents to this Court that the subpoenas are no longer needed. *See* Joint Motion at 2; *see also SEIU Healthcare Pennsylvania, CTW, CLC v. NLRB*, Appeal Nos. 18-1237, 18-1332, 18-1333, 18-1334, 2021 WL 1439791 (D.C. Cir. March 31, 2021).

On consideration of the foregoing, it is ORDERED that the Joint Motion is GRANTED as follows. The District Court's orders entered August 22, 2014, September 2, 2014, and October 27, 2014, are VACATED, and the causes are REMANDED to the District Court with instructions to DISMISS the subpoena enforcement actions at W.D. Pa. No. 2-14-mc-00109, W.D. Pa. No. 2-14-mc-00110, and W.D. Pa. No. 2-14-mc-00111, AS MOOT.

By the Court,

s/ Thomas M. Hardiman

Circuit Judge

Dated: June 25, 2021

Tmm/cc: All Counsel of Record

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

UNITED STATES COURT OF APPEALS

TELEPHONE

CLERK

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June 25, 2021

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RE: NLRB v. UPMC Presbyterian Shadyside
Case Numbers: 14-4523, 14-4524 & 14-4525
District Court Case Numbers: 2-14-mc-00109, 2-14-mc-00110 & 2-14-mc-00111

ENTRY OF JUDGMENT

Today, **June 25, 2021** the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.
No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.