

IN THE SUPREME COURT OF THE UNITED STATES

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No. 21-1449

GLACIER NORTHWEST, INC., DBA CALPORTLAND,  
PETITIONER

v.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
LOCAL UNION NO. 174

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ON WRIT OF CERTIORARI  
TO THE SUPREME COURT OF WASHINGTON

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MOTION OF THE UNITED STATES FOR LEAVE TO  
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE,  
FOR ENLARGEMENT OF TIME FOR ORAL ARGUMENT,  
AND FOR DIVIDED ARGUMENT

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Pursuant to Rule 28 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves that the United States be granted leave to participate in the oral argument in this case as amicus curiae, that the time for oral argument be enlarged to 65 minutes, and that the time be allotted as follows: 25 minutes for petitioner, 15 minutes for the United States, and 25 minutes for respondent. Petitioner and respondent both consent to this motion.

This case presents the question whether the National Labor Relations Act, 29 U.S.C. 151 et seq., preempts an employer's state tort claim against a union for property damage that allegedly occurred because workers failed to take reasonable precautions to protect the employer's property before going on strike. The United States has filed a brief as amicus curiae supporting neither party, arguing that the Act does not preempt the claim in this case as it comes to this Court on a motion to dismiss, and that the case should be remanded for further proceedings.

The United States has a substantial interest in the resolution of the question presented. Congress has granted the National Labor Relations Board primary responsibility for interpreting and applying the Act's provisions. Preemption under the Act serves to protect the Board's authority to adjudicate unfair-labor-practice charges and provide for the uniform interpretation and implementation of the Act.

The United States has presented argument as amicus curiae in previous cases concerning the meaning or preemptive effect of the Act. See, e.g., 14 Penn Plaza LLC v. Pyett, 556 U.S. 247 (2009) (No. 07-581); Chamber of Commerce v. Brown, 554 U.S. 60 (2008) (No. 06-939); Livadas v. Bradshaw, 512 U.S. 107 (1994) (No. 92-1920); Building & Construction Trades Council v. Associated Builders & Contractors of Massachusetts/Rhode Island, Inc., 507 U.S. 218 (No. 91-261). The United States' participation in oral

argument could materially assist the Court in its consideration of this case.

Respectfully submitted.

ELIZABETH B. PRELOGAR  
Solicitor General  
Counsel of Record

NOVEMBER 2022