

FILED

UNITED STATES COURT OF APPEALS

SEP 05 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

BNSF RAILWAY COMPANY,

Petitioner,

v.

U.S. DEPARTMENT OF LABOR and
ADMINISTRATIVE REVIEW BOARD,

Respondents.

No. 17-71854

LABR Nos. ARB No. 15-042

ARB No. 15-066

Dept of Labor (except OSHA)

ORDER

Pursuant to the terms of the parties' stipulation (Docket Entry No. 11), the appeal is dismissed without prejudice to reinstatement in the event the Administrative Review Board fails to approve the parties' settlement agreement.

Reinstatement shall be by notice filed by any party in this court and served on the other parties and the Circuit Mediator within 28 days of the Administrative Review Board decision. If no notice of reinstatement is filed and served by March 5, 2018, the appeal will be deemed dismissed with prejudice.

A copy of this order shall serve as and for the mandate of this court.

FOR THE COURT

By: Roxane G. Ashe
Circuit Mediator