

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

IN RE: NATIONAL LABOR RELATIONS BOARD;  
MACY'S, INC. AND INTERNATIONAL UNION OF  
OPERATING ENGINEERS, STATIONARY ENGINEERS,  
LOCAL 39; 372 NLRB NO. 42, DECISION AND  
ORDER ISSUED ON JANUARY 17, 2023

MCP No. 170

(SEE ATTACHED SCHEDULE)


CONSOLIDATION ORDER


The National Labor Relations Board issued a decision and order dated January 17, 2023. On January 31 2023, the Panel received, pursuant to 28 U.S.C. § 2112(a)(3), a notice of multicircuit petitions for review of that order. The notice included petitions for review pending in two circuit courts of appeal as follows: Fifth Circuit Court, Ninth Circuit Court.

The Panel has randomly selected the United States Court of Appeals for the Ninth Circuit Court in which to consolidate these petitions for review.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 2112(a)(3), the petitions on the attached schedule are consolidated in the United States Court of Appeals for the Ninth Circuit Court, and that this circuit is designated as the circuit in which the record is to be filed pursuant to Rules 16 and 17 of the Federal Rules of Appellate Procedure.

FOR THE PANEL:

  
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Lakhia Hyson, Case Administrator  
Random Selector

  
\_\_\_\_\_  
Delora Davis, Operations Supervisor  
Witness

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**SCHEDULE OF PETITIONS**

**CIRCUIT NO.**

**CASE CAPTION**

Fifth Circuit, No. 23-60025

Macy's, Inc. v. National Labor Relations Board

Ninth Circuit, No. 23-00124

International Union of Operating Engineers,  
Stationary Engineers, Local 39 v. National Labor  
Relations Board