



divided argument time and permits counsel for the union-intervenor to argue. *See id.* (requiring leave of court for more than two attorneys to present argument); D.C. Circuit Rule 34(d) (permitting counsel for an intervenor to argue “to the extent that counsel for the party whose side the intervenor supports is willing to share allotted time”).

Divided argument is appropriate because this case involves issues of both government-wide and NLRB-specific interest, as well as an interested union-intervenor. As indicated in the briefs and appearances filed with this Court, DOJ counsel are appearing alongside NLRB counsel in this case; DOJ is representing the NLRB on issues related to the Recess Appointments Clause. Per its statutory authority and usual practice, the NLRB is representing itself on all other issues in this case. (29 U.S.C. § 154(a)). Should this Court grant this motion, the intervenor intends to address the statutory violations and their effect on the Union’s ability to represent its members at Noel Canning.

## CONCLUSION

For the foregoing reasons, respondent requests that the Court permit divided argument to permit three attorneys to present argument during its allotted time.

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Dated at Washington, D.C.  
this 20th day of November 2012

**CERTIFICATE OF SERVICE**

I hereby certify that on November 20, 2012, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system.

I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Linda Dreeben  
Linda Dreeben