

October 29, 2010

Elisabeth A. Shumaker  
Clerk of Court

PUBLISH

UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

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TEAMSTERS LOCAL UNION NO.  
523, affiliated with the International  
Brotherhood of Teamsters,

Petitioner,

v.

NATIONAL LABOR RELATIONS  
BOARD,

Respondent,

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KIRK RAMMAGE,

Intervenor.

Nos. 08-9568, 08-9577  
(Ag. Nos. 17-CA-23404 & 17-CB-6146)

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**OPINION ON REMAND FROM THE UNITED STATES SUPREME COURT**

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Before **TACHA, HOLLOWAY**, and **KELLY**, Circuit Judges.

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**TACHA**, Circuit Judge.

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On remand from the United States Supreme Court's opinion in *Teamsters Local Union Number 523 v. N.L.R.B.*, — S.Ct. —, 2010 WL 1990005 (2010), we hold that the two-member NLRB group that issued the order in this case lacked

statutory authority to act. *New Process Steel, L.P. v. N.L.R.B.*, 130 S.Ct. 2635, 2640 (2010). Therefore, we VACATE the Board's order and REMAND to the Board for further proceedings. We GRANT Respondent/Cross-Petitioner's motion for remand.