

Morgan Lewis

Michael E. Kenneally
Partner
+1.202.739.5893
michael.kenneally@morganlewis.com

February 16, 2024

VIA CM/ECF

Lyle W. Cayce
Clerk of Court
United States Court of Appeals for the Fifth Circuit
Office of the Clerk
F. Edward Hebert Building
600 S. Maestri Place
New Orleans, LA 70130

Re: *In re: Space Exploration Technologies Corp.*, No. 24-_____
Emergency Petition for Writ of Mandamus

Dear Mr. Cayce:

Petitioner Space Exploration Technologies Corp. (“SpaceX”) is seeking emergency mandamus relief ordering the district court to request an erroneously transferred case back from the Central District of California. Yesterday, the district court granted the motion to transfer and immediately effected the transfer. Because both events happened simultaneously, SpaceX lacked an opportunity to seek a stay of the transfer in the district court or this Court.

This request for emergency mandamus relief is necessary not only to secure a return of the case to the Southern District of Texas before further procedural complications result from the erroneous transfer, but also to preserve SpaceX’s ability to obtain timely preliminary injunctive relief before March 5, 2024, when an unconstitutionally structured National Labor Relations Board (“NLRB”) administrative

Morgan, Lewis & Bockius LLP

1111 Pennsylvania Avenue, NW
Washington, DC 20004
United States

 +1.202.739.3000
 +1.202.739.3001

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hearing is set to commence. The start of the hearing will inflict irreparable injury on SpaceX by subjecting it to an administrative proceeding before an administrative law judge who is unconstitutionally insulated from presidential oversight. SpaceX has made, and continues to make, efforts on many fronts to convince the NLRB to postpone the hearing's scheduled start date. But so far, these efforts have been unsuccessful. Because of the time-sensitive need to return this case to a district in which venue was proper and resolve the preliminary injunction motion before March 5, 2024, SpaceX is requesting a ruling on this petition as soon as possible and **no later than Friday, February 23, 2024.**

SpaceX has complied with this Court's procedures by contacting the clerk's office and counsel for Defendants/Real Parties-in-Interest via telephone to inform them that this petition is being filed.

Respectfully submitted,

s/ Michael E. Kenneally
MICHAEL E. KENNEALLY

MEK/emh
cc: All Counsel of Record (Via FedEx)