

**08-1457 NEW PROCESS STEEL V. NLRB**

DECISION BELOW: 564 F.3d 840

LOWER COURT CASE NUMBER: 08-3517, 08-3518, 08-3709, 08-3859

**QUESTION PRESENTED:**

Does the National Labor Relations Board have authority to decide cases with only two sitting members, where 29 U.S.C. § 153(b) provides that "three members of the Board shall, at all times, constitute a quorum of the Board"?

Order of 4/16/2010 THE PARTIES ARE DIRECTED TO FILE SUPPLEMENTAL BRIEFS ADDRESSING THE FOLLOWING QUESTION: WHAT SHOULD BE THE EFFECT, IF ANY, OF THE DEVELOPMENTS DISCUSSED IN THE LETTER SUBMITTED BY THE SOLICITOR GENERAL ON MARCH 29, 2010, ON THE PROPER DISPOSITION OF THIS CASE? EXPEDITED BRIEFING.

CERT. GRANTED 11/2/2009