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procedure, and declined to comment as to the substance of the proposed LREAB counsel asked Complaint Counsel to offer a counterproposal that would take into account the change in factual and legal basis of the proceeding. Between September 19 and September 20, 2017, the parties exchanged correspondence, including a September 20 request that Complaint Counsel join this motion. On September 22, 2017, Complaint Counsel provided the Board a modified proposed consent order. On September 25, 2017, the Board notified Complaint Counsel that it cannot accept that proposal but that it intends to respond with a counterproposal by September 26, 2017. LREAB again asked Complaint Counsel to join this motion, which they declined.

The challenge facing the Board is time. The stay in this case is scheduled to expire on October 26, 2017, and the Board must take actions to complete implementation of the Executive Order and Board Resolution within the next few weeks. LREAB therefore believes an in-person conference before the ALJ is necessary and appropriate at this time. As the ALJ noted during the July 6, 2017 scheduling conference, while he expected the parties to “negotiate in good faith and attempt to settle,” if necessary he would “get involved” and hold “a hearing off the record regarding settlement.” Transcript of Initial Scheduling Conference, at 6:3. While the goal of the conference would be to assist the parties in resolving the case in its entirety, to the extent issues remain, the parties

On October 6, or as soon as practicable under ALJ's schedule, the ALJ would convene a conference to discuss settlement

LREAB submits that this proposal could facilitate either a full or partial resolution of the case.

CONCLUSION

LREAB respectfully asks the ALJ to grant this Motion. A proposed Order is appended.

Dated: September 5, 2017

Respectfully submitted,

*/s/ W. Stephen Cannon*

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*Counsel for Respondent, the  
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Board*



Notice of Electronic Service

**I hereby certify that on September 25, 2017, I filed an electronic copy of the foregoing Motion for Conference to Facilitate Settlement, with:**

D. Michael Chappell  
Chief Administrative Law Judge  
600 Pennsylvania Ave., NW  
Suite 110  
Washington, DC, 20580

Donald Clark  
600 Pennsylvania Ave., NW  
Suite 172  
Washington, DC, 20580

**I hereby certify that on September 25, 2017, I served via E-Service an electronic copy of the foregoing Motion for Conference to Facilitate Settlement, upon:**

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**I hereby certify that on September 25, 2017, I served via other means, as provided in 4.4(b) of the foregoing Motion for Conference to Facilitate Settlement, upon:**

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