

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

YAPP USA AUTOMOTIVE SYSTEMS,
INC.,

Plaintiff,

v.

NATIONAL LABOR RELATIONS
BOARD, JENNIFER ABRUZZO,
LAUREN M. McFERRAN, MARVIN E.
KAPLAN, GWYNNE A. WILCOX,
DAVID M. PROUTY, and ARTHUR
AMCHAN,

Defendants.

Case No. 24-12173
Honorable Laurie J. Michelson

**ORDER GRANTING PLAINTIFF'S EMERGENCY MOTION TO STAY
PENDING APPEAL [31]**

On September 9, 2024, the Court denied Plaintiff YAPP USA Automotive Systems, Inc.'s motion for preliminary injunction. (ECF No. 29.) The motion (ECF No. 4) sought to enjoin an NLRB proceeding scheduled to begin tomorrow, September 10, 2024. YAPP has a right to immediately appeal the Court's ruling, 28 U.S.C. § 1292(a), and has done so (ECF No. 30). YAPP has also filed an emergency motion to stay. (ECF No. 31.) The Court is aware that the standard for addressing the stay request is similar to the standard used in ruling on the underlying motion. But the Court is also aware that conflicting opinions have been issued on the claims raised in the motion and others remain pending. And while the Sixth Circuit has addressed some similar issues in *Calcutt v. FDIC*, 37 F.4th 293, 313 (6th Cir. 2022), *rev'd on other grounds*,

598 U.S. 623 (2023), it has not done so in connection with the NLRB. Additionally, the Court does not discern any significant harm to the Defendants from further delaying the September 10, 2024, administrative hearing pending a decision on YAPP's appeal. Thus, YAPP's emergency motion for a stay pending appeal (ECF No. 31) is GRANTED.

SO ORDERED.

Dated: September 9, 2024

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE