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May 19, 2016

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VIA ECF ONLY

Catherine O'Hagan Wolfe, Clerk of the Court
United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: *Patterson v. Raymours Furniture Company Inc.*, No. 15-2820
Supplemental Authority Letter Under Rule 28(j)

Dear Madam Clerk:

Pursuant to Rule 28(j) of the Federal Rules of Appellate Procedure, Appellee respectfully calls the Court's attention to pertinent authority that has just come to its attention. On May 13, 2016, the Fifth Circuit denied the National Labor Relations Board's Petition for Rehearing En Banc of its October 26, 2015 decision in *Murphy Oil USA, Inc. v. NLRB*, 808 F.3d 1013 (5th Cir. 2015). A copy of that Order, *Murphy Oil USA, Inc. v. NLRB*, No. 14-60800, slip op. at 1 (5th Cir. May 13, 2016) (per curiam), is attached.

Respectfully submitted,

LITTLER MENDELSON, P.C.

/s/ David M. Wirtz

David M. Wirtz

Attachment

cc: All Counsel of Record (via ECF)

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 14-60800

MURPHY OIL USA, INCORPORATED,

Petitioner - Cross - Respondent

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent - Cross - Petitioner

Petition for Review of an Order of the
National Labor Relations Board

ON PETITION FOR REHEARING EN BANC

(Opinion 10/26/2015, 5 Cir., _____, _____, F.3d _____)

Before JONES, SMITH, and SOUTHWICK, Circuit Judges.

PER CURIAM:

- () Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. No member of the panel nor judge in regular active service of the court having requested that the court be polled on Rehearing En Banc (FED R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.
- () Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. The court

having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service and not disqualified not having voted in favor (FED R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:


UNITED STATES CIRCUIT JUDGE

*Judge Dennis did not participate in the consideration of the rehearing en banc.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

May 13, 2016

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

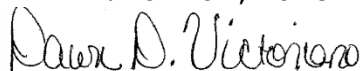
No. 14-60800 Murphy Oil USA, Inc. v. NLRB
USDC No. 10-CA-038804

Enclosed is an order entered in this case.

See FRAP and Local Rules 41 for stay of the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Dawn D. Victoriano, Deputy Clerk
504-310-7717

Mr. Jeffrey William Burritt
Mr. Glen M. Connor
Ms. Linda Dreeben
Mr. Hal K. Gillespie
Mr. Richard Paul Rouco
Mr. Daniel D. Schudroff
Mr. Jeffrey A. Schwartz
Ms. Kira Dellinger Vol