

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN FEDERATION OF)
GOVERNMENT EMPLOYEES, National)
Council of HUD Locals, AFGE, AFL-CIO,)
80 F Street, N.W., Washington, DC 20001)
))
Plaintiff,)
v.)
))
FEDERAL LABOR RELATIONS AUTHORITY,)
1400 K Street, N.W., Washington, DC 20424)
))
and)
))
ERNEST DUBESTER,¹)
In his official capacity as Chairman of the)
Federal Labor Relations Authority)
1400 K Street, N.W., Washington, DC 20424)
))
Defendants.)

Civil Action No:
1:19-cv-00998 (CJN)

NOTICE OF APPEAL

The Federal Labor Relations Authority and Ernest DuBester, in his official capacity as Chairman of the Federal Labor Relations Authority, appeal to the United States Court of Appeals for the District of Columbia Circuit from the order denying Defendants' Motion for Reconsideration and Cross Motion for Summary Judgment and granting Plaintiff's Motion for Summary Judgment, entered on September 27, 2022.

¹ Colleen Duffy Kiko, former Chairman of the Federal Labor Relations Authority was named in the initial Complaint in this matter. On January 21, 2021, Ernest DuBester became Chairman of the Federal Labor Relations Authority, and thus succeeded former-Chairman Kiko in this matter because a claim brought against a federal government employee in his or her official capacity “is only nominally against the official and in fact is against the official’s office and thus the sovereign itself... The real party in interest is the government entity, not the named official.” *Lewis v. Clarke*, 137 S. Ct. 1285, 1291 (2017) (citations omitted).

Respectfully submitted,

/s/ Rebecca J. Osborne

REBECCA J. OSBORNE

Acting Solicitor

Federal Labor Relations Authority and

Ernest DuBester, in his official capacity as

Chairman of the Federal Labor Relations Authority

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