

No. 13-972

In the Supreme Court of the United States

AMBASSADOR SERVICES, INC., PETITIONER

v.

NATIONAL LABOR RELATIONS BOARD

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT*

MEMORANDUM FOR THE RESPONDENT

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Petitioner contends (Pet. 7-35) that the National Labor Relations Board lacked a quorum to issue its September 2012 decision and order (Pet. App. 4a-52a) finding that petitioner had violated provisions of the National Labor Relations Act, because three appointments that the President made to the Board in January 2012 purportedly did not conform with the Recess Appointments Clause (U.S. Const. Art. II, § 2, Cl. 3). The court of appeals correctly rejected that contention, Pet. App. 2a, for the reasons that the Board has provided in its briefs on the merits in *NLRB v. Noel Canning*, cert. granted, No. 12-1281 (argued Jan. 13, 2014).

The three questions presented in the petition are the same questions that are currently before the Court in *Noel Canning*, which involves a challenge to the same appointments. The Court should therefore hold the petition in this case pending the disposition of

Noel Canning and then dispose of it as appropriate in light of that decision.*

Respectfully submitted.

DONALD B. VERRILLI, JR.
Solicitor General

APRIL 2014

* Respondent waives any further response to the petition unless the Court requests otherwise.