

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

July 22, 2014

Elisabeth A. Shumaker  
Clerk of Court

THE CHICKASAW NATION, further  
designation under review by the court,

Petitioner - Cross/Respondent,

v.

NATIONAL LABOR RELATIONS  
BOARD,

Respondent - Cross/Petitioner.

No. 13-9578 & 13-9588  
(D.C. No. 17-CA-025031)

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THE NATIONAL CONGRESS OF  
AMERICAN INDIANS; THE CHOCTAW  
NATION OF OKLAHOMA; NAVAJO  
NATION; OSAGE NATION;  
SOUTHERN UTE INDIAN TRIBE; UTE  
MOUNTAIN UTE TRIBE; LITTLE  
RIVER BAND OF OTTAWA INDIANS;  
SAGINAW CHIPPEWA INDIAN TRIBE  
OF MICHIGAN; AMERICAN INDIAN  
LAW SCHOLARS,

Amici Curiae.

ORDER

Before **GORSUCH**, **MATHESON**, and **BACHARACH**, Circuit Judges.

These matters are before us on the *Motion of the National Labor Relations Board  
to Vacate and Remand and for Expedited Issuance of Mandate in Light of NLRB v. Noel*

*Canning and Petitioner the Chickasaw Nation's Response to Motion of the National Labor Relations Board to Vacate and Remand.*

The Board asks us to vacate the Board's order, remand to the Board for further proceedings, and expeditiously issue the mandate and return the record to the Board so that the Board may promptly exercise jurisdiction over the matter.

The Chickasaw Nation does not oppose a remand but asks us to abate these appeals while the matter is remanded, so that upon returning to this court, the appeals can be promptly considered and scheduled for supplemental briefing, oral argument and disposition. The Nation also asks us to instruct the Board to expedite its consideration of the case, consistent with a 2012 agreement between the parties.

Upon consideration, the Board's motion is granted. In light of *NLRB v. Noel Canning*, No. 12-1281, 2014 WL 2882090 (June 26, 2014), we VACATE the Board's order and REMAND to the Board for further proceedings. To the extent the Nation's response contains a request for relief, it is denied. The parties may seek appropriate relief, including requesting expedited consideration, in any new petition for review or application for enforcement filed following completion of the remand proceedings.

All other pending motions are denied as moot. The clerk is directed to return the agency record to the Board forthwith.

A copy of this order shall stand as and for the mandate of the court.

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro  
Counsel to the Clerk

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT  
OFFICE OF THE CLERK**

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Elisabeth A. Shumaker  
Clerk of Court

July 22, 2014

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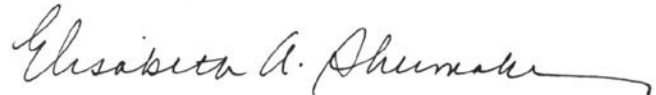
**RE: 13-9578, 13-9588, Chickasaw Nation v. NLRB**  
Dist/Ag docket: 17-CA-025031, 17-CA-025121

Dear Counsel:

Enclosed please find a final order issued today by the court.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a horizontal flourish line.

Elisabeth A. Shumaker  
Clerk of the Court

cc: Robert T. Anderson  
John Dossett  
Troy A. Eid  
Kevin Patrick Flanagan  
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EAS/kf