

FILED: July 29, 2014

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 12-1684  
(31-CA-074297)  
(31-RC-66625)

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NESTLE DREYER'S ICE CREAM COMPANY,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD; INTERNATIONAL UNION OF  
OPERATING ENGINEERS LOCAL 501, AFL-CIO,

Respondents,

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CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA;  
COALITION FOR A DEMOCRATIC WORKPLACE; INTERNATIONAL  
FOODSERVICE DISTRIBUTORS ASSOCIATION; NATIONAL  
ASSOCIATION OF MANUFACTURERS; NATIONAL ASSOCIATION OF  
WHOLESALE-DISTRIBUTORS; NATIONAL COUNCIL OF CHAIN  
RESTAURANTS; NATIONAL FEDERATION OF INDEPENDENT BUSINESS;  
NATIONAL RETAIL FEDERATION; RETAIL LITIGATION CENTER,

Amici Supporting Petitioner,

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL  
ORGANIZATIONS,

Amicus Supporting Respondent.

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No. 12-1783  
(31-CA-074297)  
(31-RC-66625)

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NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

NESTLE DREYER'S ICE CREAM COMPANY,

Respondent,

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AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL  
ORGANIZATIONS,

Amicus Supporting Petitioner,

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA;  
COALITION FOR A DEMOCRATIC WORKPLACE; INTERNATIONAL  
FOODSERVICE DISTRIBUTORS ASSOCIATION; NATIONAL  
ASSOCIATION OF MANUFACTURERS; NATIONAL ASSOCIATION OF  
WHOLESALE-DISTRIBUTORS; NATIONAL COUNCIL OF CHAIN  
RESTAURANTS; NATIONAL FEDERATION OF INDEPENDENT BUSINESS;  
NATIONAL RETAIL FEDERATION; RETAIL LITIGATION CENTER,

Amici Supporting Respondent.

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ORDER

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Upon consideration of the unopposed motion filed by the National Labor

Relations Board ("Board") to vacate and remand and for expedited issuance of mandate, the court grants the motion. The court vacates the Board's order and remands the case to the Board for further consideration in light of the Supreme Court's decision in NLRB v. Noel Canning, No. 12-1281, 134 S. Ct. 2550 (U.S., June 26, 2014).

The clerk is directed to issue the mandate forthwith.

Entered at the direction of the panel: Judge Duncan, Judge Diaz, and Senior Judge Hamilton.

For the Court

/s/ Patricia S. Connor, Clerk